

THIERRY DE DUVE

*An object that tells of loss, destruction, disappearance of objects. Does not speak of itself. Tells of others. Will it include them?*

—Jasper Johns<sup>1</sup>

First, the photos, without interpretation or commentary.

Second, the facts. Every summer, the city of Arles, in the south of France, hosts an important photography festival entitled *Les Rencontres photographiques d'Arles*, with dozens of exhibitions scattered around town. In 1997, the event was placed under the artistic direction of Christian Caujolle, the co-founder and art director of the French photo agency Vu and a former chief pictures editor at *Libération*. Among several other exhibitions, Caujolle curated one entitled *S-21*, composed of one hundred portraits or identity photographs (I don't quite know what to call them) of victims of the Cambodian genocide. *S-21* is the name of a former high school in the borough of Tuol Sleng, in Phnom Penh, which Pol Pot turned into a torture center and extermination camp. Between 1975 and 1979, 14,200 people were brutally executed at S-21, either on the premises or in a field nearby. There are seven survivors. For the sake of the regime's police and bureaucracy, every man, woman, or child entering the center was photographed before being killed. To carry out this horrendous task, a fifteen-year-old member of the Khmer Rouge named Nhem Ein was sent to Shanghai to learn photography, and, a year later, was promoted to the rank of "photographer in chief" at S-21, with a staff of five under him. When the Vietnamese liberated the center in 1979, some 6,000 negatives were found. In 1994, two American photojournalists, Chris Riley and Douglas Niven, took it upon themselves to restore and print the negatives on behalf of the Photo Archive Group, a non-profit organization they founded. One hundred photos were enlarged and shown around the world, so that the Cambodian genocide—or self-genocide, as some preferred to call it—would not be forgotten. A book of the photos was published two years later, entitled *The*

\* A version of this paper was presented at the 2007 International Congress of Aesthetics, in Ankara.

1. Quoted in Susan Sontag, *On Photography* (New York: Farrar, Straus and Giroux, 1977), p. 199.

*Killing Fields*.<sup>2</sup> In 2002, Rithy Panh, whose family had been exterminated by the Khmer Rouge, made a film with the aim of excavating Cambodia's traumatic past; in it two survivors are confronted with some of their jailers in order to work out the trauma. It is called *S-21: The Khmer Rouge Killing Machine*.

The school has now become the Tuol Sleng Museum of Genocide. The photos are permanently on view, most of them in small format, and frequently receive visits from the victims' families, who come to mourn their loved ones. The photographer, Nhem Ein, is alive and free, and he still makes his living as a practicing photographer in Phnom Penh. According to an interview he gave, or rather sold, to *Le Monde* on the occasion of "his" exhibition in Arles, photography was just another job for him; it had never been a passion. Working at S-21 was not a choice, he said. It was either that or be killed himself. He took up to 600 photos a day of people who he knew were innocent and had been sentenced to death, working like an automaton and blinding himself to their suffering to the point of pretending not to recognize a cousin who appeared before his camera. In 1979, he followed Pol Pot to his retreat in the northern jungle and served as the Khmer Rouge's official photographer until he defected in 1995, abandoning his wife and six children to serve the pro-Vietnamese regime of Hun Sen. He has no remorse and, upon learning of the Arles exhibition, declared himself proud to be the "star" of a photo festival in France, wearing a big grin on his face.<sup>3</sup>

During the *Rencontres photographiques d'Arles*, held in the middle of the tourist season, the whole city celebrates photography in all its aspects. Scores of professional and amateur photographers, photo critics, and photo buffs of all stripes run around town, cameras and telelenses hanging from their necks, rather comically clad in the multipocketed vests, à la Joseph Beuys, that have become the uniform of photojournalists around the world. Caujolle was of course aware of the festival's function in the tourism industry. He took a critical stance by assigning the 1997 festival the motto "ethics, aesthetics, politics" and organizing it into three categories: Forms of Commitment, The Duty of Memory, and The Temptations of Power. In this way, he hoped to create a context in which his decision to exhibit Riley and Niven's prints made sense. He placed the *S-21* exhibition under the rubric The Duty of Memory. In interviews, he stated very clearly that his reasons for including *S-21* in the festival were political and not aesthetic—in his own words, "to remind us that two million people, out of a population of seven million, had been massacred [in Cambodia], and that nobody moved."<sup>4</sup> Yet *S-21* was one exhibition among dozens, some of which had clear aesthetic motivations, and it was not alone in The Duty of Memory. The press release for the festival

2. Chris Riley and Douglas Niven, eds., *The Killing Fields* (Santa Fe: Twin Palm Publishers, 1996).

3. Jean-Claude Pomonti, "Nhem Ein, photographe en chef des Khmers rouges," *Le Monde*, July 5, 1997. See also Craig S. Smith, "Profiting From His Shots of Pol Pot's Terror," *Wall Street Journal*, September 16, 1997.

4. Christian Caujolle's public address in Arles, July 7, 1997, in Françoise Docquier and François Piron, eds., *Image et Politique* (Arles: Actes Sud, 1998), p. 104.



*Two prisoners at Cambodia's S-21 prison, circa 1978.  
Courtesy of the Photo Archive Group.*

announced that the well-known artists Esther Shalev-Gerz and Jochen Gerz had a show under the same category, though it was subsequently moved to Forms of Commitment and listed in the catalog thereunder. The latter rubric also contained a show of the photojournalists Eugene Richards and Klavdij Sluban. And while the same press release spoke of Sluban (who had done photo-reportage on the Balkan peoples) as someone who “turns documentary images into photography,” it presented Mathieu Pernot’s photo-reportage on the Gypsies living around Arles as the work of a “young artist.” These are interesting and touchy slippages in meaning, which will lead me to my topic.

