Taking Life: Sovereignty, Spectrality, and Images of Death

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ABSTRACT

Taking Life: Sovereignty, Spectrality, and Images of Death

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Ever since Plato's *Republic* banned the poetics of mourning from the ideal *polis*, political power has been thought in relation to images of death. In recent years, theorists such as Foucault, Mbembe, and Derrida have examined the inextricability of sovereign power and the field of the visible, yet, their specific linkages remain undertheorized. In response, *Taking Life* draws on intersecting fields of photographic, critical race and poststructural theory, as well as curatorial practice, to develop an account that connects sovereignty to images. I demonstrate that the concept of sovereignty we have inherited from political modernity is "phantasmatic" insofar as it imagines itself as pure life cut off from death. This phantasm is governed by a double logic that I aim to expose through an analysis of images of death circulating in contemporary art and media. My account shows that sovereignty is made possible by the alterity of death and time, which it nonetheless attempts to repress and control when it "takes life," for example, by executing a death penalty or by representing death in spectral images. Yet, images also amplify death and finitude in ways that render sovereignty fragile and precarious.

I formulate this double logic as general infrastructure that, following the work of Derrida, I call the "optic of spectrality." I use this optic to read a series of discrete visual provocations, including death penalty photography in the analogue era and beyond; bystander recordings of antiblack police violence circulated on mobile platforms; and works by Harun Farocki that interrogate image operations in the context of global electronic warfare. These counter-histories of visuality agitate for an understanding of sovereignty that is exposed to death and spectral time. In exploring intersecting themes of sovereignty, spectrality, finitude, and technicity, I argue for the continued relevance of deconstruction for debates in visual cultures about visibility and violence, spectacle and surveillance, and the aesthetics of necropolitics. Focusing questions about the status and power of images in our post-photographic era of global media, *Taking Life* contributes to debates about capital punishment, drone warfare, and the trajectories of radical Black politics.

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TABLE OF CONTENTS

LIST OF ABBREVIATIONS

BS1   Jacques Derrida, *The Beast and the Sovereign, Volume I*. Translated by Geoffrey Bennington, Marie-Louise Mallet, and Ginette Michaud. Chicago, IL: University of Chicago Press, 2011.

BS2   Jacques Derrida, *The Beast and the Sovereign, Volume II*. Translated by Michel Lisse, Marie-Louise Mallet, and Ginette Michaud. Chicago, IL: Chicago University Press, 2017.

DE   Jacques Derrida, *Deconstruction Engaged: The Sydney Seminars*. Eds. Paul Patton and Terry Smith. Champaign, IL: University of Illinois Press, 2002.

DP1   Jacques Derrida, *The Death Penalty, Volume I*. Translated by Peggy Kamuf. Chicago, IL: University of Chicago Press, 2017.

DP2   Jacques Derrida, *The Death Penalty, Volume II*. Translated by Elizabeth Rottenberg, Geoffrey Bennington, and M. Crépon. Chicago, IL: University of Chicago Press, 2017.

E   Jacques Derrida and Bernard Stiegler. *Echographies of Television: Filmed Interviews*. Translated by Jennifer Bajorek. Cambridge, UK: Polity Press, 2007.

FWT   Jacques Derrida and Elisabeth Roudinesco. *For What Tomorrow: A Dialogue*. Translated by Jeff Fort. Stanford, CA: Stanford University Press, 2004.

R   Jacques Derrida, *Rogues: Two Essays on Reason*. Translated by Pascale-Anne Brault and Michael Naas. Stanford, CA: Stanford University Press, 2005.

SM   Jacques Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International*. Translated by Peggy Kamuf. New York, NY: Routledge, 2011.

LIST OF ILLUSTRATIONS

PREFACE: CURATORIAL WORK

This dissertation mobilizes curatorial practice alongside deconstructive, critical race, and visual theory. Curatorial practice has allowed me to the forge lateral formations that move outside academic contexts, while opening a heterogeneous space for reflection and speculation that accommodates new modes of public discourse. The curatorial component of *Taking Life* is comprised of a series of public film programs organized at Slought Foundation, a non-profit center associated with the University of Pennsylvania in Philadelphia that fosters dialogue around the arts and social justice. Between 2016-2017 I held a position as Curatorial and Research Fellow at Slought, during my tenure as a Fulbright Visiting Doctoral Researcher at Villanova University. During this time, I assisted with the development and launch of Slought's Mediatheque space dedicated to weekly programming that critically engages the intersection of art, politics, and public life.[1] Slought provided a locus for collaborative process-based engagement with an extended community of researchers, historians, theorists, scholars, activists, and artists. In the context of this unique institutional context, I developed a series of public film programs: about the geopolitics of oceans and the trajectories of illegalized migration in the Black Mediterranean (*Sea of Images*, 2017), the carceral state (*The Prison in Twelve Landscapes*, 2017), and the targeted killing of human rights and land defenders in Colombia (*#NiUnMuerteMás; Nos están matando*, 2018).[2] Each of these programs examined the relation between social, civil, and/or corporeal death and various regimes of political and visual power. Addressing questions of violence, witnessing, spectatorship, and resistance, these interventions supplement the contextual engagements (with death penalty photography, the proliferating digital archive of antiblack police violence, and the post-digital circuit of drone warfare) examined in the written component of this dissertation. These two practices of knowledge

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[1] "Mediatheque," Slought Foundation, http://slought.org/resources/mediatheque.

[2] Gwynne Fulton and Ilona Jorkonyte, "*Sea of Images*: Forensic Oceanography, Emilija Škarnulytė, Ayesha Hameed, Filipa César and Louis Henderson," September 14, 2017, http://slought.org/resources/mediatheque_sea_of_images; "*The Prison in Twelve Landscapes*: Brett Story," Slought, September 29, 2018, https://slought.org/resources/prison_in_twelve_landscapes; Gwynne Fulton and Alejandro Jaramillo, "*Nos Están Matando / They're Killing Us*," Slought, September 29, 2018, https://slought.org/resources/nos_estan_matando; "#NiUnMuertoMás / #NotOneMoreDeath: Jorge Mario Betancourt, Yesid Campos, Edison Sánchez, Juan José Lozano, Hollman Morris, Margarita Martínez and Miguel Salazar," Slought, September 21, 2018, https://slought.org/resources/niunmuertomas.

production and dissemination intersect, overlap and inform one another, but are nonetheless, discreet activities.

Slought is engaged in a long-standing deconstructive critique of its own institutionality; negotiating local and global borders, their projects perform a series of values across conceptual and spatial boundaries. Among these, three intersecting values have come to inform my practice of public programming: resistance, dialogue, publics. My film programming examines the resistant possibilities of imaging practices in the public sphere. Each of my interventions—which include documentary, fiction, and experimental media practices—elucidate different strategies of critical engagement with regimes of power, invisibility, and death, as they are differentially adjudicated in contemporary life. The practice that emerged from this collaborative work at Slought is as much about the film programs as the conversations that are borne from the context and the conditions they create. Dialogue is central to my event-based programming and each of the events I programmed, in following Slought's emphasis on public conversations, were followed by interdisciplinary talks with invited artists, activists, and academics. These conversations are documented in Slought's vast digital archive, which spans fifteen years and which includes past conversations with the likes of Martin Hägglund about radical atheism and the limits of democracy; Gayatri Chakravorty Spivak about geopolitics and mourning; as well as projects about Derrida's own work, including "Unpacking Derrida's Library," a film screening and publication commemorating Derrida's multiple legacies. Dialogues are accessible through Slought's online platform, which serves as public resource for knowledge-sharing that aims to bridge academic and public cultures. Finally, these interventions aim to cultivate intersectional publics and participatory engagement with public life. For documentation and further information on my curatorial projects the reader is directed to appendix 1 and to Slought's online archive.

INTRODUCTION

Ever since Plato's *Republic* banned the poetics of mourning from the ideal polis, political power has been thought in relation to images of death. In recent years, theorists such as Foucault, Mbembe, and Derrida have argued that sovereign power and the field of visual are inextricable, yet, their specific linkages remain undertheorized. *Taking Life* examines images of death circulating in contemporary art and media as a material locus from which to interrogate these shifting linkages.

The territories of sovereignty are littered with corpses and their ghosts. Images of death open a space for the specters of state killing, illegalized migration, warfare, slavery and its afterlives, which haunt our present as much as our political futures. This dissertation responds to the injunction of the ghosts that haunt visual culture—from the blasted fields of Antietam through the ubiquity of violent images promulgated by contemporary media. It enjoins us to attend to the ghosts of history as well as the urgencies of a moment conditioned by heightened policing of the borders of the state and self, the living and the dead. How can images of death help us understand the shifting linkages between sovereign power and the visual field? What resources can they provide us in the project of re-visioning sovereignty? These guiding questions give way to a number of subsidiary questions: How do images live, die and survive? What is their status and power? Can images kill? Who gets to survive images? How are images mobilized to construct some deaths as visible, while invisibilizing others? How do images of death support the institution of sovereign power, while simultaneously leading to its undoing? What, moreover, is their efficacy as a locus of critical resistance? How have artists intervened in visual regimes of violence? How in short, do images of death deconstruct sovereignty?

To answer to these questions, I draw on intersecting fields of photographic, critical race and poststructural theory, as well as curatorial practice. These tools help me develop an account of "spectrality" that articulates a series of shifting linkages between sovereign power, visibility, and death. Spectrality connects images of death in our current era of global media to the deconstruction of a "phantasmatic" historical formation of sovereignty, which attempts to assert its power over death and time in the visible realm.

1

Deconstructing Sovereignty With Images Of Death

Taking Life aims to think through the relation between sovereignty, death, and visibility, aided by Derrida's poststructural critiques of sovereignty. I consider Jacques Derrida's deconstruction of sovereignty through a close engagement with the *Death Penalty Seminar*. Between 1999 and 2002 Derrida's yearly seminar focused on the question of the death penalty and its relation to sovereignty. In the lectures, which were delivered first at l'École des hautes études en sciences sociales (EHESS) in Paris and then subsequently for an American audience at the University of California, Irvine, Derrida considers the history and horizon of a certain understanding of sovereignty we have inherited from a political modernity, in the lineage reaching from Bodin through Schmitt.

The focus on sovereignty and its deconstruction might sound anachronistic to the ear accustomed to the lexicon of biopolitics. Why return to the question of sovereignty after Foucault's account of biopolitics? Foucault famously argues that multiple circuits of "disciplinary power" and "biopower" that operate through regulatory apparatuses—including institutional and social formations—that seize control over the administration and management of *life* have supplanted the old forms of sovereignty that exercised power through spectacular public displays of *death* in the classical era. Building on Foucault's insights, Hardt and Negri advance a decentralized model of empire that operates under capillary power incompatible with the old centralized structures of sovereignty; Agamben argues that sovereignty has metamorphosed into a world-wide production and sacrifice of "bare life" captured by the state of exception; Mbembe coins the concept of "necropower" in order to articulate the racial lines that demarcate the sacrificial logic of power in the adjudication of bodies considered disposable to the nation-state; Povinelli offers "geontopower" as a new theory of power in the age of the Anthropocene that operates through the regulation of clear distinctions between life and nonlife under late-liberalism.[3] All this would seem to shut the door on the question of sovereignty, which should no longer provide explanatory or diagnostic avenues for adequately revealing and critiquing the mechanisms of power that govern contemporary life and death. Why, at a time of these new critical explanatory theories, need we have recourse to theories of

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[3] See Michel Foucault, *The History of Sexuality* (New York: Vintage Books, 1990); Michael Hardt and Antonio Negri, *Empire* (Cambridge, MA: Harvard University Press, 2007); Giorgio Agamben, *The Omnibus Homo Sacer* (Stanford, CA: Stanford University Press, 2017); Achille Mbembe, "Necropolitics," trans. Libby Meintjes, *Public Culture* 15, no. 1 (2003): 11–40; and Elizabeth Povinelli, *Geontologies: A Requiem to Late Liberalism* (Durham, NC: Duke University Press, 2016).

sovereignty? Why does Derrida still insist in 2001 "the great question is indeed, everywhere, that of sovereignty"? (FWT 91). Why the deconstruction of sovereignty?

This dissertation argues that western political thought has not substantively broken with an "onto-theological" concept of sovereignty inherited from political modernity, which is rooted in the heritage of Europe's colonial projects. Even more strongly put, it argues that that we *cannot,* for reasons I will explain throughout, break with this heritage, however much we must wrestle to do so. While sovereignty, on Derrida's reading, broadly refers to a theory of identity—of the state or the self—over time, which is constitutive of all life, the focus of Derrida's interventions is a specific historically determined concept of sovereignty that Derrida associates with psychic mastery over death. The remains of this specific understanding of sovereignty continue to haunt the scene of contemporary politics; its tropes continue to possess political discourse. We hear it in the populist discourses sweeping across Europe and the United States today, for example in the televised broadcast of US president's September 19, 2017 "Speech to the United Nations General Assembly," during which the words "sovereign" and "sovereignty" were invoked no less than twenty-one times by the current head of state while invoking a return to isolationist stance.[4] The talking head, cut and framed by the television screen, mutters away in the language of sovereignty. What are we to make of this phantasmatic survival? What ties and indebts us to the history and horizon of sovereignty in the West? "Why," as Catherine Malabou quips, "when we cut off the king's head are we still ruled by the phantasm of the head?"[5]

I argue that there is a general ontotheological structure and logic that persists across various mutations in sovereignty, while finding new historically and geopolitically specific expressions, as well as new visual manifestations at different historical moments. I aim to diagnose this understanding of sovereignty and its humanist heritage, while showing that there are certain phantasmatic dimensions that we can "deconstruct" through an analysis of images of death. My interrogations of images of death elucidate a general double logic at work in this concept of sovereignty, which imagines itself as pure life, cut off from death. Following Derrida, the deconstruction of sovereignty I examine through images of death involves showing that sovereignty is conditioned by the alterity of death and time—or spectrality—which it nonetheless attempts to

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[4] Mark Landler, "Trump Offers a Selective View of Sovereignty in U.N. Speech," *New York Times*, September 19, 2017, https://www.nytimes.com/2017/09/19/world/trump-speech-united-nations.html.

[5] Catherine Malabou, "The Deconstruction of Biopolitics," paper presented at the European Graduate School, 2012, https://www.youtube.com/watch?v=LQwD9pY8BQE.

repress and control when it "takes life," for example, by executing a death penalty or by representing death. Yet, images of death also amplify spectrality in ways that render sovereignty fragile and precarious.