First, we had the photos, second, the facts; third, we have the problem. Photography is *the* medium par excellence whose status as art has been problematic since its very invention. Now unanimously acknowledged as an art form, but also practiced by professionals with no interest in claiming the title of artist, photography has become in the last forty years a vast gray zone where the boundary between art and non-art is constantly shifting and being renegotiated, on aesthetic, ideological, and institutional levels. Even more than this boundary, it is the need to distinguish between art in the generic sense and various aesthetic practices that may fall within the limits of a given medium that photography has lately come to exemplify. Think, for example, of the difference, made in the art world every day without further ado, between photographers and “artists-who-use-photography.” Both groups are seen as artists, defined in the former’s case as practitioners of a given art, like painters or sculptors, and in the latter’s case as artists at large, who happen to express themselves in the medium of photography. True aesthetic and ideological wars are sometimes waged in the name of either of these definitions of the artist. It is quite ironic that many photojournalists argue for the documentary, prosaic specificity of their medium in order to explain why they don’t care about being considered as artists, while medium-specificity is also the red thread in the modernist rationale with which critics such as John Szarkowski, the former curator of photography at New York’s Museum of Modern Art, promoted photography within the museum and gave it its artistic credentials. What sort of obscure distinction among photo-reporters does the press release of the Arles festival make, when it dispatches Mathieu Pernot to the category “young artist” while presenting Klavdij Sluban as someone who “turns documentary images into photography” [*sic*]? Are we to suppose that Pernot is an artist-who-uses-photography, in line with the institutional definition of art that prevails in the present-day art world, whereas Sluban’s press photos are elevated to being instances of “photography” (photography *itself*, photography *as such*), in line with the modernist aesthetic definition of art that prevails in institutions such as MoMA? Speaking of MoMA: while the Cambodian photos were on view in Arles, *Le Monde* published an article by its photography critic, Michel Guerrin, stating that they had “acquired an ‘artistic’ status by entering the collections of prestigious museums, the





*Two prisoners at Cambodia's S-21 prison, circa 1978.  
Courtesy of the Photo Archive Group.*

Museums of Modern Art in New York, San Francisco, and Los Angeles.”<sup>5</sup> Though Guerrin’s article failed to mention it, the news reached Arles that MoMA was showing the photos. This news, combined with the hype of the festival and the floating status of several of its other exhibitions, fueled speculation on the reasons for MoMA’s acquisition and made contamination of the Arles *S-21* show by the photos’ purported art status at MoMA inevitable. It became very difficult not to suppose that the photographs, or at least the ones MoMA had purchased, could, perhaps should, be viewed as art. Whether, by implication, Nhem Ein and his staff were to be considered artists—and whether this categorization was aesthetically, ethically, or politically defensible (to quote Caujolle’s motto)—was an idea everybody in Arles that summer felt very uncomfortable with, yet it came to everybody’s mind. Caujolle was of course not responsible for MoMA’s acquisition and could not be blamed for the photographs’ already problematic status at the festival being exacerbated by the knowledge that they would be on view in a major art museum. There and then, in Arles in 1997, MoMA’s decision to collect and exhibit Nhem Ein’s photos was a source of confusion. With the distance we have today, this very decision can be put to work to undo the confusion and to help us clarify the issue that is the topic of my paper: to examine the legitimacy of art and the art institution in the face of radical evil. The photos provide a particularly disturbing test case, and one that is made unbearably ambiguous by the floating status of photography within a festival whose reason to exist revolved around the motto “ethics, aesthetics, politics.” By contrast, the reason for MoMA to exist is not ambiguous at all. It is to collect and exhibit art, not to foster the duty of memory or to testify to the monstrosities engendered by political madness.

Collecting and exhibiting art are by definition the main functions of *art* museums. The standard humanist legitimation of art museums is that art is the collective property of humanity; the publicness of the museum is thus grounded on its patrimonial character. The humanist approach argues that since humanity possesses this collective treasure called art, the public has a right to access it. Accordingly, the humanist legitimation of art practice is tied up with the notion that artists are spokespeople for humanity in the aesthetic domain, and therefore it postulates the legitimacy of artists to speak on behalf of all of us. There is a circular dialectic at work in the humanist argument: the legitimacy of the museum ultimately rests on the artists, while the legitimacy of the artists rests on their contribution to the museum. And both rest on the circular assumption that respect for the human defines the human. Every work of art having found its way into the collective treasure is supposed to contain something that is of interest to humans in general, something that expresses, feeds, and rewards the humanity of humanity—I mean, the humanness of humankind. Should Nhem Ein be called an artist, he would have to be considered a legitimate representative of humankind as a whole, and that notion is obscene. Moreover, the expressions of the human condition

5. Michel Guerrin, “La photographie documentaire surexposée,” *Le Monde*, July 6, 1997.

emanating from Nhem Ein's photographs, as incredibly moving, touching, disturbing, and laden with tragic humanity as they are, would have to be attributed to his own sensitivity to the humanness of humankind, in other words, to his empathy with the models, which is even more obscene. If MoMA's *raison d'être*—to collect and exhibit art—ought to be justified in the humanist terms I just outlined, then in deciding to collect and exhibit Nhem Ein's photos, MoMA would have done nothing less than delegitimize its own existence.

I'm not happy with that. I cherish museums as much as I cherish art, and I don't rejoice at the prospect of dancing "on the museum's ruins," to quote Douglas Crimp's well-known critique of the art institution, which is based—not by chance and I think rightly so—on the conviction that the Trojan horse that penetrated the museum did so in the guise of photography.<sup>6</sup> I do share Crimp's profound mistrust of the humanist legitimization of art and the art museum. However, unlike him, I don't believe in the slightest that museums of art have lost or should lose their legitimacy. They are—and this is quite different—under threat of becoming theme parks run for profit by the private sector with the involuntary help of well-intentioned leftist scholars who see it as a victory to dissolve the singularity of "art" into the heterogeneous relativity of "cultural practices." I think art museums urgently need a legitimization other than the humanist one, one for which the S-21 photographs may provide the most adequate—because the hardest conceivable—test case. Here is, in a nutshell, how I would sketch out this alternative legitimization. Museums of *art* are institutions, I would argue, where some human artifacts are being collected and preserved *under* the name of art and shown *in* the name of art. The status of any given object included in the collection of an art museum hinges on two distinct procedures: the aesthetic judgment that has compared the object with existing art and confirmed that it deserves to be kept as art; and the public exhibition of the object on behalf of, precisely, its comparability with the collection of objects acting as standards of comparison. Thus as a rule, museums of art collect and preserve things as art and display them in the name of art. Therein lies their legitimacy. Museums with other headings do neither: however beautiful the dioramas at New York's Museum of Natural History, the stuffed animals they contain are not preserved as works of art and are not displayed in the name of an aesthetically constituted collection of works of art either. In order to clarify the fuzzy notion of "art status," it might prove useful to clearly distinguish between the two functions of art museums and their corresponding procedures, as I have briefly described them, because room is then made for two interesting anomalies: the case where things undoubtedly collected as works of art are not shown in the name of art—for example, Rembrandt's *Anatomy Lesson* in a documentary exhibition on the history of surgery—and the case where things not necessarily acknowledged as

6. Douglas Crimp, "On the Museum's Ruins," in *On the Museum's Ruins* (Cambridge, Mass.: MIT Press, 1993), pp. 44–64.

works of art are nevertheless shown in the name of art—*S-21* being an extreme such case, if not in Arles then certainly in New York.

I did not see the MoMA show. It was soberly entitled *Photographs from S-21: 1975–1979* and contained the eight photos the museum had purchased, along with fourteen others, in modest-sized, framed, and matted enlargements. It was installed in Gallery Three, located at the far end of MoMA's old photography wing and advertised as "a place where visitors may pause to sit and reflect, and where museum curators may share their enthusiasms for particular photographs, their thoughts about particular episodes in photography, and their explorations of the museum's rich collection."<sup>7</sup> The photography department at MoMA has a long history of admitting into its collection pictures that were obviously not made as works of art and whose vernacular condition the curators repeatedly insist should be kept in mind when viewing them.<sup>8</sup> Presumably, the special status of Gallery Three is meant to facilitate this attitude. Whether it succeeds is not guaranteed, however, because being a museum of art, everything MoMA presents is inevitably shown in the name of its comparability with existing art and is therefore begging the label "art" for itself. Hence the puzzlement museum visitors may feel when touring some galleries—those of industrial design and photography being prime examples: they are invited to contemplate non-art objects in reference to art. Hence also the curators' discomfort with the art/non-art dilemma, and the many disclaimers that have always accompanied MoMA's exhibitions of vernacular photography. A constant of those disclaimers is that they simultaneously deny that the photographers had *artistic* intentions when they made the photos while acknowledging that the curators have *aesthetic* concerns when they show them. The result is a clever whisking away of the embarrassing word *art* in favor of its medium-specific hypostasis, "photography." One example would be Edward Steichen's characterization of the unsigned images shown in his 1951 show *Forgotten Photographers* as "remarkably fine examples of photography"—photography, period.<sup>9</sup> Another would be Szarkowski's claim, in *The Photographer's Eye*, that the artist photographer's senses of reality and craft are "anonymous and untraceable gifts from photography itself."<sup>10</sup> And yet another is provided by MoMA's present chief curator of photography, Peter Galassi, when he states, "any kind of photograph, made for any purpose, is potentially relevant to the study of photography as a whole."<sup>11</sup> "Photography" (photography, period), "photography itself," and "photography as a whole" are

7. Press release from the exhibition *Photographs from S-21: 1975–1979*, Museum of Modern Art, New York, May 15–September 30, 1997.

8. For an insider's view of the history of the photography department at MoMA, see Peter Galassi, "Two Stories," in *American Photography 1890–1965* (New York: Museum of Modern Art, 1995). For an outsider's critical view of the same, see Christopher Phillips, "The Judgment Seat of Photography," *October* 22 (Fall 1982) pp. 27–65.

9. Quoted in Peter Galassi, "Two Stories," p. 11.

10. John Szarkowski, *The Photographer's Eye* (New York: Museum of Modern Art, 1966), n.p.

11. Peter Galassi, e-mail to the author, July 4, 2005. I am deeply indebted to him for having shared much of the documentary material the department had accumulated in preparation for *Photographs from S-21*, and for having meticulously responded to the many questions I had for him.

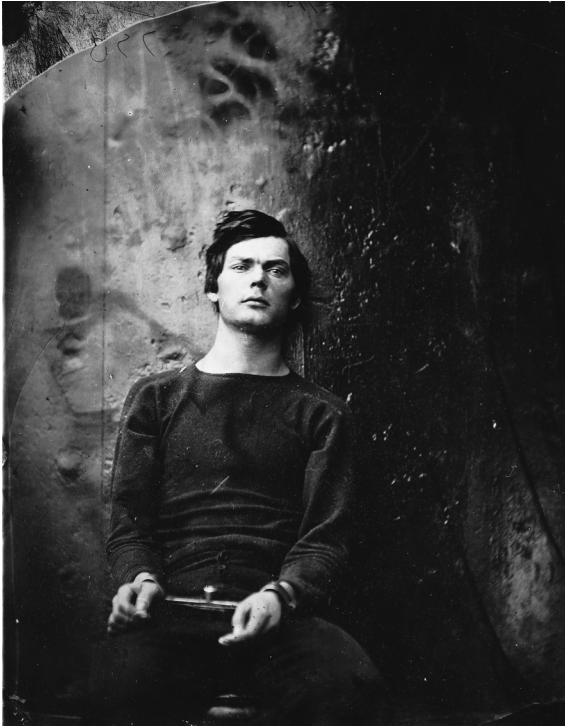
expressions that not only suggest that some photographs are worthy of aesthetic appraisal, but also that the whole of photography—in Szarkowski’s words, “the great undifferentiated whole of it”—the medium itself, withstands comparison with other artistically recognized mediums where aesthetic potential is concerned. There is no question that it does; I see no problem in admitting that not all photographers (or all painters, for that matter) need to be called artists for their medium to be recognized as an art form. My point is that once an individual photograph conjures up its comparability with existing art works and art forms, it cannot escape begging or claiming the label “art” for itself, no matter how plain, inartistic, or vernacular it seems or is. This is true at MoMA, in Arles, or anywhere; the museum context simply makes the comparability issue explicit, because whatever the museum shows is shown in the name of art, or, when the word “art” is avoided, in the name of formal concerns that are the trademark of high art all the same. Such concerns were made very clear by Szarkowski in 1967 when, introducing *Once Invisible*, an exhibition of scientific (and thus non-artistic) photographs of things beyond the threshold of what can be seen with the naked eye, he wrote: “Such work has been independent of artistic traditions, and unconcerned with aesthetic standards,” only to add a little further on that the subject matter of the exhibition was “the form—the morphology, not the function—of the pictures shown.”<sup>12</sup>