Of all Derrida's interlocutors in the *Death Penalty Seminar*, Foucault emerges as the pivotal figure for my interrogations of political power and the visible field. Whereas Foucault argues that biopower supersedes the sovereign taste for blood, giving rise to fundamental shift from sovereign power with its spectacular dominion over death, Derrida gives us resources to think about how mutations in scopic technologies of vision and visibility intersect with the continued deployment of death, for example, in an increasingly virtual warfare conducted by way of global satellite, in the visible field of the surviving juridical institution of the death penalty, and in construction of everyday living "death-worlds" including normalized racial violence disseminated through social media platforms. Engaging debates about aesthetics and the politics of death, I explore different manifestations of the double logic of spectrality at work in a series of historically and geopolitically specific manifestations of sovereignty *vis-à-vis* visual provocations drawn from different historical archives, as well as different "scopic regimes" under which vision and visuality are organized.[6]

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[6] The term "scopic regime" was first coined by the French psychoanalytic film theorist Christian Metz in *The Imaginary Signifier*. Drawing on Lacan's account of the scopic drives and the gaze, Metz critically examines how the cinema structures and determines modes of identification in cinematic spectatorship into an organized field. Hal Foster defines scopic regimes as a desire to efface the difference between "visuality" (as social fact and historical technique) and "vision" (as the physical mechanism of sight). Refuting any facile opposition of vision and visuality (vision is also historical; visuality is always embedded in the body), Foster defines scopic regimes as a mode of seeing that seeks to establish its dominance by foreclosing the plethora of "social visualities" operative in a given historical moment. Martin Jay deploys the concept more broadly to capture the sense in which experience is mediated and even constituted by *visual technologies* including photography, television, etc. Jay catalogues dominant regimes of visuality that organize early Modernity, including "Cartesian perspectivism" and "baroque reason." According to Jay, each regime of visuality disciplines the gaze and a specific organization of deploys "a cultural/technological/political apparatus" to mediate, unify, and naturalize a given construction of visuality. As such, scopic regimes are also regimes of visual power, or "opto-power," to use Marie-Josee Mondzain's term. In her pathbreaking article on cinematic voyeurism, Laura Mulvey politicizes Metz's psycho-semiotics to demonstrate how narrative cinema deploys gendered structures of the gaze to systemically empower phallocentric privilege. See Christian Metz, *Psychoanalysis and Cinema: The Imaginary Signifier*, trans. Celia Britton, Annwyl Williams, Ben Brewster, and Allfred Guzzetti (Indianapolis, IL: Indiana University Press, 1977); Martin Jay, "Scopic Regimes of Modernity." in *Force Fields: Between Intellectual History and Cultural Critique* (New York, NY: Routledge, 2016), 114–33; "Scopic Regime," *The International Encyclopedia of Communication*. ed. Wolfgang Donsbach (Blackwell Reference, 2008); and Hal Foster, *Vision and Visuality* (Seattle: Bay Press, 2009); Laura Mulvey, "Visual Pleasure and Narrative Cinema," in *Film Theory and Criticism: Introductory Readings*, ed. Leo Braudy and Marshall Cohen (New York, NY: Oxford University Press, 1999), 833–44.

Towards a Political Hauntology of Photography

I aim to develop a political hauntology of photography that explicates the linkages of sovereign power and the visual field through a close analysis of the production, circulation, and consumption of images of death in visual culture. In so doing, I aim to elucidate the role of images of death both as a condition of possibility for what Derrida calls the "phantasm of indivisible sovereignty and sovereign mastery."[7] I am concerned with the way images of death articulate power, but also how they render power unstable. Images of death are one of the preeminent sites for the deconstruction of sovereignty. Interrogating Derrida's claim that the "juridical concept of the state's sovereignty today has a relation—an essential relation—to the media," the account of media spectrality I develop here brings visual analysis to bear on the deconstruction of sovereignty (E 35). Conversely, I argue for the continued import of deconstruction, and particularly the deconstruction of sovereignty, for contemporary image theory. The images of death interrogated in this dissertation bring poststructural resources to bear on two interrelated debates in visual cultures. I frame these two debates as questions: (1) *What can images do?* and (2) *What is an image?*

In/Visibility & Violence

The first debate, revolving around the question *What can images do?*, involves the status and power of images in relation to questions about in/visibility and violence. Spurred by the hyper-mediatized World Trade Center attacks and the circulation of images of tortured detainees at Abu Ghraib, the spectacle of violent images has been pivotal in discussions about the political effectivity of images.[8] These debates question the pragmatic *use* of images, as well as the relation of visual and political power. It is possible to identify two prominent, antithetical discourses. The antinomy between Susan Sontag and Judith Butler is instructive. On the one hand, Sontag, in *Regarding the Pain of Others*, argues that images of suffering deflect and undermine the political.[9] She warns that images of warfare and torture aestheticize suffering, desensitize viewers, and invite a passive, narcissistic mode of

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[7] Jacques Derrida, "University Without Condition," in *Without Alibi*, trans. Kamuf Peggy (Stanford, CA: Stanford University Press, 2002), 235.

[8] See for example, Geoffrey Batchen, *Picturing Atrocity: Photography in Crisis* (London, UK: Reaktion Books, 2014); Nicolas Mirzoeff, "Invisible Empire: Visual Culture, Embodied Spectacle, and Abu Ghraib," *Radical History Review*, no. 95 (2006): 21–44, doi:10.1215/01636545-2006-95-21; W. J. T. Mitchell, "Picturing Terror: Derrida's Autoimmunity," *Critical Inquiry* 33, no. 2 (2007): 277–90, doi:10.1086/511494.

[9] Susan Sontag, *Regarding the Pain of Others* (New York, NY: Farrar, Straus and Giroux, 2003).

consumption that fragments the possibility of narrative apprehension. *Images haunt us.*[10] Echoing Siegfried Kracauer's early dystopian theory of photography—and presaging Saidiya Hartman's incisive interrogation of the role of violent "scenes" in the constitution of black subjectivity—Sontag argues that the media exploit images for sensational purposes.[11] Severing death from the context of human suffering, violent images cloud our judgment and tarnish our critical perception. For Sontag, our condition as subjects affectively haunted by images disrupts our ability to mobilize politically. Violent images foreclose our understanding of the events they represent and undermine the possibility of political responsiveness.

Countering Sontag's pessimism, in *Frames of War,* Butler considers the intersection of power and political representation in order to show how violent images participate in producing the realm of the visible and the knowable, thus contributing to the formation of the public space of politics. Questioning Sontag's split of sensibility/intelligibility, Butler advocates a deconstructive reading of photography's normative functions: images "frame" the visual field of knowability, while simultaneously threatening to undo those epistemic claims. Photographs, she argues, can "be instrumentalized in radically different directions" depending on how they are "discursively framed."[12] Because of their intrinsic iterability and re-contextualizability, images of violence and death operate *both* (1) as mechanisms of state control that regulate which bodies are presented and which are jettisoned from presentation, thus serving to structure modes of recognition that effect the differential distribution of grievability and (2) as a site of new possibilities for critical resistance to state-violence. This study assumes that there is no way to position oneself definitively on either side of this debate "for" or "against" images of death, all the while one must in each specific instance do so. The task is thus to understand how they are mobilized to enframe death and what possibilities for breakage they make possible. In this regard, I follow Butler more so than Sontag, because her twofold approach allows for *both* a critical Foucauldian gesture that diagnoses how images of death function to circulate power, as well what I will call a Derridean "quasi-transcendental" gesture, that shows how images of death are also and at the same time, exposing the inherent weaknesses that underwrite attempts at visual mastery.

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[10] Sontag, *Regarding the Pain of Others*, 89.

[11] Siegfried Kracauer, "Photography," *Critical Inquiry* 19, no. 3 (Spring 1993): 421–36; Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York, NY: Oxford University Press, 2010).

[12] Judith Butler, *Frames of War: When Is Life Grievable?* (New York, NY: Verso, 2016).

The second (older and interrelated) debate revolves around the question: *What is an image?* Again, we can identify two basic and seemingly incommensurate positions that recall the historical stalemate in photographic theory between what Geoffrey Batchen calls "formalist" and "constructivist" approaches to the image.[13] According to the first position, the image finds its meaning in death. Death has been central to answering this question from Ancient Greece through the era of analogue photochemical processes. As Phillipe Dubois notes in his recent reappraisal of the discipline of photographic theory for *October*, the first vital years of photographic theory particularly in France in the 1970s and 1980s "opened onto essentialist, phenomenological, and even ontological" lines of questioning that sought to invent photography as theoretical object.[14] Theorists (notably, Roland Barthes, but also Susan Sontag, André Bazin, Pierre Shaefer etc.) aimed to distinguish the new medium from other modes of visual representation largely through recourse to Pierce's semiology, with its concomitant notions of "trace," "index," and "imprint" that linked the photograph to death. The photograph was theorized as an indexical imprint on a light-sensitive surface caused by the object it represents. The category of index sutured the photograph to its absent referent "like the condemned man and the corpse in certain tortures," proposing an alliance with death, while ballasting the photograph's status as evidence.[15] This is the meaning of Barthes famous assertion: "Death is the eidos of that photograph."[16] Metz and Dubois similarly argue that photography is a kind of writing of death, or "thanatography," which I trace in greater depth in the next chapter.[17]

"Constructivists," on the other hand (such as Alan Sekula and John Tagg) foreground a Foucauldian analysis of "apparatuses" (*dispositifs*), which they apply to explain the operation of images in the capture, framing, and determination of that which they claim to passively represent. The latter accuse the former of an over-reliance on the categories of "death" and "index" that ignores the ideological function of images and presupposes a naïve realism that they associate with

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[13] Geoffrey Batchen, *Burning with Desire: The Conception of Photography* (Cambridge, MA: MIT Press, 2006), 5-21.

[14] Philippe Dubois, "Trace-Image to Fiction-Image," *October* 158 (2016): 155–66, doi:10.1162/OCTO_a_00275.

[15] Roland Barthes, *Camera Lucida: Reflections on Photography*, trans. Richard Howard (New York: Hill and Wang, 1981), 6.

[16] Barthes, *Camera Lucida*, 15.

[17] Barthes, *Camera Lucida*, 15; Philippe Dubois, *L'acte Photographique et Autres Essais* (Paris, France: Editions Labor, 1992); Christian Metz, "Photography and Fetish," *October* 34 (Autumn 1985): 81–90.

Figure 1. Unidentified photographer, *Commune de Paris. Baricade, Rue de La Paix. Vue Prise de La Place Vendôme Vers La Place de l'Opéra.* 1871. Positive photograph on albumen paper. Photo courtesy of the Bibliothèque nationale de France.

Figure 2. Andre Adolphe Eugene Disderi, *Communards in Their Coffins.* 1871. Photograph. Photo courtesy of Musée de la Ville de Paris. Musée Carnavalet, Paris, France.

Barthes' melancholic text *Camera Lucida*.[18] Pointing to the ways photography's mortiferous power has been deployed to construct, discipline, regulate, and marginalize bodies, these theorists aim to demonstrate how representation has been instrumentalized to (re)produce power relations. This is strikingly evident for example, in the deployment of early photographs by Adolphe Thiers' police to identify and subsequently capture and execute Communards who posed on the Barricades during the 1871 insurrections during the Haussmannization of Paris (*Figure* 1-2). As Adrien Huart quips in *Le chaivari*, "All of the arrests being made at the moment are owing to collodion."[19] As I will show, this operationalization of images in regimes of power is evident today, for example, in the military deployment of long-range thermal infrared imaging technologies in mobile border security in the E.U. and the lethal circuit of drone vision in the Greater Middle East.

This runs us up against the "impasse" of photographic theory which Geoffrey Batchen describes as a response to the "fatigue" around the primacy of *Camera Lucida*. Batchen describes his anthology *Photography Degree Zero* as an attempt to either revive, or "better yet," exorcise it altogether.[20] Contemporary image theorists have abandoned the discourse on death in the wake of the digital turn and the so-called "death of photography," which has further displaced categories of index and referentiality.

I mobilize deconstructive resources to forge a tertiary path through this supposed "impasse." We need to address the question that dominated the first wave of photographic theory to develop a critical response to the pragmatic question that dominates the second wave of image theory when, as Phillipe Dubois puts "The question 'What is photography?' gives way to the question 'What can photography do?'"[21] In other words, we need to develop a political ontology of photography in order to be able to respond to the profusion of violent images that circulates with

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[18] For an analysis of photography as a means of surveillance, subjectification, and truth-making see Allan Sekula, *Photography Against the Grain* (Halifax, NS: Nova Scotia College of Art and Design, 2016) and John Tagg, *The Disciplinary Frame: Photographic Truths and the Capture of Meaning* (Minneapolis, MN: University of Minnesota Press, 2010).

[19] Adrien Huart, "Chronique Du Jour," *Le Charivari*, July 21, 1871, 4. For an account of photography's relation to the Commune see Jeannene M. Przyblyski, "Revolution at a Standstill: Photography and the Paris Commune of 1871," *Yale French Studies* 101 Fragments of Revolution (2001): 54–78, doi:10.2307/3090606. Barthes evokes this same image in *Camera Lucida*, 11.

[20] Geoffrey Batchen, *Photography Degree Zero: Reflections on Roland Barthes's Camera Lucida* (Cambridge, MA: MIT Press, 2011), 4. Damian Sutton similarly describes the project of *Photography, Cinema, Memory* as "something of a quest" to determine why photographic theory "stalled" with the publication of Barthes' work. Damian Sutton, *Photography, Cinema, Memory: The Crystal Image of Time* (Minneapolis, MN: University of Minnesota Press, 2009), ix.

[21] Dubois, "Trace-Image," 158.

such effectivity across spatiotemporal and political boundaries. However, I add a deconstructive twist to this formulation: I aim to develop a political "hauntology" of images, rather than a political ontology that draws on Derrida's concept of spectrality. This deconstructive revision of photographic ontology (*ontologie*)—as spectralized hauntology (*hauntologie*)—destabilizes a number of binary distinctions (life/death, present/absent, actual/virtual, visible/invisible) that underwrite the formalist/constructivist distinction.

However, Derrida provides neither a new theory of images, nor a systematic treatment of media. Rather, his writings on images—as a mode of differential *light-writing*—consist of a series of discrete, regional engagements.[22] From these heterogeneous texts emerge a constellation of themes: memory and mourning, haunting and spectrality, technicity and death as a locus of political power. I will not engage the wide angles of Derrida's work on images, nor will I simply delineate the relation between technical media and the deconstructive trope of haunting, others have done so with great rigor.[23] Rather, this dissertation offers a selective reappraisal of Derrida's work on technical images and visuality as they connect to the deconstruction of sovereignty advanced in a number of texts, but specifically, in the *Death Penalty Seminar*. I pull on the thread of "spectrality" to connect the

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[22] Derrida's interventions include essays solicited to accompany photographic publications, conversations on technical media, and eulogies for Roland Barthes and Louis Marin posthumously collected in *The Work of Mourning*. See for example, *Athens, Still Remains: The Photographs of Jean-François Bonhomme*, trans. Pascale-Anne Brault and Michael Naas (New York, NY: Fordham University Press, 2011); "Aletheia," trans. Michael Naas, *Oxford Literary Review* 32, no. 2 (2010): 169–88, doi:978-1-58093-018-5; Jacques Derrida and Marie-Françoise Plissart, *Right of Inspection*, trans. David Wills (New York, NY: Monacelli Press, 1998); Jacques Derrida, Hubertus von Amelunxen, and Michael Wetzel, *Copy, Archive, Signature: A Conversation on Photography*, trans. Gerhard Richter (Stanford, CA: Stanford University Press, 2010); Jacques Derrida and Bernard Stiegler, *Echographies of Television: Filmed Interviews*, trans. Jennifer Bajorek (Cambridge, UK: Polity Press, 2007); and Jacques Derrida, Thierry Jousse, and Antoine de Baeque, "Le Cinéma et Ses Fantômes," *Cahiers du cinéma*, avril 2001, 75–85; *Trace et Archive, Image et Art* (Paris, France: éditions INA, 2014); *Work of Mourning*, trans. Pascale-Anne Brault and Michael Naas (Chicago, IL: University of Chicago Press, 2017). Derrida also appeared in a number of films: Ken McMullen's *Ghost Dance* (1983), Safaa Fathy's *D'ailleurs, Derrida* (1999), and Kirby Dick and Amy Ziering Kofman's *Derrida* (2002).