Needless to say, the wall text for *Photographs from S-21* stays aloof from such overt formalism. Signed by curatorial assistant Adrienne Williams, who organized the show, it soberly states that when Chris Riley and Douglas Niven discovered the negatives, “they recognized that these powerful images warranted viewing by a larger audience.” The reader is left to infer that the curator shares that opinion. Riley and Niven themselves are more outspoken: “When we saw the original six-by-six negatives, we knew we could make very good prints,” said Niven. Riley corroborated: “We could create exceptional quality prints from these negatives. And with this quality, we could get them into publications, galleries, and museums, so as to reach a wider audience.” Asked whether their project evolved out of photographic or historical concern, Riley answered, “Our initial reaction was purely photographic,” and Niven added, “Even though they were of horrible subject matter, with horrible histories, we saw the possibility of making beautiful photographs.”<sup>13</sup> It was left to Jack Woody, the publisher of *The Killing Fields*, to make the aesthetic argument dovetail with the medium-specificity-as-art argument and, in addition, to carry it beyond the formal issue of beauty or quality and to fill it with human content: “I thought they were the most amazing photos I’d seen in years. The emotional rapport the viewer has with subjects I hadn’t experienced in a long time. I thought to myself, ‘That’s as good as photography gets.’”<sup>14</sup> Such

12. John Szarkowski, from the press release and wall text for the exhibition *Once Invisible*, Museum of Modern Art, New York, June 20–September 11, 1967.

13. Juan I-Jong, “An Interview with Christopher Riley and Douglas Niven,” *Photographers International* 19 (April 1995), pp. 96 and 98.

14. Quoted by Guy Trebay, “Killing Fields of Vision,” *The Village Voice*, June 3, 1997.



Alexander Gardner. Lewis  
Payne/Powell on Death Row.  
1865. Courtesy of the Indiana  
Historical Society, P0409.

blunt language is miles away from the detached vocabulary of the photography curators at MoMA, but it may spell out why, in their eyes too, “these powerful images warranted viewing by a larger audience” and were “potentially relevant to the study of photography as a whole.” What is relevant indeed is that Woody should speak of “the emotional rapport the viewer has with subjects”—the subjects in the photos—rather than with the photos themselves as objects of study. Suddenly, the poignancy Roland Barthes deemed essential to the medium of photography punctures MoMA’s formalist discourse. Barthes’s *punctum* and the way it overwhelms the viewer overrule MoMA’s self-imposed restriction to the *studium*—so much so that if any specific reference to “photography itself” is summoned by the Tuol Sleng photos, it certainly is Alexander Gardner’s photo of Lewis Payne/Powell on death row, whose *punctum* Barthes characterized thus: “He is going to die.”<sup>15</sup>

Sobriety in exhibition design, noncommittal wall texts, and clever avoidance of the word “art” in press releases won’t succeed in hiding the fact that our aesthetic interest in photography is shot through with feelings, emotions, and projections of sympathy or antipathy that address the *people* in the photos

15. Roland Barthes, *Camera Lucida*, trans. Richard Howard (New York: Hill and Wang, 1981), p. 96.



beyond the photos themselves.<sup>16</sup> I am convinced that something of that emotional response to the properly *human* ordeal of the subjects in the Tuol Sleng photos had a say in MoMA's decision to acquire them. To suppose otherwise would be to lend the acquisition committee undeserved cynicism. The coolness, the aloofness—and in the case of *Photographs from S-21*, I'm tempted to add, the coyness—that are characteristic of the discourse of MoMA's photography department should not be taken at face value. They betray embarrassment much more than an affinity for lofty formalism or an aversion to the human and humanitarian content of photographs. They are preemptive moves, it seems to me, destined to silence the humanist justification for photography's place inside a museum of art. I guess inhabiting the Trojan horse when you are a defender of Troy is not the most comfortable position to be in, but it sharpens your senses. And I guess the curators of photography at MoMA must be more alert than other departments to the dangers of scavenging in "the museum's ruins," and are therefore all the keener to eschew the humanist legitimization of the art museum as a whole. With *Photographs from S-21*, the preemptive move verges on the phobic, and understandably. The slightest avowal of emotional intercourse with the photos and compassion for their subjects brings the risk of a humanist reading too close to home—and with it, the risk of proclaiming Nhem Ein an artist, that is, a legitimate representative of humanity in the aesthetic domain.

The above may be sheer speculation. As I said, I did not see MoMA's exhibition and, for reasons that will become clear, I am therefore unable to form a fair opinion on its decision to acquire and show the Tuol Sleng photographs. The idea that, with this acquisition, the humanist legitimization for art and the art institution was put to its toughest test ever, was in any case an irrepressible thought for anyone like myself who had learned of the MoMA purchase upon arriving in Arles. But what had got me thinking even before I saw the Arles exhibition was the kind of test it would represent for the alternative legitimization of the art institution I was already working on.<sup>17</sup> The humanist, patrimonial view argues that since humanity possesses this collective treasure called art, all are entitled to have access to it. I propose to argue in the opposite direction: provided that all have access to the treasure and are free to put its art status on trial at any given moment, its preservation in public art institutions is justified. Presentation or publicity legitimates collection or patrimony, not the other way around. The main consequence of this reversal of the humanist argument is that it shifts the freedom and the responsibility of conferring "art status" away from the museum officials and on to the viewers. In normal day-to-day conditions—

16. See my "People in the Image/People before the Image: Address and the Issue of Community in Sylvie Blocher's *L'annonce amoureuse*," *October* 85 (Summer 1998), pp. 107–26.

17. I am still working on it, which explains why I have published very little on the subject. See my "Museumethiek na Broodthaers: een naïve theorie" (The ethic of the museum after Broodthaers: a naïve theory), *De Witte Raaf* 91 (May–June 2001), a Dutch version of an otherwise unpublished talk I delivered at the "Ideals and Ideology" conference held at the Boston Museum of Fine Art in April 1998.



that is, when the museum collects and preserves certain things as art and shows them in the name of art—this transfer is effected as an invitation handed over to the viewers to appreciate the works aesthetically, with no further consequences if they keep their verdicts to themselves. But in the two anomalous conditions I hinted at earlier—when things collected as art are not shown in the name of art (a case, incidentally, that has virtually become the rule in the world of contemporary art), or when things that are not art are nevertheless shown in the name of art (as is the case with vernacular photography at MoMA)—then real, not merely symbolic or conventional, pressure is exerted on the individual viewers to baptize the things in question as “art” or “not art” themselves. Aesthetic judgments acquire an either/or gravity they do not have in the day-to-day life of art museums—and are certainly not expected to have in the context of a summer photo festival in a lovely Provençal town bathed in sunlight. One would have expected that the variety of shows the Arles photo festival had to offer in 1997, and their differences in status, shifting across the whole spectrum of photography’s artistic and non-artistic usages, would have alleviated or even diluted the gravity the *S-21* show requested—for political, not aesthetic, reasons. The opposite was true: without *S-21* the deliberate ambiguity of the festival might have fueled passionate bistro conversations on the art status of this or that body of photographs—but conversations that would make no one lose sleep. The presence of *S-21* loaded the conversations with an exacerbated gravity that proved to be of an aesthetic much more than a political nature. Even amid an array of exhibitions containing violent images, *S-21* felt out of place, like a deliberate and solemn *faute de goût* that made straightforward aesthetic characterizations of the photos disturbing to hear and awkward to pronounce. Riley and Niven chose not to speak in Arles; it is a safe bet that hearing them talk of “beautiful photographs” and “exceptional quality prints” would have been unbearable to quite a few visitors of *S-21*.

The importance of disentangling the proposed alternative from the humanist legitimization of the art institution becomes all the more apparent when one considers that Caujolle’s placement of the *S-21* show in the rubric The Duty of Memory was not free of humanist calculations. The invocation of human rights and their violation is fundamental to the prescription of the duty of memory. In relying on the concept of human rights, Caujolle may have overlooked the uniqueness of the Tuol Sleng photos. I don’t think arousing compassion for the victims and their rights was the first among his motivations, but he must have seen such empathy as a precondition for political awareness and the fight against oblivion. Given that empathy with the individuals in the images is inseparable from our aesthetic response to photographs more than to other, nonindexical kinds of images (Barthes’s *punctum*, again), Caujolle was bound to call on a sort of sentimental humanitarianism to sustain his decision to include *S-21* in the Arles festival. This forces me to ruthlessly examine his ethical attitude when he made that decision. It was unambiguous, politically. Caujolle adamantly refused to grant

Nhem Ein and his assistants the title of artists, or the photos the status of art. Nhem Ein was an agent of Pol Pot's regime and in no way a representative of humanity. The photos were the product of a totalitarian police state and a deranged genocidal bureaucracy. Caujolle did not exhibit them in the name of art, but rather, in the name of a political imperative called the duty of memory. As far as he was concerned, art had never been at issue. His statements made sure that the photos were exhibited with a virtual yet rather visible label stating, "This is not art," and bearing his signature.

I see no reason to doubt Caujolle's sincerity, so let me try to be as clear as he. I respect and share his ethical attitude regarding the photographers. I am no more ready to call Nhem Ein an artist than he is. But my own reasons for this are quite different from his: mine are poised on the threshold where aesthetics leads into ethics and only then into politics, whereas his, as I understand them, are integrally political, and are ethical only inasmuch as justice in politics presupposes an ethical sense of justice. Whatever *aesthetic* reasons he must have had to claim that art was not at issue in Nhem Ein's photos are either subservient to the political cause he has embraced or set aside, denied, and repressed. Again, I see no reason to question his ethical and political commitment, which I endorse and respect. What worries me is the shunting of aesthetics, which I cannot help but think is bound to give way to some return of the repressed. I cannot conceive of political clairvoyance in matters of art without trust in aesthetic experience, but this is apparently not Caujolle's philosophy. The result is that he failed to register the new aesthetic—yes, *aesthetic*—category the Khmer Rouge forced us to open, that of *genocidal images*. There is, to the best of my knowledge, no other historical instance of a political regime involved in genocide that systematically kept a photographic record of the people it exterminated. Even the Nazis did not do this systematically, and when they did, they often attempted to destroy the evidence.