[23] On Derrida's relation to photography see Michael Naas, "When It All Suddenly Clicked: Deconstruction after Psychoanalysis after Photography," *Mosaic* 44, no. 3 (2011): 81–98, doi:10.3366/drt.2017.0140; "'Now Smile': Recent Developments in Jacques Derrida's Work on Photography," *South Atlantic Quarterly* 110, no. 1 (December 21, 2011): 205–22, doi:10.1215/00382876-2010-029; and Kas Saghafi, *Apparitions—Of Derrida's Other* (New York, NY: Fordham University Press, 2010). On Derrida's relation to cinema, see Louise Burchill, "Derrida and the (Spectral) Scene of Cinema," in *Film, Theory and Philosophy: The Key Thinkers*, ed. Felicity Coleman (London: Acumen Press, 2014); Peter Brunette and David Wills, *Screen/Play: Derrida and Film Theory* (Princeton, NJ: Princeton University Press, 1989), and Timothy Holland, "Ses Fantômes: The Traces of Derrida's Cinema," *Discourse* 37, no. 1 (2015): 40–62, doi:10.13110/discourse.37.1-2.0040.

deconstruction of sovereignty and images. If the discourse on sovereignty has shadowed Derrida's writings on images, images conversely haunt his texts on sovereignty, such that each can illuminate the other. The concept of spectrality co-articulates sovereignty and images of death. Spectrality provides an infrastructural logic that acts as a pivot, or hinge, that allows me to connect political power and the visual field *vis-à-vis* different dominant scopic regimes of images of death.

On the one hand, spectrality allows me to rethink the meaning of the image and its linkages with death. Drawing on Derrida's interventions in photographic and media theory, I link the question of images and tele-technologies to the "logic of spectrality" to interrogate the ways in which the increasingly virtual political space is constituted through contemporary media, which is neither present/absent, living/dead, visible/invisible. Promulgated by the media, phantoms, specters, or revenants infiltrate the fabric of the globalized world, obliging us to think other possible futures for sovereignty. In this regard, I argue for the relevance of a deconstructive account of infrastructural ontology both for political analysis and visual cultures.[24] In developing a deconstructive account of the spectrality of the image, I aim to shake loose from traditional paradigms of the image by critically reassessing the image's alliance with death and the Western metaphysics of presence codified in the first wave of photographic theorizing. Derrida's account of spectrality aligns the image with the deconstructive figure of the ghost, while disclosing an actipassive structure that enables us to think images simultaneously as passive representation and active invention.[25] This helps us to account for both the "constructivist" intuition that images generate effects, produce events, circulate and consolidate the operations of political power in the in/visible realm, as well as the "formalist" intuition that images testify to absence and death.

On the other hand, spectrality functions as a critical lever that pries open our inherited concept of sovereignty, exposing its internal complications. Sovereignty—whether that of the individual subject or the nation-state—is only constituted by way of a logic of differential iterability or "spectrality" that entails a degree of exposure to alterity, to which images of death gives us access. Images of death expose the tensions in this specific understanding of sovereignty, which projects an

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[24] Ariella Azoulay develops a political ontology of photography in *Civil Imagination: A Political Ontology of Photography*, trans. Louise Bethlehem (New York, NY: Verso, 2015). For a helpful discussion of political ontology see Colin Hay, "Political Ontology," *The Oxford Handbook of Political Science*, ed. Robert E. Goodin, September 2013, http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199604456.001.0001/oxfordhb-9780199604456-e-023.

[25] Derrida, *Copy, Archive, Signature*, 12.

image of itself as pure life, cut off from the alterity of death and time. By crystallizing the tensions within our thinking of sovereignty, images of death focus both the power of images as a site of archival violence in relation to authoritarianism and state control, while simultaneously serving as a site of resistance. In short, images of death give us a helpful way of thinking about the possibility of a sovereignty responsive to the aporetic structure.

Images Of Death

I frame my investigations as a double genitive. The "of" in the formulation "images of death" associates at least two different uses of the genitive: *subjective* and *objective*.

1. The phrase "images of death" refers to a typology of images that depict or portray corpses, the dead, or the dying. Sontag comments on the long pedigree of the iconology of suffering and death, from the Laocoön and Goya's *Black Paintings* through images of Southern lynchings.[26] Here I signal the usual genitive (possessive) case, namely, to "death" as an empirical event and iconic object of representation that we "take," distribute, and consume—both as spectators and witnesses.[27] Barthes calls this "Flat death" (*Mort plate*); Heidegger as we will see in a moment, calls this "vulgar" or ordinary concept of death.[28] I am concerned with death it its material facticity and with its iconic (re)presentation in technical images, always with an eye to their political *effects*. In this regard, I take historically specific images of death that circulate—or fail to circulate—in contemporary media as the empirical site from which to examine the shifting configurations of sovereignty in its attempts to "master" death by repressing an originary relation to "spectrality." As a study of iconic media, specific images of death ground this analysis in material objects with a history that can be dated and visually analyzed within specific regimes of power.

2. The phrase "images *of* death" also refers (less conventionally) to "death's own images." That is, to images that *belong to death*. Death, in this second sense, is understood as the subject of *every* image,

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[26] Susan Sontag, "Looking at War," *The New Yorker*, December 2, 2002, n.p. https://www.newyorker.com/magazine/2002/12/09/looking-at-war.

[27] Images of death have been the topic of a number of prior studies, see Stanley B Burns, *Sleeping Beauty: Memorial Photography in America* (Altadena, CA: Twelvetrees Press, 1990); Michael Lesy, *Wisconsin Death Trip* (Albuquerque, NM: University of New Mexico Press, 2000); Barbara P. Norfleet, *Looking at Death* (Boston, MA: Godine, 1993); Jay Ruby, *Secure the Shadow: Death and Photography in America* (Cambridge, MA: MIT, 1999); James Van Der Zee, Owen Dodson, and Camille Billops, *The Harlem Book of the Dead* (Dobbs Ferry, NY: Morgan & Morgan, 1978), as well as Jennifer Malkowski, *Dying in Full Detail: Mortality and Digital Documentary* (Durham, NC: Duke University Press, 2017).

[28] Barthes, *Camera Lucida*, 92.

because the image announces the absence (and thus death) of what it re-presents. In this regard, I speak of the structural "deathliness" of images and of the way that death itself *images.* Images, as Derrida enigmatically suggests, give seeing from "the point of view of death."[29] Here, the "subject" doing the seeing is the dead who *regard us* from the spectral channels of the media. In this second sense, I am concerned with the structural alliance of images and death.

The preposition "of" in the phrase "images of death" marks the central axis of a chiasmus: it indicates a shifting point of association between the terms "image" and "death" that will concern us throughout, as well as a genitive that is both *subjective* and *objective.* Images of death are positioned at the intersection of death (as object) and death (as subject). The chapters that follow address both of these two aspects of the double genitive in shifting configurations. The deconstructive operation at work in my analysis is positioned on the threshold between these two registers, at times slipping in one direction or the other with greater weight and emphasis. Within the tension between these two sides of the double genitive lies a space of reflection about sovereignty.

Hans Belting's problematization of the difference between internal (mental) and external (technical or physical) images further specifies what I mean by the phrase "images of death." As Belting rightly points out, the question *What is an Image?* requires a two-fold answer. Images are both mental *and* medial. On the one hand, images refer to mental constructs (dreams and imaginings) and sensible images of the visible world (what Aristotle calls *phantasma*).[30] On the other, images refer to medium-specific forms of technicity. In the former case, the body is the "medium" for images we carry within us. How are these images displaced onto medial images? The distinction these two registers is unstable. Belting is rightly suspicious of it: "Images do not exist only on the wall (or on the TV screen), nor do they exist only in our heads. They cannot be extricated from a continuous process of interactions, and that process has left its traces in the history of artifacts."[31] Stiegler similarly concludes that "There have never existed physical images (*images objet*) without the participation of mental images, since an image by definition is one that is seen (is in fact *only* one

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[29] Jacques Derrida, "By Force of Mourning," in *The Work of Mourning* (Chicago, IL: University of Chicago Press, 2017), 147. See also Saghafi, *Apparitions*, 71.
[30] See Aristotle, *De Anima*, 428a 1-4.
[31] Hans Belting, *An Anthropolgy of Images,* trans. Thomas Dunlap (Princeton, NJ: Princeton University Pres, 2014), 4.

when it is seen). Reciprocally, mental images also rely on objective images in the sense that they are the *retour* or the *rémanence* of the latter."[32]

I am concerned with both sides of this analytic distinction and the relation between them at the threshold of death and power. My efforts to develop a political hauntology of photography complicates this analytic distinction by co-inscribing these two registers. *Taking Life* is concerned *both* with technical images of death and the imagination's confrontations with mortality, with both "actual" and "virtual" images and their co-imbrication in what Derrida calls "actuvirtuality," a term meant to deconstruct the modal distinction of the old philosophical distinctions of actual/virtual (E 1-27).

Itinerary

Chapter 1, "Sovereignty, Spectrality, Image," presents the main argument through an exposition of the three interconnected axes that organize this work: *sovereignty-spectrality-image*. I look at each of these interconnected terms in light of each other. *First,* I trace the different dimensions of the overdetermined concept of spectrality through Derrida's work and argue for its explanatory power in linking images and sovereignty. *Second,* I delineate the "phantasm" of sovereignty. How has the Western tradition understood sovereignty? How is sovereignty conditioned by spectrality and what has the repression of this ineluctable spectrality given rise to? *Third,* I give an account of the analogy between images and death as it has been theorized from philosophy to contemporary theories of the image. Finally, I link up these three axes in my articulation of the double and deconstructive "logic" whereby sovereignty needs technical images to install itself, even as those same images expose its phantasmatic dimensions. I delineate this as a general "infrastructure," which I call the "optic of spectrality."[33]

The optic has an explanatory function in the rest of the dissertation. The subsequent chapters deploy it as a framework from which to examine the production, circulation, and consumption of images of death in a series of visual provocations drawn from different archives,

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[32] Bernard Stiegler, *quoted* in Belting, *Anthropology,* 5. *Cf.* Gilles Deleuze's "virtual image" in "The Actual and the Virtual," in *Dialogues*, ed. Clare Parnet, trans. Eliot Ross Albert (New York, NY: Columbia University Press, 1987), 148-159. See also, Leonard Lawlor, "A Nearly Total Affinity: The Deleuszian Virtual Image versus the Derridean Trace," *Angelaki* 5, no. 2 (August 2000): 59–71, doi:10.1080/09697250020012197 for a critical comparison of Derrida's notion of the trace and Deleuze's virtual image.

[33] I borrow the term "infrastructure" from Rodolphe Gasché. We will see in the next chapter how this helps to specify the relation between deconstruction and Kant's critical philosophy by assessing the ways spectrality functions as a "quasi-transcendental" condition for sovereignty.

historical, and geo-political contexts, as well as shifting scopic regimes, including death penalty photography, bystander recordings of extrajudicial police killings in the US, and the multifarious, networked images operative in drone strikes. Each chapter performatively engages another perspective—or cinematic "take"—of this general infrastructural optic, demonstrating the double logic of spectrality at play in shifting configurations of sovereignty and visibility.

Chapter 2, "Time of Death: Photography and the Death Penalty," mobilizes the optic of spectrality to examine the relation between sovereignty, visibility, and time in the analogue era and beyond, through a double reading of the anonymous 1939 film of Eugene Weidmann's public execution by guillotine.[34] Following Derrida's invocation of a photograph of Weidmann in the first year of the Death Penalty seminar, I interrogate the theatrical and spectacular dramaturgy of capital punishment, which implies the exceptional right of the sovereign decide over the life and death of its citizens. Pulling at one of the minor threads that runs through the seminar, I examine sovereignty's attempts to "master" death by "killing time" *vis-à-vis* the machines of execution and image-making (DP1 226).

Derrida's (largely implicit) engagement with Foucault's historical thesis of the despectacularization of punishment grounds my interrogations of the relation between the nineteenth-century notion of photographic instantaneity and a certain concept of the instant of death mobilized in the Western onto-theology of the death penalty. The scene of Weidmann's execution provides a lens to explore Derrida's ideas about the visibility of power. Mobilizing questions about sovereign technicity and time, I interrogate Derrida's assertion that the hallmark of sovereign power involves the right to command death in public spectacles that are still "visible"— though more virtual—with today's accelerated tele-technologies. I argue that images, which emerge as a contrapuntal theme in the seminar, provide a critical site for interrogating the desire to master death and spectrality by executing a death penalty. My analysis of the temporality of guillotine and classical photographic instantaneity allows me to deconstruct the putative instantaneity of death, while setting up the larger argument about the centrality of the visible appropriation of death as a site of political formation. I argue that images are one of the quintessentially modern sites of this operation and substantiate this claim through a reading of the instant in the chronophotography movement, Bazin, and Barthes. This analysis of the instant illuminates how sovereignty has

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[34] An earlier version of this chapter was published as "Phantasmatics: Sovereignty and the Image of Death in Derrida's First Death Penalty Seminar," *Mosaic: A Journal for the Interdisciplinary Study of Literature* 48, no. 3 (2015): 75–94.

conceived of time in the history of Western thought. I conclude by sketching Derrida's rethinking of the spectral structure of the photographic instant and its consequences for our thinking of sovereignty.

Chapter 3, "Black Death," rearticulates the double logic of the spectral optic to interrogate digital video images of extrajudicial police killings circulating across social media platforms. This chapter extends Derrida's analysis by introducing entirely new instances of visual technicity into the discussion, while still remaining within a fundamentally Derridean optic. I examine police dash-cam video footage of the 20 October 2014 shooting of Laquan MacDonald by Chicago Police Officer Jason Van Dyke in Chicago to interrogate the intersection of race and sovereignty. I draw on critical race theory and black visual cultures to examine the relation between sovereignty, race, technicity, and the visibility of punishment, in the specific extension of white supremacist sovereignty. I argue that this historically and geopolitically specific configuration of sovereignty is a reactive terror formation that arises in response to a kind of *ontological panic*. Extending Derrida's analysis of the death penalty through an engagement with Mbembe's theorizations of "necropolitics" and "living death" (*mort vivant*), I argue that white supremacist sovereignty tries to master death by tethering it to "blackness" as racial alterity that can be brought under material and symbolic control through a series of terrorizing strategies, including the proliferating digital archive of dash-cam and body-cam video utilized by an increasingly militarized and death-prone US police state. Facilitating an analysis of the deathly trajectories of sovereign power that mark subalternity in the US, this second "take" of the optic of spectrality examines the double role of state-sanctioned spectacles of black suffering (1) as a mechanism of antiblack violence that regulates the dissymmetrical distribution of death and produces the black subjectivity as a form of "living death" (*mort vivant*) and (2) as a site of radical recuperation and critical resistance in radical black politics that exposes the white supremacy's phantasmatic dimensions.

Chapter 4, "The Operative Image, Drone Warfare, and the Survival of the Death Penalty," examines the intersection of the death penalty, war, sovereignty, technicity and visibility. Operating outside the purview of the laws of war, David Wills has named the deaths perpetrated by Hellfire missiles as the "primary instance of the American attachment to the death penalty."[35] Interrogating this claim, this third "take" on the double optic of spectrality considers post-documentary works by the late German media theorist and image practitioner, Harun Farocki that interrogate tactical

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[35] David Wills, "Drone Penalty," *Sub-Stance* 43, no. 2 (2014): 175, doi:10.1353/sub.2014.0025.

systems of surveillance under militarization projects and the ubiquity of "intelligent" image processing and weapons technologies deployed in the predatory "shadow theater" of drone strikes (BSII 259).[36] I read these image operations as a symptom of what Derrida calls the "survival" of the death penalty. To understand Derrida's enigmatic claim that the death penalty will survive its abolition, I turn to the second year of the seminar, where he shifts focus from one Foucauldian intervention to another: that is from the question of the virtual visibility of power in DP1 to the question of what constitutes an act or action and thus to the distinction of making die and letting die, which is central to Foucault's paradigm of biopolitics in DP2. In the second year of the seminar Derrida engages a broader concept of the death penalty and its relation to the "impure" phenomena of war (sovereign killing) and world hunger or AIDS (letting die). I argue that the drone—as a new distribution of virtualized visibility and an intensified form of the convergence of technologies of visual and military-industrial power, spectacle and surveillance—further blurs these distinctions between activity and passivity, actuality and virtuality, while situating this blurring within an account of the visuality of power.

Building on Wills' analysis of the drone's spatiotemporal and necropolitical dimensions, I provide an account of the visual operations at work in this intensified, geopolitically specific extension of sovereign technicity, which tries to appropriate spectrality to master death and time in global space for the purposes of ontological security. Drawing on Farocki's concept of the "operative image," coined in the context of his discussion of automated warheads, I examine the function of lethal images in the context of an increasingly virtual, global, and electronic warfare that is displacing the old model of "border lines, front lines or theaters of war."[37] These military imaging technologies do not simply represent death iconically, but are part of the operations of state killing. Whereas chapter 2 focuses on analogue photography and chapter 3 on digital platforms, this final chapter discusses the "post-photographic" ethos of virtual and even invisible digital imaging technologies encoded in increasingly illegible forms of machine vision that are virtualizing visibility in ways that simultaneously effects global power and exposes sovereignty to its invisible underside.[38]

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[36] See Harun Farocki, "Phantom Images," *Public* 29 (2004): 12–22.

[37] Jacques Derrida, "Psychoanalysis Searches the States of Its Soul: The Impossible Beyond of a Sovereign Cruelty," in *Without Alibi*, trans. Peggy Kamuf (Stanford, CA: Stanford University Press, 2002), 246.

[38] On the notion of the "post-photographic," see Joan Fontcuberta, "A Post-Photographic Manifesto," in *Vision Anew: The Lens and Screen Arts*, eds. Adam B Bell and Charles Traub, trans. Graham Thomson (Oakland, CA: University of

Chapters 2-4 deploy the infrastructural optic of spectrality in performative engagements with images of death in order to demonstrate the double logic at play in shifting configurations of sovereignty. The oscillating movement of the spectral optic repeats in each chapter, building an accumulative force that displaces traditional linear, progressive argumentation. With each iteration, or cinematic "take," I approach a different set of relations between sovereignty, spectrality, and images of death. In other words, each chapter articulates a new differential iteration of the same general logic operative within sovereignty, yet this logic manifests in different ways in different historical and geopolitical contexts. Together, these contextual engagements aim to provide new insight on a series of border struggles over the visible/invisible, virtual/actual, life/death. From these counter-histories of visuality emerges an understanding of sovereignty that is exposed to finitude and spectrality in ways that render it fragile and precarious.[39]

Note On Method

A few words about method and we're off. *First*, this project is constitutively interdisciplinary. It is situated at the intersection of a number of borders: between the transcendental and the empirical, the conceptual analysis of philosophy and the fugitive objects of visual cultures, aesthetics and politics, etc. Part of the objective of such an approach is to problematize these borders. *Taking Life* is situated between disciplinary fields that have tended to neglect one other. As Margaret Iverson recently noted, philosophy and photographic theory are still largely ambivalent towards each other's respective work.[40] Discourses on sovereignty in political philosophy rarely question the visual regimes of power at work in the construction of individual subjects and the nation-state. As Mark Reinhardt puts it: "one can read widely in the political science literature on sovereignty without encountering much in the way of visual analysis."[41] Visual studies fares better. A few key theorists

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California Press, 2015), 254–63 and Camila Moreiras, "Joan Fontcuberta: Post-Photography and the Spectral Image of Saturation," *Journal of Spanish Cultural Studies* 18, no. 1 (January 2, 2017): 57–77. https://doi.org/10.1080/14636204.2016.1274496.

[39] I borrow the term "counter-history of visuality" from Nicholas Mizeroff's study of the ways that visuality functions to suture and naturalize power, while rendering these operations transparent. See *The Right to Look: A Counterhistory of Visuality* (Durham, NC: Duke University Press, 2011).

[40] See Margaret Iverson and Diarmuid Costello, "Introduction: Photography between Art History and Philosophy," *Critical Inquiry* 38, no. 4 (Summer 2012): 679–93.

[41] Mark Reinhardt, "Vision's Unseen: On Sovereignty, Race, and the Optical Unconscious," *Theory & Event* 18, no. 4 (2015), doi:10.1215/9780822372998-009.

take up the visual registers of power. Of particular import are theoretical and methodological interventions in Black visual cultures by Saidiya Hartman, as well as studies by Marie-Josée Mondzain and Ariella Azoulay that specifically examine the political *vis-à-vis* images of death.[42] Yet, theories of the image, while privy to the operations of visual power, tend to smuggle ontological presuppositions into their work (even as they claim to distance themselves from ontology). For example, Lee Raiford's *Imprisoned in a Luminous Glare* and Jennifer Malkowski's *Dying in Full Detail*— two exceptional works that deal extensively with images of death—rely on a so-called common sense knowledge of "death," which is neither certain nor unitary and which this dissertation seeks to problematize.[43] To counter these tendencies, the account of the linkages of political and visual power addressed in this dissertation engage a series of tactical maneuvers that bring together insights from various disciplines that deal with visuality: poststructuralism, photographic theory, film and media studies, critical race theory, and black visual cultures. The images of death interrogated here serve as a point of convergence rooted methodologically in the empirico-transcendental operations of deconstruction, as well as the field of visual culture studies, understood as a flexible point of intersection between aesthetics and politics, critical theory and curatorial practice, with each of these restlessly interrogating the others.[44]

Spectral Inheritance

The resulting concept of spectrality developed here is robust and interdisciplinary. It does not aim simply to explicate what Derrida has said about spectrality, but rather to develop its "logic" and pursue its ramifications in order to elucidate and critically assess the linkages between political power and the visual field through an examination of images of death. Spectrality affords an infrastructural logic that helps me assess the political life of images of death; this account helps me explain the

[42] See Ariella Azoulay, *Death's Showcase: The Power of Image in Contemporary Democracy*, trans. Ruvik Danieli (Cambridge, MA: MIT, 2003); Susan Buck-Morss, "Visual Empire," *Diacritics* 37, no. 2–3 (2008): 171–98, doi:10.1353/dia.0.0026; Marie-José Mondzain, "Can Images Kill?," trans. Sally Shafto, *Critical Inquiry* 52, no. 1 (2009): 20, doi:10.1086/606121; Sampada Aranke, "Black Power/Black Death: The Visual Culture of Death and Dying in Black Radical Politics" (PhD diss., University of California: Davis, 2008).

[43] See Leigh Raiford, Imprisoned in a Luminous Glare: Photography and the African American Freedom Struggle (Chapel Hill, NC: The University of North Carolina Press, 2013) and Jennifer Malkowski, Dying in Full Detail: Mortality and Digital Documentary (Durham, NC: Duke University Press, 2017).

[44] I am indebted to W.J.T. Mitchell's discussion of the social construction of vision in "Showing Seeing: A Critique of Visual Culture," *Journal of Visual Culture* 1, no. 2 (2002): 165-181, doi:10.1177/147041290200100202; and Mieke Bal's discussion of disciplinarity and visual cultures methodology in "Visual Essentialism and the Object of Visual Culture," *Journal of Visual Culture* 2, no. 1 (2003): 5–32, doi:10.1177/147041290300200101.

double logic of sovereignty and the function of images in framing, and thus determining, the meaning of death and the operations of power in capital punishment, drone warfare, and the trajectories of radical Black politics.

Taking Life performatively demonstrates that images of death allow us to better understand the questions of philosophy and vice versa: spectrality helps me think through the deconstruction of sovereignty, which is already underway in images of death. Although Derrida repeatedly indicates the central import of spectrality for his thinking of teletechnologies, he does not explicitly develop its consequences for the deconstruction of sovereignty. Spectrality helps me assess the ways in which images of death are inscribed in the order of power; it discloses the multiple ways that the technical machines of inscription, including photography but also film and increasingly virtualized visibility of networked regimes of digital images, are deployed to "frame" and thus "master" death. The account of media spectrality I develop contributes what Derrida calls the "critical culture of the spectrality of the media" (DE 45). In this regard, I seek to amplify critical literacy around the political function of images. This requires critical visual theories and methodologies for reading and interpreting images and understanding their imbrication in networks of power. In bringing visual analysis to bear on the deconstruction of sovereignty, I elucidate the import of deconstruction for a thinking about images and for social theory of visuality. *Taking Life* argues for the relevance of deconstruction for debates in visual cultures about violence, war and cinema, witnessing and spectatorship, and the aesthetics of necropolitics, while refocusing questions about the status and power of images in the digital age.

In exploring intersecting themes of *spectrality-sovereignty- images*, I inherit Derrida's legacy in ways that allow us to consider the political futures of the image. Rather than simply rehearsing Derrida's arguments on photography or sovereignty, I am concerned with a thinking of the future they might make possible. Images of death are a site of critical inheritance through which the twin projects of memory and futurity are negotiated. Contrary to common sense, haunting—or being "in the wake," to use Christina Sharpe's formulation—is a way of dealing with the dead that "contrary to what good sense leads us to believe, signals towards the future" as much as the past (SM 99).[45] Futurity is at stake here, but a future that always enfolds the past into its wake in this relation of critical inheritance. "To inherit," as Martin Hägglund notes, "is not simply to accept what is handed

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[45] Christina Sharpe, *In the Wake: On Blackness and Being* (Durham NC: Duke University Press, 2016).

down from the master; it is to reaffirm the legacy in order to make it live on or survive in a different way."[46] Spectrality—with its figures of return, the *revenant*, and the phantom—is another word for this concept of critical inheritance, which always involves repetition and therefore also technicity. This inheritance—of spectrality and the images of violence analyzed in this study—is not a passive receiving. At the heart of any experience of inheritance is a decision to reaffirm and interpret (DE 77).[47]

Yet, as Toni Morrison shows in her novel *Beloved*, the ghost can also return "the worst" (*le pire*), and this return can foreclose on the future.[48] Rising from the waters of memory, Morrison's ghost story awakens a history of violence of slavery and its afterlives.[49] I have grappled with this risk throughout this study, but most acutely in chapter 3, which resuscitates fraught archives of anti-black violence enmeshed in historical processes of subjugation. In contending with these images one always runs the risk of re-inscribing their violence. This is why Hartman refuses to repeat the all too familiar "scenes" of terrorized black bodies. She reminds us that there is no way to escape from the fact that one is always implicated by images of violence.[50] For my own part, I have chosen to *look at* and *write with* violent images, knowing that one still contends with them even when one refuses them, as Fred Moten argues,[51] and recognizing moreover, that these images have played a significant role in constructing my own positionality—as a white woman in settler-colonial nation, living and working with great privilege in an academy built on unceded Kanien'kehá:ka territory, thus as the beneficiary of a genocidal legacy of settler-colonialism.[52] I take on this inheritance with a critical

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[46] Martin Hägglund, *Radical Atheism: Derrida and the Time of Life* (Stanford, CA: Stanford University Press, 2008),

[47] For a discussion of deconstruction and inheritance see Samir Haddad, *Derrida and the Inheritance of Democracy* (Bloomington, IN: Indiana University Press, 2013), 124. Demonstrating the key role inheritance plays in Derrida's thinking, Haddad develops a general theory of inheritance and shows how it is essential to democratic action. See also, Matthias Fritsch's discussion of the relation between the structure of the promise, iterability and inheritance in *The Promise of Memory History and Politics in Marx, Benjamin, and Derrida* (Albany, NY: State University of New York Press, 2005).

[48] For a discussion of "the worst" see Jacques Derrida, "Faith and Knowledge: The Two Sources of 'Religion' at the Limits of Reason Alone," in *Acts of Religion*, ed. Gil Anidjar (New York, NY: Routledge, 2002), 100.

[49] Toni Morrison, *Beloved* (London: Vintage, 2016), 60.

[50] See Hartman, *Scenes*, 10.

[51] See Fred Moten, *In the Break: The Aesthetics of the Black Radical Tradition* (Minneapolis, MN: University of Minnesota Press, 2003), 4.

[52] My interrogations of the concept of sovereignty are rooted historically in European political modernity and thus in the colonial projects of "discovery" in the sixteenth through the eighteenth centuries. They fail to address important discussions of Indigenous sovereignty and self-governance in the settler-state of Canada, as well as the relation

awareness of the risk *and* ethical necessity of bearing witness. How do images of death hail and interpellate us? How do they haunt us? How does this haunting take place differently and differentially in different geopolitical and historical contexts and from different subject positions? Do they make us witnesses or spectators? What is our responsibility towards them and how can we respond to them? How moreover, is the capacity to bear witness raced and gendered? How in other words, do images of death function to generate political community of a given "we," and at whose expense? In grappling with these questions, *Taking Life* seeks to establish the centrality of images of death in the modern concept of sovereignty, as well as its deconstruction.