The attack against the species is the work of the species. The SS is not different from us. Personal innocence, as deep as it may be, counts for nothing in the face of this forced solidarity with the species as carrier of evil, of death, of fire. Not a trace of humanism in this.<sup>18</sup>

Those lines are excerpted from a text that aptly (or perhaps not aptly at all) echoes Caujolle's duty of memory, since it is titled *Autour d'un effort de mémoire: Sur*

18. Dionys Mascolo, *Autour d'un effort de mémoire: Sur une lettre de Robert Antelme* (Paris: Maurice Nadeau, 1987), p. 63 (my translation). Dionys Mascolo (1916–1997) was a writer and committed intellectual and Marguerite Duras's second husband. He and Georges Beauchamp rescued her first husband, Robert Antelme, from Dachau in 1945. Two years later, Antelme published *L'espèce humaine* (*The Human Race*), his account of life in the concentration camp, which is also a philosophical meditation on the absolute unity of the human species. What Antelme discovered through his experience in the camp is that when the political, "positive," emancipatory concept of human *kind* is destroyed, physical survival and moral dignity have to be recovered from the "almost biological claim of belonging to the human species." (*L'espèce humaine* [Paris: Gallimard, 1957], p. 11, my translation.) With this cursory reference to Mascolo and Antelme—I could also have called on Primo Levi's *If This Is a Man* (1947)—I

*une lettre de Robert Antelme* (Concerning a memory effort: on a letter by Robert Antelme). The circular dialectic at work in the humanist legitimation of art and the art institution assumes that respect for the human defines the human. Mascolo's lines, and, in their background, Antelme's book, *The Human Race*, shatter that assumption. Perhaps humanism's greatest philosophical inconsistency is to presume that inhuman behavior excludes some humans from humanity. The lesson to be drawn from the Shoah, Mascolo reminds us, is that no one can be excluded from humanity: the torturers are as human as the victims. Making Nhem Ein a legitimate representative of humanity in the aesthetic domain is obscene but consistent with both the quality of his photos and the humanist legitimation of art—which is thereby shown to be ruined. Though I agree with Caujolle in refusing to call Nhem Ein an artist, I believe that his reasons are insufficiently disentangled from pre-Shoah humanism. In everything he said to explain and justify his attitude (though not, interestingly enough, in his actions, as we shall see), Caujolle seems to have winced before what Mascolo called the “forced solidarity with the species as carrier of evil, of death, of fire.” He did not go far enough in the direction of complicity with the murderers; he stopped short of fully assuming the obscenity of his own endeavor.

Let us recall that, upon learning of the Arles exhibition, Nhem Ein declared himself proud to be the “star” of a photo festival in France, and virtually thanked the organizers for the nearly bestowed title of artist. That is obscene enough. Now, let us momentarily grant him his title, or at least examine on what basis it could be granted to him. Surely, it never crossed Nhem Ein's mind at the time that his work was art or could be seen as such—though who knows? Unlike Marc Garanger, who was forced by the French army during his military service in the Algerian war to photograph “suspect” Algerian women, due to his civilian career as a photographer, Nhem Ein was not even a professional photographer before the Khmer Rouge sent him to Shanghai with the explicit purpose of teaching him the skills he needed to carry out his task at the side of the executioners. We cannot rule out the hypothesis that he developed a genuine taste for the medium in the course of his studies and that he took refuge in an aesthetic attitude in order to blind himself to his complicity in the atrocities committed at S-21. Though he now denies it, he may have had conscious artistic ambitions at once prompted and perverted by his own survival strategy. There is evidence that he set up a formal photo studio fit for a more refined practice than mere mug shots—an oddity, given the circumstances. Indeed, the quality of some of the Tuol Sleng photos makes it unlikely that

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want to make clear that my position is not an anti-humanist one but one that acknowledges that humanism died at Dachau, Auschwitz, and Treblinka. I don't care what name will be given to the *ethical anthropology* our times need (preferably neither “neo-humanism” nor “post-humanism”—both are untruthful and ridiculous), but one thing is sure: since we are not finished with the human condition (*pace* the cyborg and other fantasies), we must think that condition anew, reckoning with the scorched earth the dreadful twentieth century has bequeathed us.

Nhem Ein and the photographers on his team were not conscious of their aesthetic know-how. If not unconscious artists, could it then not be said that they were “inadvertent” or “unintentional” artists?<sup>19</sup> The argument may be morally repulsive, yet it is aesthetically relevant: Atget didn’t want to be perceived as an artist, yet the sheer quality of his work has made us brush his protests aside, and rightly so. To calm our scruples at the prospect of treating Nhem Ein like Atget, we might retort that, being morally compromised in an evil enterprise, Nhem Ein forsook every right to the title of artist. But that would be the weakest argument of all: Leni Riefenstahl was an artist, and much more compromised with the Nazi regime than Nhem Ein with the Khmer Rouge, since she was not under threat. No measure of delving into Nhem Ein’s psyche, consciousness, and conscience will get us around what has long been recognized in aesthetic theory as the “intentional fallacy.”<sup>20</sup> To try to understand the status to be given to these photographs, we should turn to Caujolle’s consciousness and moral conscience instead. The latter is beyond suspicion. The former puts him in jeopardy. Though he may have underestimated the ambiguities inherent in the context of *S-21*’s reception, Caujolle must have been aware that the label “This is art” would be attached to the photos. To suppose otherwise would be an insult to his strategic intelligence about the situation. Placing *S-21* in the context of other photography exhibitions whose art status ran the gamut from press-agency photojournalism to “straight” and then “pure” photography to “art-done-in-the-photo-medium” was a calculated move, and the show’s impact owed a lot to its ambiguous position on that spectrum. If the show were held at the Cambodian embassy, or in some other humanitarian context, as a ritual of political catharsis and atonement, its impact would not at all be the same. Moreover, Caujolle himself must personally have attached the label “This is art” to the photos, whether or not he knew it or acknowledged it. To suppose otherwise would this time be an insult to his aesthetic familiarity with the medium’s history and to his sophisticated awareness of the medium’s potential. Before he decided to show them in Arles, he had seen the photos in Phnom Penh; he had registered their emotional impact; he had acknowledged receipt of them on the aesthetic as well as on the ethical and the political levels. He simply would not allow himself to let the word “art” translate his aesthetic experience. His negation of the photos’ properly *artistic* qualities is a denial in a quasi-Freudian sense and not unlike the rejection of so many masterpieces of avant-garde art by those critics

19. The issue was raised by more than one commentator on the MoMA exhibition of the *S-21* photographs. In its subtitle, Michael Kimmelman’s article (*New York Times*, June 20, 1997) spoke of “unintentional art,” and Jerry Adler and Ron Moreau (*Newsweek*, June 30, 1997), of “accidental art.” Implied in both instances, however, was not the idea that the photographers had involuntarily produced art because they were good and well-trained photographers, but that MoMA had unduly elevated their photos to art status. Kimmelman nevertheless asks the retroactive question: “Does this imply that the killers who took them are artists? Can genocide be art?”