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between Derrida's concept of "living on" (*survivance*)—yet another deconstructive concept in the orbit of spectrality—and the concept of *survivance* proposed by Anishinaabe theorist Gerald Vizenor. A portmanteau of "survival" and "resistance," Vizenor's concept suggests a condition of resilience that reclaims Indigenous ways of knowing, while providing a critical lens for contemporary Indigenous art as a practice of resistance. Vizenor notes the intersection with Derrida's concept in passing. See Spencer Mann, "Sovereignty: Do First Nations Need It?" *Idle No More*, December 23, 2013, http://www.idlenomore.ca/sovereignty_do_firstnations_need_it and Gerald Robert Vizenor, "Aesthetics of Survivance: Literary Theory and Practice," in *Survivance: Narratives of Native Presence* (Lincoln, NB: University of Nebraska Press, 2008), 21.

CHAPTER 1: SOVEREIGNTY, SPECTRALITY, IMAGE

> No phantasm and thus no spectre (*phantasma*) without photography—and vice versa.
> —Derrida[53]

This chapter develops along three principal axes: *sovereignty, spectrality,* and *image*. I will look at each separately and in conjunction. I begin by tracing the various dimensions of Derrida's "quasi-concept" of spectrality through its formulation as a double, deconstructive "logic of the spectral and haunting, of surviving, neither present nor absent, alive nor dead."[54] I then provide a diagnostic schematization of the concept of sovereignty that Derrida aims to deconstruct. With Derrida, I argue that spectrality is the paradoxical condition of possibility (and impossibility) of sovereignty, but that the specific historically determined concept of sovereignty that Derrida calls "ipsocratic" attempts to repress its originary relation to death, finitude and alterity—or *spectrality*. In so doing, it gives rise to a consortium of "phantasms," including the desire to "master" and control death. Having established the fraught relation between sovereignty and spectrality, I turn to images. Arguing for a visual register of both spectrality and the phantasm, I sketch a genealogical account of the analogy between the image and death. This "thanatography" clarifies how the image and its powers have been linked to death in various theories of the image from Ancient Greece through analogue photography and then to spectrality and prosthetic repetition in Derrida's thought.

Within the triad *sovereignty-spectrality-image*, spectrality functions as the "third" or "middle" term. Rather than mediating in the sense of Hegelian speculative dialectics (where the prior two would be subsumed as identity at a higher level), spectrality is heterogenous to both terms, yet acts

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[53] Derrida, "Aletheia," 177.

[54] Jacques Derrida, *Resistances of Psychoanalysis,* trans. Peggy Kamuf, Pascale-Anne Brault, and Michael Naas (Stanford: Stanford University Press, 1998), 30.

as a hinge (*brisure*) that allows me to connect the analysis of images to the deconstruction of sovereignty. I argue for the explanatory power of spectrality in Derrida's thinking of sovereignty and images. Triangulating between these guiding axes allows me to clarify the "phantasmatic" structure of sovereignty inherited from political modernity. My goal is to pry this concept of sovereignty open with the "logic of spectrality" in order to expose its inherent tensions, weaknesses, and instabilities.

This chapter culminates by developing the "logic of spectrality" into a general "infrastructure" that I call the "optic of spectrality." The optic has an explanatory function in the rest of the dissertation. It serves as a heuristic device through which to analyze the production and consumption of images of death circulating in contemporary art and media. The optic holds together two contrasting thoughts and operations: on the one hand, it shows how images of death are deployed to "master" death and thus to stabilize the phantasm of "ipsocratic" sovereignty; on the other hand, images of death simultaneously expose a structural deathliness that destabilizes sovereignty, rendering it fragile and precarious. The optic guides my double-sided analysis in the remaining chapters, through a series of regional engagements, each of which aims to deconstruct sovereignty with images of death.

Spectrality

Spectrality has haunted Derrida's thought since the 1960s, providing a "tenuous," yet "indispensable guiding thread" from the early engagements with Husserl and Heidegger's phenomenologies, through the late texts on teletechnologies (SM 236). What does spectrality mean in Derrida's thought? What work does it do? And what effects does it produce? How is spectrality associated with the deconstructive figure of the ghost, haunting, and "hauntology"? In *Specters of Marx,* Derrida links the figures of the specter, the *revenant*, haunting, and spectrality, to a long thread of deconstructive "quasi-concepts" including *différance*, iterability, trace, supplementarity, etc. that Derrida has invoked in different contexts to problematize the "metaphysics of presence" through a radical rethinking of identity and presence as an *effect* of difference and iterability. It is therefore instructive to begin with *différance* and iterability before returning to the concept of spectrality that organizes this study.

In his 1967 essay "Différance," Derrida invents the neologism *différance* by substituting the 'e' of difference with the phonetically silent 'a.'[55] *Différance* famously condenses two modes or registers of difference—spatial differentiation (*differer*, to differ) and temporal deferral (*differer*, to defer)—in a movement, which is both active and passive, and which opens the (re)production of phenomenal appearance and signification. On the one hand, *différance* names an "interval, a distance" or empty spacing between elements in a signifying system.[56] In the context of his discussion of Ferdinand de Saussure's structural semiology, Derrida shows that meaning is not closed or synchronically present to itself, but rather emerges from the "systematic play of differences" that condition the possibility of signification. The minimal meaning of any identity, like any given sign, is always haunted by that which it is not. Identity only emerges, in other words, by way of a differential detour through all those other meanings from which it differs and thus cryptically incorporates. On the other hand, this spatial differentiation means there is no coming back to identity full circle. Rather, identity remains indeterminate—always temporally deferred and disseminated. Identity is always subject to a temporal delay that retrospectively organizes meaning, while setting loose an infinite chain of possible referrals. The upshot: every sign and by extension everything that appears as present-being is haunted by an ineliminable absence and non-presence that Derrida associates with a principle of death within life. The presumed presences we take for granted could never appear, according to Derrida, "without difference as temporization, without the non-presence of the other inscribed within the sense of the present, without the relationship with death as the concrete structure of the living present."[57]

This brings me to "iterability," or difference in repetition. In "Signature, Event, Context," Derrida uses iterability to describe the "logic which ties repetition to alterity."[58] As opposed to the classical concept of repetition (in which what returns is identical to the original, which precedes in an order of causal and ontological priority), iterability names an originary or spectral repetition that

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[55] Jacques Derrida, "Différance," in *Margins of Philosophy,* trans. Alan Bass (Chicago, IL: University of Chicago Press, 2017), 1–28. See also Matthias Fritsch, "Antagonism and Democratic Citizenship (Schmitt, Mouffe, Derrida)," *Research in Phenomenology* 38, no. 2 (2008): 174–97, doi: 10.1163/156916408X286950 for a helpful elaboration of *différance.*

[56] Derrida, "Différance," 8.

[57] Jacques Derrida, *Of Grammatology*, trans. Gayatri Chakravorty Spivak (Baltimore, MD: Johns Hopkins University Press, 1974), 70-71.

[58] Jacques Derrida, "Signature Event Context," in *Margins of Philosophy* (Chicago, IL: University of Chicago Press, 1982), 315.

co-implicates identity and difference. Instead of thinking repetition as a modification of a prior presence, iterability helps us think identity as an *effect* of differential repetitions that are spaced out in time. The meaning for example of any linguistic sign is never given as a full self-presence. Rather, it needs to be repeated in order to be understood and shared by others in an intersubjective context. If *différance* means that nothing is self-identical to itself from the beginning, then identity is always on the go. Identity needs to come back to itself; it lives off of returning to itself. Iterability refers to this relation between repetition (associated with technical machines and automaticity, thus with a principle of death that haunts all identity) and singularity, according to which a principle of repeatability is internal to singularity, while the two nonetheless remain heterogeneous to one another. "Any unity of identity needs to be established by a never-ending process of relating to itself, or self-repetition," as Matthias Fritsch notes. Iterability is "originary" in the sense that it is logically and temporally prior to any recognizable unity, including the sovereign self and state.[59] Moreover, this ongoing self-repetition always implies the partial absence of the repeated. This non-present alterity precedes and gives to identity. In this sense all identity is spectral—ghostly or *revenant*.

The Logic of Spectrality

In later works, including *Specters of Marx* (SM) and *Echographies of Television* (E), *différance* and iterability take on the new guise of spectrality. Spectrality is yet another name for this movement according to which identity is spaced out and temporally deferred:

> The concept of the spectral … has much in common with the concepts of trace, or writing and *différance*, and a number of other undeconstructable motifs. The spectral is neither alive nor dead, neither present nor absent, so in a certain way every trace is spectral. We always have to do with spectrality, not simply when we experience ghosts coming back or when we have to deal with virtual images. (DE 43-44)

Like *différance*, spectrality refers to an originary non-coincidence or non-simultaneity between the self and itself. Spectrality refers to an "originary" spatiotemporal structure of differential iterability that is the condition of possibility *and* impossibility of any phenomenal appearance. Spectrality conditions the emergence of all phenomena, including the phenomenon of sovereignty, but it simultaneously demonstrates the instability of all forms of identity—from the minimal idealization of the sign through the individual subject and the political entity of the sovereign state. At one and the same

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[59] Fritsch, *The Promise of Memory*, 67-68.

moment, spectrality renders identity *possible* (there is no identity without spectrality) and *impossible* (in the sense that identity is never absolved of its relation to heteronomy, alterity, time, and death) (DE 5). In other words, spectrality promises all phenomena a necessary but fleeting stability, while at the same time rendering those same phenomena ineradicably—and aporetically—unstable. Spectrality is, first and foremost, an account of how the present, identity, etc., comes to be given in the first place. According to Derrida, the present is ghostly, and this ghostliness is ineliminable because the present emerges only *from* and *with* the non-present and the absent, etc. To appear *as ghostly* is therefore the very condition of appearing at all. Like *différance* and iterability, Derrida's concept of spectrality can be understood as an attempt to name an aporetic relation between sameness and otherness, identity and difference.

Yet, spectrality adds a new chain of associations and displacements to the "older" deconstructive concepts. Condensing the differential economies of delay and non-simultaneity with the deconstructive figure of the ghost, spectrality invokes a consortium of phantoms and apparitions, as well as the spatiotemporal modes of haunting or *revenance*. While the ghost is an "old" term that has been used since Plato to refer to the inferior position in conceptual hierarchies, Derrida mobilizes the specter catachrestically, as a kind of "paleonym" to displace the binary logic of Western conceptuality.[60] In Derrida's paleonymy, the ghost already demonstrates a kind of repetition with difference. Spectrality is a slippery and overdetermined concept, hence Derrida's recourse in *Specters*, to the ambiguous idiomatic expression "*plus d'un,*" which has at least three meanings. This expression can be translated as *no more one* (no identity without spectrality), *more than one* (never just one, but always a plurality or a community, self + others; the ghost is never univocal), and rather ominously, *more of one* (a lot more of one, the most one, in the superlative sense).[61] Deconstructive fidelity to the specter is a fidelity to the *plus d'un* (SM xx).

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[60] For Derrida's discussion of paleonyms see Derrida, *Positions*, trans. Alan Bass (Chicago, IL: University of Chicago Press, 1981), 43. I follow Gayatri Spivak's definition and performative use of the rhetorical term catachresis, not in its original definition as semantic misuse, but rather as a militant and strategic displacement of the closure of meaning. See Stephen Morton, *Gayatri Chakravorty Spivak* (New York, NY: Routledge, 2003), 33-35.

[61] See also Peggy Kamuf, *Book of Addresses* (Stanford, CA: Stanford University Press, 2005). Kamuf writes: "In French, an expression that says at the same time more than one and other than one: *plus d'un.*" The expression shifts register from that of counting by ones to that of counting without number one, or of taking account of the other than one. "In French, then," Kamuf continues, "it is possible to say all that at once, or rather to write it, because this pluralization of the same time has its effect only if voice itself is muted so as to suspend the final 's' of *plu(s)/plus* between its two possibilities" (219).

Although the concept or "schema" of the ghost haunts a number of Derrida's early texts for example, *Dissemination*, *The Postcard*, and *Of Spirit*, where it intersects with the "problematics of the work of mourning, idealization, simulacrum, *mimesis,* iterability" (SM 232), it is with the 1993 publication of *Specters* that spectrality is named the proper "medium" of deconstruction; in this analysis of Marx, spectrality is linked to the themes of technology and value, justice and mourning. In *Echographies of Television*, a conversation with Bernard Stiegler filmed at the Institut national de l' audiovisuel in 1993, roughly contiguous with *Specters*, Derrida confirms that spectrality is "de facto a deconstructive logic." "It is in the element of haunting," he says, that "deconstruction finds its most hospitable place in the very heart of the living present (*présent vivant*)"(E 131).

However, the "logic of spectrality" is not strictly speaking a "proper" logic. Rather, it names an irruptive logic that makes legible the indetermination concealed by classical Greek conceptuality. Spectrality disrupts logic in all its figures, from reason to *logos* (as a verbal and conceptual economy of gathering, circularity and exclusion). Derrida deploys it as a strategic "lever" to forestall the closure of the metaphysics of presence by pointing to the aporetic contradictions that inhabit it.[62] The "logic" of spectrality is always a deconstructive and double. Like Freud's theory of the drive, or Blanchot's neuter, spectrality is an aporetic logic that simultaneously inhabits "both sides of the limit between two opposing concepts" (BS2 185). The figure of the ghost is a privileged deconstructive figure because it is at once both (and yet neither): present/absent, actual/virtual, visible/invisible, living/dead, present/absent etc. Spectral logic is not an "either/or" logic, but rather a "both/and" logic. The specter is *both* present *and* absent, *both* visible *and* invisible, *both* living *and* dead.

The thematization of the ghost aims to deconstruct the traditional determination of a limit between life and death, while exposing the ways in which the philosophical priority given to the living conceals the spectrality *within* life:

> To try to accede to the possibility of this very alternative (life and/or death), we are directing our attention to the effects or the petition of a living-on or survival [*une sur-vie*] or of a return of the dead (neither life nor death) on the sole basis of which one is able to speak of 'living subjectivity' (in opposition to its death). (SM 232)

Attending to what Derrida here calls "living-on" or "survival" (*survie*), or what he will in other moments call "lifedeath" (*lavielamort*), the specter helps us rethink life not as opposed to death, but

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[62] Derrida, *Positions*, 109.

as a kind of "economy of death" within life.[63] To survive is never to be fully present *in itself*, but rather to open every moment to the trace of the past and the future that give rise to the present. Derrida inveighs upon us a vigilance before the frontier that is supposed to divide life and death. The rehabilitation of the ghost disrupts, displaces, and unravels the logic of binary oppositions that structures Western philosophy and scientific rationality.