20. See William K. Wimsatt and Monroe Beardsley, “The Intentional Fallacy,” *Sewanee Review* 54 (July–September 1946), pp. 468–88.

who registered the works' aesthetic impact but could not deal with the emotional responses they triggered.

What makes me speak of denial is not that Caujolle acted in bad faith or unconsciously. It is that aesthetic judgments are involuntary and that the phrase "This is art" expresses an aesthetic judgment. The word "art" comes to your mind, possibly against your will, whenever a human artifact triggers an aesthetic response that calls for a comparison with existing art. In the context of an art museum, the call for such a comparison is explicit and desired—this is what "showing art in the name of art" means. At the Museum of Genocide in Phnom Penh, the photos are shown neither as art nor in the name of art. Did Caujolle's experience of them there nevertheless situate itself in the comparative realm of aesthetic judgments about art? There is evidence of a positive answer in his own acknowledgment that "these portraits are undeniably images presenting an aesthetic interest," and that "certain portraits could undoubtedly find a place in an exhibition of Irving Penn or Richard Avedon."<sup>21</sup> To attach the sentence "This is art" to the photos is inevitable the minute Irving Penn or Richard Avedon are summoned, whether or not you dare admit it. Caujolle didn't deny the aesthetic nature of his initial response to the photos. What he denied was the legitimacy of the translation of his aesthetic experience into the sentence "This is art." He must have grasped that if he admitted that Nhem Ein's photos were art, he would also have had to admit that Nhem Ein was an artist. But I don't believe this to be the last word on his reasoning; another inference can be made from the same premises. Before we broach the subject, we need to question another aspect of Caujolle's explanation of his attitude and uncover another denial.

This has to do with the way Caujolle installed the photos. To demonstrate that his attitude had been ethical and political rather than aesthetic, Caujolle explained that he had gone out of his way to de-aestheticize the installation as much as possible. His favorite strategy to that effect was not to make decisions—or so the story goes. He had accepted the first venue the city of Arles offered for the show, he said: a rather inhospitable room, amateurishly equipped, that had once served as an exhibition room and was in a rather derelict state. He had arranged the photos in a grid fully occupying one and only one wall of the room. He had determined the scale of the images' enlargement based on the number of photographs to be fit in precisely this arrangement. He had eschewed composition and had underlined the arbitrariness of the hanging by placing the photo of the boy wearing the number one in the top left corner of the grid. The wall was poorly lit by a battery of spotlights that looked as if they had not been aimed properly but left as they were. He had indeed left them as he found them. Finally, he had printed a text explaining the reasons for the show on a transparent sheet of plastic, neither hanging on the wall above or underneath the photographs nor on an adjacent wall, but lying on the floor in front of the photos, as if the installation work were still in process. The text ran the whole

21. Christian Caujolle's public address in Arles, July 7, 1997, in *Image et Politique*, pp. 105–6.

width of the grid, on several lines, in such a way that you had to walk back and forth to read it, while, by the same token, you were subjected to a lineup of gazes staring at you from the photographs, with the shattering diversity of their appearances and the singularity of their address. All these decisions, or nondecisions, were ethical and deliberately anti-aesthetic. I heard this explanation from the horse's mouth prior to my visit, and I already suspected that such convenient separation of the ethical and the aesthetic could not be upheld. The actual experience of the installation confirmed my suspicion. It was clear to me that, his vehement denials notwithstanding, Caujolle had made a number of precise aesthetic decisions, and that these were much less conventional and thus much more artistic than the ones usually made by a curator hanging a show. He behaved like an installation artist, a good, politically conscious and responsible artist, who knows how the ethical legitimacy of art hinges on aesthetic decisions, and all the more so when they take the form of a series of calculated anti-aesthetic gestures.

At that point I began to understand why Caujolle had so stubbornly denied that Nhem Ein's photos were art: not so much because he would have had to admit that Nhem Ein was an artist, but because he was reluctant to admit that he himself was the artist. Yet, what better acknowledgment could we imagine of what Mascolo called the "forced solidarity with the species as carrier of evil, of death, of fire"? What better recognition of the fact that no one can be excluded from the humanity in whose name artists claim to speak? I think Caujolle recoiled, but he may have another explanation; he probably shares the current view that, with the exception of those grandiloquent egomaniacs practicing the worst kind of reactionary art, artists *do not* pretend to speak in the name of humanity. He thus would fall victim to the same misunderstanding that has fed all the anti-aesthetic theories of art that have come to dominate debate over the last forty years. The alternative theory that I think our times need maintains that artists legitimately claim to speak in the name of humanity, provided humanity is allowed to include the tasteless and uncultivated, the enemies of art, the barbarians, the criminals, and even—to use the three categories that emerged from the Nuremberg trials to designate the perpetrators of imprescriptible crimes—those guilty of war crimes, genocide, and crimes against humanity. "Not a trace of humanism in this," to quote Mascolo again. Caujolle's anti-aesthetic strategy as an installation artist definitely confirms that such a humanism is delegitimated as a foundation for art. But Caujolle's denials, highlighted by the fact that his acts belie his words, show that delegitimation is not enough. We don't want to be trapped in aporias such as Adorno's, when he claimed in "Cultural Criticism and Society" (1951) that writing poetry after Auschwitz was barbaric (which he then retracted in *Negative Dialectics*, 1966). It is the relegitimation we should be looking for, even if this means defending Caujolle against his own denials.