Within the general frame of this "elementary spectrality" (*spectralité élémentaire*) Derrida further determines spectral dimensions that link spectrality (1) to a politics of mourning and (2) to vision and visuality.[64]

1. *Hauntology and Spectral Justice*: in *Specters,* Derrida links spectrality to a politics of memory and mourning and therefore to questions of justice and responsibility: "being-with specters would also be, not only but also, a politics of memory, of inheritance, and of generations" (SM xviii). This brings us to deconstruction's ethical and political stakes. Spectrality gives way to a politics that articulates the non-living onto the living. Because spectrality gives rise to a present that is always riven by the non-present, Derrida coins the neologism "hauntology.*"* Playing on the silent slippage in between near-homophones of a "critical, pre-deconstructive" ontology (*ontologie*) and a deconstructive "hauntology" (*hantologie*), Derrida argues that spectrality precedes, prefigures, and displaces Western philosophy's traditional understanding of being as presence advanced in broad strokes from Plato through Husserl and even Heidegger (SM 170-1). The discourse on specters proceeds in the name of a claim for justice that does not restrict its responsibility to the presently living, or the "living present" of Husserlian phenomenology. Such delimitations sidestep the ethical claim of the non-living (i.e. the dead and the unborn) on the present. The hauntological injunction was a major catalyst for the "spectral turn" in the humanities and literature in the 1990s, where the figure of the ghost was mobilized both as a metaphor and critical concept to address a series of social, ethical and political questions about memory and historical trauma.[65]

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[63] Derrida, *Of Grammatology*, 100.

[64] For Derrida's use of the term "elementary spectrality" see Jacques Derrida, Thierry Jousse, and Antoine de Baeque, "Le Cinéma et Ses Fantômes," *Cahiers du cinéma* (Avril 2001): 78, and *Echographies*, 44.

[65] For an account of spectrality's itinerary and impact throughout the social sciences and humanities in the 1990s, see María del Pilar Blanco and Esther Peeren, eds. *The Spectralities Reader: Ghosts and Haunting in Contemporary Cultural Theory* (London: Bloomsbury, 2013).

2. *Visuality*. Hauntology rearticulates *différance* with a renewed emphasis on vision and visibility. The terms "specter" and "spectrality" are linked etymologically to the Greek *phainesthai,* ("to appear") and thus to visibility, spectacle, and spectatorship. As Kas Sagafi notes, the English term "ghost" condenses a number of related archaic and Attic Greek terms, including "*eidōlon*, *phantasma, phasma*, and *psuchē*" that "designate a category of doubles hovering between life and death, the real and the unreal."[66] These terms have been translated into the philosophical lexicon of Western thought, as I will show in the thanatography that follows, as *imago* and then "image," which retains linkages to death, in shifting historical configurations. According to W.J.T. Mitchell, *Specters* catalyzed a shift in the humanities from the "linguistic turn" towards the imagistic or "pictoral turn."[67] Spectrality proves particularly useful for theorists of visual power because it critically complicates traditional phenomenologies of vision first, by showing that visibility and invisibility are intertwined and second, by showing how vision is tied up with prosthetic technologies (DE 18-23). Spectrality points towards an invisible, which is "included within the experience of the visible" (DE 18).[68] The specter wavers between the visible and the invisible, the material and immaterial. Rather than signaling simply a sensible object, spectrality refers to visible presences that emerge through a recourse to the nonvisible, nonpresent other (E 115).

Moreover, whereas traditional phenomenologies of vision avoid or even repress the question of prosthetic technology and the "virtualization and digitalization of the field," spectrality gives an account of how vision is imbricated with technological processes. The thematic of the phantom, the revenant and spectrality are "essentially connected to the question of the technical prosthesis, of technics in general" (FWT 159). Visuality is organized by technological-political machines of inscription: photography, film, television, the internet and digital technologies, are our contemporary forms of the specter. According to Derrida, "our critical, political relation to visual culture today

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[66] Saghafi, *Apparitions*, 67.

[67] See Mitchell, "Picturing Terror," 277–90. However, the linguistic and the visual should not be understood as oppositional concepts. Derrida's differentiated concept of "writing" (*écriture*), is by no means restricted to a phonetic-alphabetic model. Instead, it refers to a more general differential model of meaning emerging in relation to alterity. In this regard, spectrality alludes also to the play of light and dark, seeing and not seeing, visibility and invisibility. In *Echographies* Derrida refers to a "pictographic" model of writing concerned with "optical space" (E 22; 103-4).

[68] Consider for example, Ulrich Baer's mobilization of spectrality to analyze the parallels between the structure of photographic images and the experience of historical trauma, which is never present to consciousness. See Ulrich Baer, *Spectral Evidence: The Photography of Trauma* (Cambridge, MA: MIT Press, 2005). On the parallelism between psychic trauma and photography see also Christian Metz, "Photography and Fetish," *October* 34 (Autumn 1985): 81–90, doi:10.2307/778490 and Hal Foster, "Death in America," *October* 75 (Winter 1996): 36–59.

should take into account these complications" (DE 22). Spectrality provides a critical resource for understanding the linkages between the operations of power and the *in*visible field, which is transforming at an unprecedented speed with the hyper-digitization of virtual images.

Sovereignty

Having rehearsed this spectral topography, I will now turn to my second axis: *sovereignty*. What is the relation between spectrality, death, sovereignty and its deconstruction, which Derrida takes up most explicitly in later works, such as *Rogues* (R) and the *Death Penalty* seminars? By articulating the link between spectrality and sovereignty, this section will set the stage for an interrogation of the role of images in the triadic axes: *sovereignty-spectrality-image*.

But first, I will sort through the different senses of sovereignty in Derrida's thought. I discern two distinct meanings. At the most general level, Derrida argues that every living thing (including individuals, but also institutions and collectivities) strives for its own maintenance and existence—or "sovereignty"—over time. There would be no life without sovereignty, which names a kind of fleeting, but necessary stability over time. In this first general sense, sovereignty refers to the differential movement that produces the identity of life by returning to itself from dispersion. Derrida's crucial move is to argue that identity is only accomplished through an ineliminable passage to the other, to death and spectrality. Sovereignty thus means something like self-identity, which is only accomplished in and through spectrality. Whereas the desire for sovereignty is constitutive and therefore never simply eliminable, Derrida insists that self-identity can only ever be attempted, never presupposed. Where self-identity is presupposed, sovereignty will give rise to "phantasms." [69]

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[69] The term "phantasm" comes from the Ancient Greek *phántasma* (phantasm, an appearance, image, apparition, specter) from *phantázō* (I make visible). It thus belongs to the same semantic "family" as phenomenon—both are semantically filiated to *phainesthai*, meaning "to appear," or "to become phenomenal." It has a rich conceptual genealogy that reaches from Plato and Aristotle through Freud and Lacan, from which it finds its way into Derrida's work. In the *Republic*, Plato associates the *phantasmata* with the images (*eidōla*) projected onto the wall of the cave, which are opposed to the true realm of the Forms (*eidos*). In the *Phaedo*, *phantasmata* are associated with the souls of the dead that manifest as ghostly visions that hang around funeral monuments. While Plato's *phantasma* refers to deceptive reflections and images in mirrors or pools, Aristotle reserves the term for mental images, or appearances in the psyche, which he links to the imagination (*phantasia*). From this aetiology we get two lineages of the phantasm, with the Aristotelean concept traveling into scholasticism, particularly through Aquinas' commentaries. Tracing the historical contours of the phantasm is outside the scope of this chapter. Such a task would need to account for Kant's concept of the "transcendental illusion," phenomenology's analogy of 3-D illustrations (where the mind necessarily constructs the absent sides of present-to-hand objects); Marx's account of the "phantasmagorical" powers of the commodity in

Phantasm is a technical term in Derrida's work. Broadly conceived, it refers to forms of projection, figuration, fantasies and imaginary constructions. In "Comme si, comme ça," Michael Naas describes the phantasm as a kind of specular slippage, or projection, between two disparate modalities of the *as if* of "speculative fiction" and the *as such* of "inflexible law." The phantasm of sovereignty is a "performative fiction" that tries to pass itself off as "constative observation."[70] In *Paper Machine*, Derrida explains that the word condenses "the image, spectrality, and the simulacrum—and the weight of desire, the libidinal investment of affect."[71] The phantasm—and this definition is unduly elliptical—refers to *our belief* in a particular kind of phenomena that putatively has no relation to *différance*, iterability, or spectrality. In short, the phantasm of sovereignty refers to the belief in a phenomena of sovereignty as pure life, cut off from death and spectrality.

This second meaning of sovereignty refers to a specific modern, humanist theory of sovereignty inherited from European political modernity (specifically, from Hobbes, Bodin, and Schmitt). The understanding of sovereignty, which Derrida says, has its origin in censorship and repression (BS2 155), refers to a kind of fable, or *as if*, of the political onto-theology of sovereignty.[72] Derrida calls this determined concept of sovereignty the "phantasm" of "pure sovereignty," or "ipsocratic" sovereignty (R 100-101). It is this historically determinate sense of sovereignty, associated with psychic mastery over death, that Derrida aims to deconstruct.

Capital; Benjamin's examination of the technological manifestations of the phantasmagoria in nineteenth-century visual spectacle in the *Arcades* project, and Freud's account of illusion and fantasy in the discourse on the metapsychology and *Future of an Illusion.* See Aristotle, *De Anima*, 428a 1–4; Giorgio Agamben, *Stanzas: Word and Phantasm in Western Culture* (Minneapolis, MN: University of Minnesota Press, 1993); Margaret Cohen, "Walter Benjamin's Phantasmagoria." *New German Critique*, no. 48 (1989): 87–107; Walter Benjamin, *The Arcades Project* (Cambridge, MA: Harvard University Press, 2003); and Sigmund Freud, *Future of an Illusion,* trans. James Strachey (New York, NY: Norton, 1975); and Plato, *The Republic* 516a7-520c4, *Phaedo* 81d; and *Timaeus* 71a.

[70] Michael Naas, "Comme si, comme ça: Phantasms of the Self, State, and Sovereign God," in *Derrida From Now On* (New York: Fordham University Press, 2008), 188-200. See also "Leurre, Lure, Delusion, Illusion," in *Reading Derrida's Of Grammatology*, eds. Sean Gaston and Ian Maclachlan (London, UK: Bloomsbury, 2011), 113–17 and Kas Saghafi, "Dying Alive," *Mosaic* 48, no. 3 (2015): 15–26, doi:10.1353/mos.2015.0039.

[71] Jacques Derrida, *Paper Machine*, trans. Rachel Bowlby (Stanford, CA: Stanford University Press, 2005), 63.

[72] See Jacques Derrida, "Provocation," in *Without Alibi*, trans. Peggy Kamuf (Stanford, CA: Stanford University Press, 2002), xix.

What are the basic features of this phantasm of "ipsocratic" sovereignty? How does Western philosophy—or the metaphysics of presence—think sovereignty? Derrida's first gesture is diagnostic: he gives an account of the generalized logic that organizes this classical concept of sovereignty. Its general structure can be schematized with five general traits: (1) *indivisibility*, (2) *autonomy*, (3) *closure*, (4) *instantaneity*, (5) *spontaneity*. All these characteristics are interlocked and mutually reinforcing, so that in expounding one, I may presuppose another.

First, *indivisibility*: sovereignty involves a claim to self-coincidence, self-identity, or what Derrida calls "drive to ipseity" (BS2 103). Sovereignty must remain indivisible. As the early modern political philosopher Jean Bodin argues, sovereignty is absolute, hence it cannot be shared or divided.[73] In *Rogues*, Derrida traces this claim to indivisibility back to the principle of *ipseity*. "Ipse" is the Latin translation of the Greek "autos," which means "self" and "same." Ipseity names a self-relation that forms the central axiom of sovereignty "before any sovereignty of the state, of the nation-state, of the monarch, or, in democracy, of the people" (R 11). Ipseity is the very "essence of sovereignty" (R 100). Tracing the etymological filiation between the French *même,* or same, the Latin *metips*e and ipseity (which share the Latin root *ipse*), Derrida argues that the sovereign "is he who has the right and the strength to be and to be recognized as *himself, the same, properly the same as himself"* without distance or hiatus (BS1 3). The classical concept of sovereignty is thus grounded in a notion of the "self-same [*même*]" as an indivisible, stable identity of the self, as sameness devoid of difference and alterity (R 11). Sovereign is alone, solitary, separate—like an island.

Second, *autonomy*: sovereign ipseity is understood as the unconditioned source of its own power and authority. Ipseity suggests both an understanding of indivisible self-identity as well as a concept of self-moving power or potency:

> *Ipseity* names a principle of legitimate sovereignty, the accredited or recognized supremacy of a power or a force, a *kratos* or *cracy*. That is what is implied, posed, presupposed, but also imposed in the very position, in the self- or autopositioning, of *ipseity* itself everywhere there is some oneself, the first, ultimate, and supreme source

[73] Jean Bodin, *On Sovereignty: Four Chapters from the Six Books of the Commonwealth*, trans. Julian H Franklin (Cambridge, UK: Cambridge University Press, 2010). Bodin concludes from this principle of indivisibility that sovereignty can only properly be said to exist only in monarchy. See also Jens Bartelson, "On the Indivisibility of Sovereignty," *Republic of Letters: A Journal for the Study of Knowledge, Politics and the Arts* 2, no. 2. Accessed October 25, 2017. http://arcade.stanford.edu/rofl/indivisibility-sovereignty.

for every "reason of the strongest" as the right [*droit*] granted to force or the force granted to law [*droit*]. (R 11)

Ipseity condenses (as though through some optical device) the different registers of "the self" as intentional consciousness with the "power, potency, sovereignty, or possibility implied in every 'I can.'" It involves a "power that gives itself its own law, its force of law, its self-representation" (R 11). Ipseity glosses a principle of action, power, or force (*kratos*) that finds its source within itself: it gives itself its own law and answers to no other. Sovereignty's "auto-positioned power-to-be-oneself" involves a performative authorization of power.[74] As Max Weber puts it, the sovereign "claims the monopoly of legitimate force for itself," and this autonomy places the self-ruled outside the shared law (*nomos*) of the community.[75] Sovereignty is anchored to a concept of power to be master of oneself, as well as the house, the city, or the state, and finally, of death.

Third, *closure*: sovereignty is understood according to a principle of "circularity or sphericality." Sovereign autonomy is thought from within the circular self-enclosure of the self. Derrida describes the self as structured by a turning around itself. The ipseity of "the One, the *autos* of autonomy, symmetry, homogeneity, the same" is described as a closed circle of exchange modeled on Aristotle's "unmoved mover"—which is at once the first principle and final cause of eternal movement around itself, all the while remaining "unmoved" at its center (R 12).[76] The sovereign self is a circle that begins from itself, goes out into the world, and returns to itself, gathering itself to itself, in a "specular, self-designating" fashion. This self-ruled circularity designates an economic principle of re-appropriation, according to which the self (*auto*) affects itself by faithfully returning to itself as though through the closed system. Derrida calls this "auto-affection." Hence his recourse in *Rogues*, to the terms "revolt," "volt," the turn, and return; to the closed figures of the wheel and the circle; and the Odyssean trajectories traced in his reading of Robinson Crusoe's

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[74] See Thomas Clément Mercier, "Resisting Legitimacy: Weber, Derrida, and the Fallibility of Sovereign Power," *Global Discourse* 6, no. 3 (2016): 374–91, 10.1080/23269995.2016.1151729.

[75] Max Weber, "Politics as Vocation," in *Max Weber's Complete Writings on Academic and Political Vocations*, trans. John Dreijmanis (New York: Algora, 2008), 156.

[76] See also Aristotle, "Metaphysics," *Complete Works of Aristotle, Volume 2*, trans. Jonathan Barnes (Princeton: Princeton University Press, 2014), 1552-1728. On the organizing image and metaphor of the solar star in Western thought see Rodolphe Gasché, "Heliocentric Exchange," *The Logic of the Gift: Toward an Ethic of Generosity*, ed. Alan D Schrift (London, UK: Routledge, 2014), 100-120 and Derrida's reading of Levinas' critique of visuality and heliological philosophy in "Violence and Metaphysics," in *Writing and Difference*, trans. Alan Bass (Florence, USA: Routledge, 2001), 79-102.

circling around his solitary "Island of Death," in the second year of the Beast and the Sovereign seminar. Just as the Westphalian model of nation-state sovereignty has been associated with territorial closure, the sovereign self is understood as a solitary island that is closed upon itself and clearly divided against death and the sea, which serves as the pivot to *Sea of Images,* part of the curatorial component of this dissertation.[77]

Yet, Derrida shows that the circle is never closed: each time the self returns to itself as living it is only by way of a passage through finitude, death, alterity, or the other (*heteros*). Derrida calls this necessary condition of life exposed to and affected by the other, "hetero-affection."[78] Sovereignty (of the self or the state) only becomes what it is by returning to itself, but each repetition also introduces the alterity that is constitutive of identity. Another way to say this: the self—as conceived by this model of sovereignty—is never fully closed or present to itself, rather it always involves an originary exposure to the other, to death, and to time.

Fourth, *instantaneity*: this circulatory economy tends towards simultaneity. The auto-affective enclosure of the self-turning towards itself ideally takes *no time*. Sovereign ipseity tries to possess power autonomously and indivisibly and this means contracting power into a moment—an instant of action or decision—and paradigmatically, the moment of the death penalty, "without any *thickness of time*" (R 10-11). Sovereignty dreams of annulling time by drawing itself towards the "strange necessity of the zero" (R 13). Derrida describes the moment proper to sovereignty as "the stigmatic point of an indivisible instant" (R 100). Sovereign indivisibility is linked (as I argue in my discussion of the guillotine and the Western philosophy of time in chapter 2) to a notion of the instant understood as a point that is aporetically both within and outside of time. According to the philosophy of time associated with the sovereign moment, sovereignty is not *in time*. Sovereignty imagines itself as synchronic and eternal, a-historical and a-temporal. It imagines that it is not exposed to finitude. As Fritsch points out,

> The sovereignty of Eurocentric humanism consists in seeking to master death by pin-pointing it as the end of life, by dreaming of "killing time," and with it affectability by others, as Derrida puts it near the end of the first year of the *Death Penalty Seminar* (DP1, 226/308; see also *Rogues* 109/154). Because subjection to time and change signals receptivity, suffering, and relation to others, to contract time into

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[77] See Appendix 1.

[78] For Derrida's account of "auto-hetero-affection" see for example, Derrida's account of "the technical possibility of the wheel, as a circular, auto-hetero-affective machine" in BS2 83 and BS2 170.

an instant is to attempt to master time, to kill it, and to render the self sovereign invulnerable to alterity.[79]

This drive for psychic mastery over death and alterity manifests in various attempts to *take life*. At the extreme, this deployment of power takes the form of those the sovereign state chooses to kill, *literally*, for example, by executing a death penalty (chapter 2), in state-sanctioned killing (chapter 3) and war (chapter 4).

Finally, *spontaneity*. Sovereignty involves a claim to spontaneous generation that excludes technicity. Sovereignty says it has no need for *technē*, technics, or prosthetic repetition. The attributes of the machine—repetition, automaticity, supplementarity (in short, death)—*appear* to be antinomic to the spontaneity of sovereignty. Sovereignty's claim to spontaneous generation excludes or represses the question of technology, and specifically, its relation to prosthetic images, as a specific form of technicity. This repression follows from a long lineage of the Socratic tradition. In the *Phaedrus*, Socrates famously argues that philosophy has no need of writing. Processes of external memory would corrupt living memory and lead to forgetfulness.[80] Following this, philosophy relegates technicity to a secondary status. For this reason, images have been understood as posing a threat to sovereign spontaneity. Ancient allegories teach us that images are deadly: Narcissus is turned to stone by his own reflection.[81]

Derrida by contrast, is a thinker of original technicity. On his account, sovereignty has a technological, even prosthetic structure: sovereignty is "the product of a mechanical artificiality" (BS1 27). One cannot deal with sovereignty "without dealing with the immense question of what is called technology, the technology of the living being" (BS1 187). Sovereignty needs processes of inscription to stabilize itself over time and these modes of externalization are also spatial processes of materialization. Technics, including media, images, writing, etc. are originary in the sense that sovereignty needs to reassert itself through a movement of technical *différance*. Sovereignty only "comes to itself by virtue of technical mediation, that Derrida calls "differential of technē" in

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[79] Matthias Fritsch, *Taking Turns with the Earth: Phenomenology, Deconstruction, and Intergenerational Justice* (Stanford, CA: Stanford University Press, 2018), 190.

[80] Simon Critchley gives a helpful summary of Derrida as a thinker of "originary technicity" in *Ethics, Politics, Subjectivity: Essays on Derrida, Levinas and Contemporary French Thought* (London, UK: Verso, 1999), 172-174. The other critical reference in this regard is Bernard Stiegler, *Technics and Time, 1: The Fault of Epimetheus*, trans. Richard Beardsworth and George Collins (Stanford, CA: Stanford University Press, 1998).

[81] Derrida discusses Narcissus' mortal division in "Qual Quelle: Valéry's Sources," in *Margins of Philosophy*, 285-286.

Specters, or what I will call *sovereign technicity* (SM 192).[82] This differential iterability animates a shifting menagerie of machines (mystic writing pads, typewriters, computers; gramophones, telephones, photographs, films, the internet, etc.) that haunt Derrida's work.[83] These are not simply a set of techniques external to life and temporality. We do not "add" them to a sovereignty, which is already spontaneously present to itself. Rather, the whole problematic of technology is internal to sovereignty: there is *always* a certain sense of *technē* or technicity at work in sovereignty. Sovereignty lives off differential iterability, which involves repetition *and* difference; it needs methods of mechanical inscription to install and stabilize itself over time. However, these modes technical extension are expressed in different ways at different historical moments, including the need for tele-technological forms of taking life and witnessing death, as well as technological extensions of visualizing the spectral field of police and military power.

We can recapitulate the general structural features of the phantasm of ipsocratic sovereignty in five traits: (1) *indivisibility*, (2) *autonomy*, (3) *closure*, (4) *a-temporality*, (5) *spontaneity*. According to Derrida, these characteristics endure across historical mutations of sovereignty from Bodin through Schmitt. The phantasm of sovereignty involves a claim to indivisibily, but it is in fact divisible and conditioned by exposure to the other. It says it is a-temporal—it even tries to "kill time" by contracting it into an instant—but it is fundamentally exposed to finitude and spectrality. Finally, sovereignty says it is spontaneous generation, with no need of technicity or of images, but in fact, sovereignty has recourse to images all the time! As we will see throughout, sovereignty needs processes of technical inscription in order to install itself and guarantee its stability over time, but these very processes also make sovereignty vulnerable to its own undoing.

Quasi-Transcendentality

Despite its tenacity, Derrida argues that this model of sovereignty is on the wane. It is undergoing an "auto-deconstruction": sovereignty is *failing*, as Geoffrey Bennington puts it.[84] This failing is not simply a historical or empirical observation; rather, it is inscribed within this very concept of sovereignty, such that all the empirical signs of its waning are indications of the general structural instability of sovereignty. I have reached the central thread of my argument: this concept of

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[82] Critchley 174-5.

[83] Derrida, *Of Grammatology*, 74.

[84] Geoffrey Bennington, "The Fall of Sovereignty," *Epoché: A Journal for the History of Philosophy* 10, no. 2 (2006): 395–406.

sovereignty is governed by a paradoxical double logic. It is "phantasmatic" insofar as it imagines itself as pure life, cut off from death. Yet—and here's the rub—sovereignty cannot do without unconditional exposure to mortal finitude. Sovereignty is made possible by the alterity of death and time, which it nonetheless attempts to repress and control when it "takes life," for example, by executing a death penalty or by representing death in spectral images. Spectrality is sovereignty's condition of possibility and, by the same token, that which renders it fragile and precarious.

Whereas Derrida's first deconstructive move is critical-diagnostic, his second deconstructive move is a "quasi-transcendental" gesture that seeks to expose the necessary conditions that make sovereignty possible. In Kantian terms, we can say that spectrality is the condition of possibility for sovereignty. Kant's transcendental method involves arguing back from the "given" of experience to the necessary conditions required for the way experience is given. Following Kant (but also Husserl and Heidegger), Derrida is interested in sovereignty's necessary conditions. In this sense, he is a responsible guardian of the heritage of the transcendental project. Yet, spectrality is a strange kind of transcendental: Derrida calls it a "quasi-transcendental."[85] The deconstructive prefix "quasi" introduces two qualifications that transform and radicalize the critical project.[86] Derrida's quasi-transcendentals (spectrality, *différance*, iterability, etc.) are (1) conditions both of possibility *and* impossibility and (2) they serve to rearticulate the relation between the empirical and the transcendental.

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[85] Kant's critical philosophy attempts to locate the conditions of possibility for experience. He distinguishes between the empirical and the transcendental, with the later denoting a form of *a priori* knowledge, not of objects themselves, but of the ways in which we are able to know them. Kant calls these necessary frameworks for the appearance of phenomena "transcendental" conditions of possibility. Under this general structure he considers a system of *a priori* concepts, which serve as a propaedeutic to reason. For a discussion of Derrida's relation to Kant's transcendental philosophy see Rodolphe Gasché, *The Tain of the Mirror* (Cambridge, MA: Harvard University Press, 1997), 142-176. On the role of quasi-transcendentality in Derrida's work see Geoffrey Bennington, "Derridabase," in *Jacques Derrida* (Chicago: University of Chicago Press, 1993) 270-283; Maxime Doyon, "The Transcendental Claim of Deconstruction," in *A Companion to Derrida*, ed. Len Lawlor and Zeynep Direk (London: Blackwell, 2013), 132–149; and Matthias Fritsch, *The Promise of Memory,* 64-80. For a particularly helpful schematization of the ways Derrida's relation to transcendental philosophy has been understood see Thomas Khurana, "'The Common Root of Meaning and Nonmeaning': Derrida, Foucault, and the Transformation of the Transcendental Question," in *Foucault/Derrida Fifty Years Later: The Futures of Genealogy, Deconstruction, and Politics*, eds. Penelope Deutscher, Olivia Custer, and Samir Haddad (New York, NY: Columbia University Press, 2016), 184-231.

[86] Khurana, "Derrida, Foucault, and the Transformation of the Transcendental Question," 196. Derrida puts it this way in "Signature, Event, Context": "the condition of possibility of those effects is simultaneously, once again, the condition of their impossibility, of the impossibility of their rigorous purity" (328).

First, Derrida's general possible/impossible formula is as follows: what makes a given phenomenon possible also makes its rigorous purity *im*possible. *Différance* is the condition of possibility of meaning, yet it makes this very meaning possible only by way of a differential constitution that simultaneously makes all attempts to definitively stabilize meaning impossible. Spectrality—as the articulation of spatial difference and temporal deferral—makes sovereignty possible, but simultaneously makes it *im*possible—if by sovereignty we mean something that is stable, final, closed, synchronically present, or "ipsocratic." Spectrality teaches us that sovereignty is always aporetic. As Thomas Khurana explains, Derrida's aim is to reconceive our notion of enabling, as well as our sense of success and failure: "The point," he asserts, "is not to claim the ubiquity of failure nor the sheer impossibility of definite success, but rather to point out the complex way in which success is only won against, in, and even through 'failure.'"[87] This is another way to construe Bennington's claim: sovereignty is always haunted by failure and this very *failing* is constitutive of its success.

Second, spectrality, as quasi-transcendental, re-describes the relation between the empirical and the transcendental as one of mutual contamination. Deconstruction is concerned with the possibility of philosophy's relation to "non-philosophy," or the empirical domains of the social sciences (anthropology, linguistics, psychoanalysis—as much as visual culture) that analyze empirical material. Disrupting the traditional hierarchy that separates the conditioned (the empirical) from that which conditions (the transcendental), Derrida's "quasi" shows that transcendental conditions are always irreducibly related to the empirical phenomena they make possible. Repetition, for example, cannot be thought apart from what is repeated.[88]

In part, this is because the quasi-transcendental refers to the condition for all phenomena, yet "is" nothing "in itself." Spectrality is neither present nor absent, active nor passive—it designates an originary gap or absence—the spacing of time—that makes it *im*possible for anything to be in itself.[89] For this reason, it cannot be rigorously isolated. Derrida demonstrates that that facticity of phenomena philosophy claims to ground always contaminate concept-formation in advance. Philosophy, as Fritsch puts it, "remains tied to historical, factical context, and it remains afflicted with a certain contingency."[90] At the same time, the human sciences and their empirical objects

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[87] Khurana, "Derrida, Foucault, and the Transformation of the Transcendental Question," 198.

[88] See Derrida, *Of Grammatology*, 162.

[89] See Hägglund, *Radical Atheism*, 3.

[90] Fritsch, *The Promise of Memory*, 65.

(including the images of death) never wholly determine philosophical method. The "quasi" negotiates both sides of this empirico-transcendental difference.

In presuming that identity is something that can be presupposed, sovereignty has covered over this quasi-transcendental logic. Ipsocratic sovereignty disavows, all the while drawing upon, the spectrality that is its ineliminable condition. The phantasm emerges when sovereignty denies or represses the spectral disidentification that institutes it (BS2 103).[91] As Naas argues: "When the specter of life-death is repressed, what takes its place is the phantasm of pure life. Life without technique or without the machine, life that has not yet been compromised by death or representation—that, in the end, is the phantasm."[92] The political onto-theology of sovereignty is tied up with the production of, and fascination with, phantasms, as a kind of "reactive formation" that attempts to purify itself of the very spectrality that precedes and gives rise it.[93] It will therefore always be necessary to deconstruct this phantasm.

And yet, if the phantasm is a fiction, it is nevertheless a *necessary one*! In Kant's terms, the phantasm involves a kind of "necessary illusion" of purity that we need to function in the world, insofar as it is co-constitutive of sovereignty—though it need not take this exact onto-theological form. We will never be done with this *desire* for identity, and thus with phantasms, nor can we simply recognize the phantasm as false and be rid of it. The phantasm is not simply an illusion that can dispelled simply by pointing to the "truth"—"like an image to reality," as Naas says—because the very notion of truth is ultimately one of its effects. The phantasm is not "some imitation, *image,* or representation" or even misrepresentation that could be dispelled by opposing it to the real.[94] Instead, it needs to be understood as a kind of projection "on the part of a subject or nation-state of the way one would wish them to be—and, thus, in some sense the way they become, with all their real, attendant effects."[95] The phantasm has a performative power: it is not true, yet it is always more

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[91] Naas, "Comme si, comme ça," 190.