The humanist legitimation claims that art is the collective property of



humanity. What if humanity is to include war criminals and people guilty of genocide? The same legitimation also entails that artists are representatives of humanity in the aesthetic domain. What if they are actually aesthetic representatives of perpetrators of crimes against humanity? On either account, Nhem Ein cannot possibly make a legitimate claim to the title of artist. The conclusion, however, is not that the title of artist has been irredeemably sullied or that practicing photography after Tuol Sleng has become as barbaric as writing poetry after Auschwitz once was for Adorno. The conclusion pays attention to the transference forced on the title of artist: it is now as if Caujolle had taken it upon himself to replace the missing artist, and with no greater claim to legitimacy. Recognizing this lack of legitimacy is the first step toward relegitimation, and Caujolle took that first step, quite paradoxically protected by his denials and the way they contradicted his acts. He assumed Nhem Ein's place, symbolically stepped into his shoes, crept into his skin, shouldered the role of the monstrously illegitimate artist, and took responsibility for the aesthetic qualities yielded by Nhem Ein's photos. This he did in his capacity as the photos' curator, protected by the knowledge that he was not their maker. And in so doing, he transferred the burden to the viewer: in spite of all his denials, he nevertheless decided that these photos deserved to be seen, for their aesthetic qualities as well as for their political relevance. He addressed them to us. He addressed them to me.

In my whole life, I have never felt that an aesthetic judgment could weigh so heavily on someone's shoulders. Nor have I ever felt so strongly that I had a moral responsibility in making that aesthetic judgment. The experience was painful, and I couldn't say why at the time. Now I think I can. It has to do with aesthetic judgments being comparative and involuntary. The fact is, it was incredibly easy—not just easy, it was automatic—to see in those photos reminiscences of Richard Avedon (I'm not sure about Irving Penn, but then, I'm not photo-literate enough). I couldn't help Avedon's photo of a napalm victim, for example, being a screen through which I was viewing the *S-21* photos. The best among them were in any case laden with the kind of humanist poignancy you expect from a good Avedon photograph, and this made them unbearable. My experience of them was like the experience of a strongly provocative avant-garde work—the kind of work that provokes an initial response of disgust, and which you must slowly learn to appreciate—but in reverse. Here the initial response was one of cheap empathy and good conscience, while knowledge of the context in which the photos had been taken only made their potential for sentimentality worse—revolting, even. I had to fight my initial response; that's what the photos were asking. The moral responsibility I felt I had vis-à-vis these images entailed a refusal and a rejection of the aesthetic feelings they yielded. Of course this couldn't be done, because aesthetic feelings are involuntary: I couldn't deny having had them without being dishonest. Instead, the photographs actually called for a prolonged and renewed





*Richard Avedon. Napalm victim, Saigon, Vietnam, April 29, 1971.  
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aesthetic experience of them. I spent an hour with them on my first visit and came back for another hour the next day. I found myself staring at the photos—or rather, at the people in the photos—one by one, for quite some time, until they emerged from the anonymity of mass murder and became individuals again. It's not that they were not individuals in my first experience, it's that their individuality, draped in generic humanism and conventionalized by the "Avedon aesthetics" they too easily conjured up, had to be recovered from elsewhere—most of the time from some little detail that told something specific, not about their lives or their personalities but about their present ordeal, the material conditions of detention, the fear on their faces or the disarming abandonment in their eyes at the very moment of the snapshot. I had to address each photo, each person in the photos, individually before I could acknowledge receipt of their gaze—which most of the time was indeed intensely addressed to the camera—as if it were addressed to me in person. Only then did the people in the photos rise from the dead, and only then did this unbearably controversial exhibition acquire its true legitimacy.

This is in no way the last word on the new legitimation for art and the art museum that the delegitimation of the old humanist rationale requires. *S-21* remains an extreme and fortunately rare borderline case. Why is it such a crucial test case, then? Why does Nhem Ein's complicity in the Cambodian genocide provide us with a unique example of *non-art*, one that has as much paradigmatic value for art theory as other harmless yet far more notorious examples of non-art, such as Duchamp's readymades? Is it because Nhem Ein's photos explore and transgress the limits of art? Is it because they force us to conceive of art beyond the pale of what is humanly acceptable? I don't believe in such rationales. They have been called upon too often in justification of so-called works of non-art, and in my view they never applied to really good art nor explained why negativity in art transmutes into positive qualities. Too much complacent credit is given in art criticism to the representation of trauma, the aesthetics of the abject, the celebration of disgust, the fascination with snuff movies, the aestheticization of catastrophes and terrorism, and other morbid symptoms. Karlheinz Stockhausen's claim that 9/11 was a work of art should put an end to those symptoms, for it tells their truth. To repeat: why is *S-21* such a crucial test case for art theory? 1) Because, as I hope to have shown elsewhere, the new legitimation for art and the art museum puts the humanist claim of the artist's universal representativity to the test of the art work's universal address; 2) because I have no way of knowing whether a work of art contains a universal address except the feeling of being addressed personally by it; 3) because, more often than not in truly innovative art, that feeling hinges on my capacity or my willingness to address the work so that it addresses me; and 4) because, in the case of images proceeding not just from murderous intentions but from genocidal ones, this reversal of address is made mandatory by the absolute certainty that the photographer did not address

his models.<sup>22</sup> It belongs to the definition of genocide that the people it exterminates are annihilated in their humanity even before they are actually killed. Nhem Ein did not execute the victims; they were dead already to his eyes, inasmuch as they were reduced to things that are not spoken to and will soon be disposed of. This is why the responsibility of addressing them is imperatively transferred to the viewer of the photos, whether Caujolle or you and me. Calling the photos by the name of art, baptizing them, in the second person—“You are art”—is just one way, the clumsiest, certainly, of making sure that the people in the photos are restored to their humanity; and this, not their so-called art status, is of course what matters. To speak of shouldering the role of the *artist* that Nhem Ein could not assume is another way of saying the same. There is nothing honorific to the name artist in this sense. If anything, it testifies to the impossibility of claiming to speak on behalf of all of us without speaking for the evil part of humankind as well as for the peaceful and civilized.

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22. See my essay “Do Artists Speak on Behalf of All of Us?” in Diarmuid Costello and Dominic Willson, eds., *The Life and Death of Images, Ethics and Aesthetics* (London: Tate Publishing, 2008), pp. 140–156.