[92] Naas, *Miracle and Machine*, 225.

[93] Naas, "Comme si, comme ça," 197.

[94] When Naas says that the phantasm cannot be thought under the usual conceptual oppositions of illusion/truth, or image/reality, he posits what I believe is more than a coincidental analogy to the phantasm to the image. Naas tells us that the phantasm cannot be thought from within the old Platonic network of mimesis that treats the image as a secondary reproduction, depleted of power and affect. This is certainly right. However, as I will argue here, this association of image and phantasm needs to be reconsidered in terms of Derrida's spectral revisions to the meaning of the term "image." Like spectrality, the phantasm belongs to a visual lexicon to which Derrida returns throughout his work. In the second year of the *Beast & the Sovereign* seminars for example, Derrida suggests the need to trace the linkages "between phantasm, visual image and imagination" (BS2 154).

[95] Naas, "Comme si, comme ça," 207, my emphasis.

than false. The aporia is that we must both explain the emergence of the phantasm along with its historical ineluctability, all the while still allowing its deconstruction to take place.

Image

This brings me to my third axis—*image.* How are images of death related to the quasi-transcendental questioning of sovereignty outlined above? What links power to death and death to the image? How are prosthetic images—as a form of differential iterability—deployed to supplement sovereignty's attempts to "master" death? To understand this, we need to turn to the old analogy of image and death.

The meaning and function of the image has for a long time—though in different ways—found its answer in death. This section sketches a genealogical account of the analogy between the image and death, as it has been understood both in Western philosophy and in contemporary theories of the image. This will elucidate how the image and its powers have been linked (1) to death in various theories of the image from Archaic Greece through the classical ethos of analogue photography and then (2) to spectrality and differential iterability in Derrida's thought.

Thanatography

"Photography," writes Sontag, "has kept company with death ever since cameras were invented, in 1839."[96] In the nineteenth century, at the advent of photography, the West was preoccupied with death and embraced its representation. Confined by heavy camera technologies and slow emulsions that required subjects to remain immobile for the duration of long exposure times, the British photographer, William Henry Fox Talbot turned his lens to the graveyards of England (*Figure* 3). In America, Alexander Gardner and Timothy O'Sullivan produced a series of stereoscopic wet-plate collodions of the Confederate dead "ranged in ghastly rows for burial" on the blasted battlefields of Antietam and Gettysburg (*Figure* 4).[97] In France, Félix Nadar exposed a hundred plates of the

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[96] Sontag, "Looking at War," np.

[97] Emily Godbey offers a provocative reading the phenomenology of Civil War stereoscopy in "'Terrible Fascination': Civil War Stereographs of the Dead," *History of Photography* 36, no. 3 (2012): 265–74, doi:10.1080/03087298.2012.672225. The American photographer Sally Mann revisits these "Imperial landscapes," (to borrow W.T.J. Mitchell's term), in her 2002 series *What Remains*, which takes its title the last stanza of President Abraham Lincoln's 1863 Gettysburg Address. Using the nineteenth-century collodion wet-plate process, Mann's images of the familiar Civil War battlefields reverse Gardner's earlier gesture: rather than making the dead visible, her

Figure 3. Sir Henry Talbot Fox, *The Tomb of Sir Walter Scott, in Dryburgh Abbey.*
1841. Salted paper print, 40.7 x 35.6 cm. The Metropolitan Museum of Art.
Photo courtesy of Wikimedia commons.
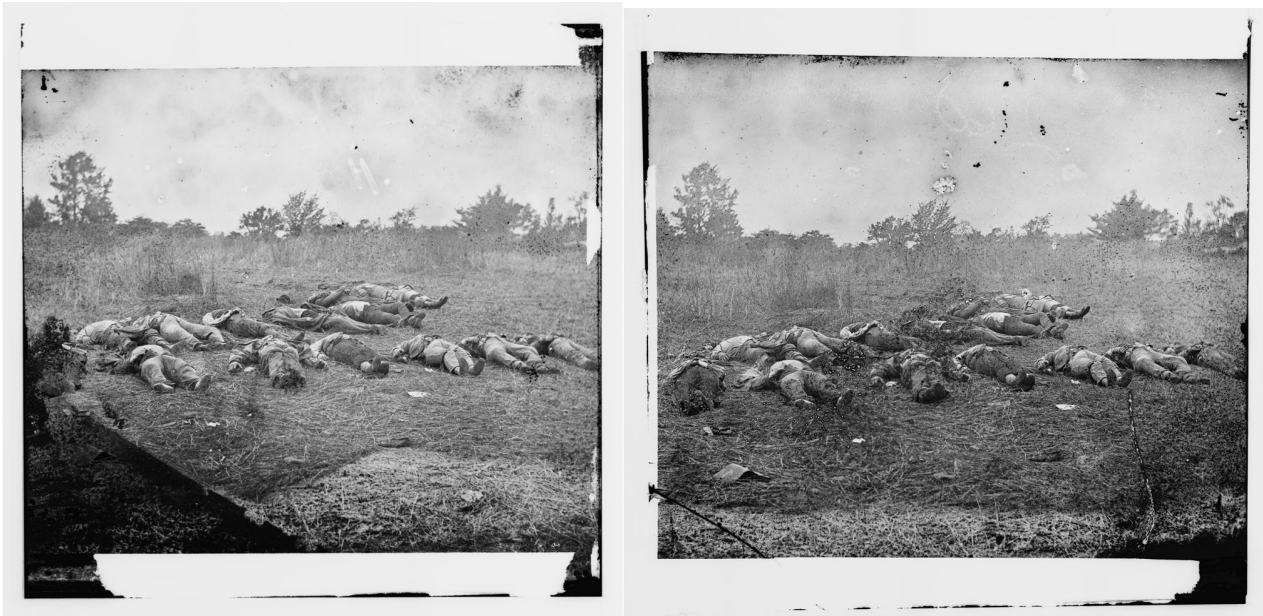
Figure 4. Timothy O'Sullivan, *Gettysburg, Pennsylvania [Confederate Dead, View Looking toward the Orchard on the Rose Farm, July 5, 1863].*
1863. Stereograph - wet collodion process. LC-B811- 260 LOT 4168. Photo courtesy of the United States National Archives.

images of death only hint at a history of racist violence that inheres in these Southern landscapes. See Ayelet Carmi, "Sally Mann's American Vision of the Land." *Journal of Art Historiography*, no. 17 (2017): 2–26. For W.J.T. Mitchell's analysis of the function of landscape in the social construction of history see W.J.T. Mitchell, *Landscape and Power.* Chicago, IL: University of Chicago Press, 2009.

subterranean "cité des morts" below the surface of Haussmann's Paris using new magnesium lighting. Nadar's images show a labyrinthine maze of ossuaries where the skulls of guillotined aristocrats and revolutionaries are juxtaposed in an aleatory relation with the bones of their executioners (*Figure* 5).[98] The Paris above—the Paris of the living—could, as Jean-Pierre Arthur Bernard notes, at any moment be swallowed, digested by the Paris below—the Paris of void and death.[99] There was moreover, the whole custom of taking post-mortem portraits of the dead, which played an important role in Victorian mourning practices (*Figure* 6), as well as the Spirit Photography movement that sought to capture ghosts and other paranormal manifestations that made spectral appearances in early photographic emulsions. According to modern esoteric spiritualists, photography facilitated communication with the dead who delivered enigmatic oracles through the haunted medium.[100] Summarizing this neatly, a journalist writing for *The Athenaeum* described Talbot Fox's 1844 publication *The Pencil of Nature* as "a wonderful illustration of modern necromancy," thus linking the nineteenth-century medium to death and to communication with the dead.[101]

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[98] Nadar gives an account of his descent into Parisian chthonic depths in "Le dessus et le dessous de Paris." His essay appeared in *Paris-Guide par les principaux écrivans et artistes de la France, deuxième partie, la vie* (Paris: Librairie Internationale, 1867), 1569–91, which was published for the Second International Exposition of 1867, when the Second Empire is at the height of its power. Walter Benjamin would later describe the exhibition as the most radiant unfolding of the "phantasmasmagoria of capitalist culture" in "Exposé of 1935," *The Arcades Project*, 7. Nadar recycles much of this material in a section titled "Paris souterrain aux catacombes et égouts" in his biography *Quand j'étais photographe* (Paris: Ernest Flammarion, 1899), 99-112. The abridged English translation published in *October,* omits this vignette. See "When I Was a Photographer," trans. Thomas Repensek. *October* 5, no. Photography (Summer 1978): 6-28.

[99] Jean-Pierre Arthur Bernard, *Les deux Paris: les représentations de Paris dans la seconde moitié du XIXe siècle* (Paris: Editions Champ Vallon, 2001), 164-167. See also Shao-Chien Tseng, "Nadar's Photography of Subterranean Paris: Mapping the Urban Body," *History of Photography* 38, no. 3 (2014): 233–54 and Émile Gérards, *Paris-souterrain* (Paris: Garnier frères, 1909), 448.

[100] Photography's relation to mourning and memory is underscored in a number of historical studies focusing on photographic representations of death and more specifically, on post-mortem photography and its sociological function. See for example, James Van Der Zee's funeral portraits collected in *The Harlem Book of the Dead*; Stanley and Elizabeth Burns' studies of mortuary practices in America gathered in *Sleeping Beauty: Memorial Photography*; Ruby Jay, *Secure the Shadow: Death and Photography in America*; and Audrey Linkman, *Photography and Death* (London: Reaktion Books, 2012). See Rebecca Comay, "Proust's Remains," *October* 144 (Spring 2013): 3–24, for a discussion of Proust's deathbed portrait. For a fascinating account of the rise and fall of sprit photography see Fred Gettings, *Ghosts in Photographs: The Extraordinary Story of Spirit Photography* (Montreal, QC: Optimum, 1978;) and Louis Kaplan, *The Strange Case of William Mumler, Spirit Photographer* (Minneapolis, MN: University of Minnesota Press, 2008).

[101] *The Athenaeum*, August 2, 1845, as quoted in Batchen, *Burning with Desire*, 92.

Figure 5. Felix Nadar, *Catacombes de Paris: Crypte N°8*. 1861. Positive photograph on albumen paper, 22,4 x 18,8 cm. Department of Stamps and Photographs. Photo courtesy of the Bibliothèque nationale de France.

Figure 6. Atelier Nadar, *Victor Hugo*. 1900. Positive photograph on albumen paper. Department of Stamps and Photographs. Photo courtesy of the Bibliothèque nationale de France.

The ubiquity of representations of death in the medium's first decade demonstrates a fascination with capturing death in images. While death could never be known "in-itself," the processes, practices, and social functions of death were mediated by images. Early efforts to register death allowed it to be discursively framed, examined, confirmed, and categorized, giving a sense of control over death: Nadar's images of the Paris underworld mediated death's reintegration back into the solar order of the living; Gardner's Civil War stereoscopy confronted the traumatic rupture caused by a new experience of death in the age of mechanized warfare.

The nineteenth-century fascination was broadly reversed in the twentieth when, as the French historian of death Phillipe Ariès famously writes, a "great silence" settled over the subject of death in the West.[102] In the context of death's denial in the West, images of death (in the first, *objective* or *iconic* sense of the double genitive traced in the introduction) fell under a widespread indictment: *no more images of death*. Post-mortem photographs, once a crucial mediator in social rituals of death and mourning, were deemed pathological. There are many indices of this inversion in attitudes towards the representation of death. Here are two. *First index*: in "The Pornography of Death," sociologist Geoffrey Gorer argues that the denial of death has given rise to a morbid fascination with a surfeit of "pornographic" representations of death in the media.[103] *Second index*: echoing Gorer, in his 1949 text "Death Every Afternoon," Bazin voices a metaphysical prohibition of cinematic representations of death: "Like death, love must be experienced and cannot be represented (it is not called the little death for nothing) without violating its nature… the representation of a real death is also an obscenity, no longer a moral one, as in love, but metaphysical."[104] Gorer and Bazin co-index two intertwined prohibitions against death: one moral, the other ontological.

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[102] Philippe Ariès, "The Reversal of Death: Changes in Attitudes Toward Death in Western Societies," *American Quarterly* 26, no. 5 Special Issue: Death in America (December 1974): 537. See also Ernest Becker, *The Denial of Death*. London: Souvenir Press, 2011. For Derrida's discussion of Ariès' sociological thesis *vis-à-vis* Heidegger see *Aporias,* 43-59. For Foucault's implicit engagement see his discussion of the anatamo-clinical concept of the body in his Introduction to *The Birth of the Clinic*. Translated by A.M. Sheridan (London, UK; New York, NY: Routledge, 1989), ix-xxii; see also *Society Must Be Defended: Lectures at the Collège de France 1975–1976*, trans. David Macey (New York, NY: Picador, 2003), 248-9.

[103] Geoffrey Gorer, "The Pornography of Death," *Death, Grief, and Mourning* (New York, NY: Doubleday, 1955), 192–9.

[104] André Bazin, "Death Every Afternoon," *Rites of Realism: Essays on Corporeal Cinema*, ed. Ivone Marguiles, trans. Mark A Cohen (Durham, NC: Duke University Press, 2003), 30.

Interestingly, a number of new theoretical frameworks emerge in the midst of this "reversal" in attitudes towards death and its representation, which link the photographic image structurally to death. The image's death-reference thus exceeds the typology of nineteenth-century iconicity. Barthes (to whom we will return in more detail in the next chapter) is the most famous proponent of the analogy of the image and death. Writing in the wake of his mother's death—and on the precipice of his own—Barthes' *Camera Lucida* considers "the anthropological place of Death," in view of the "crisis" of death diagnosed by his colleague Edgar Morin in *L'homme et La Mort*.[105] As death disappeared from culture, it re-emerged in the image: "photography may correspond to the intrusion, in our modern society, of an asymbolic Death, outside of religion, outside of ritual, a kind of abrupt dive into literal Death."[106] Death, Barthes famously concludes, is the "*eidos*" of the photograph.[107] In *L'acte photographique*, Dubois argues that photography is the writing of death, or "thanatography." The photographic act "thanatographs" things. The immobile temporality of the photograph executes time in order to save it.[108] Sontag echos Dubois: "every photograph is a kind of *momento mori*. To take a photograph is to participate in another person's (or thing's) mortality, vulnerability, mutability."[109] Death, in Alan Cholodenko's words, "animates the photograph."[110] Summing up the analogy of the photograph and death rather neatly, film theorist Christian Metz argues that the photograph's stillness and immobility link it figuratively to death, which he opposes to the flow of cinematic time.[111] Sontag's formulation is even sharper: "Life is a movie; death is a photograph."[112]

The notion of thanatography marks the resurgence of an older concept of the image that precedes photography and proleptically prepares for its advent. I will take a detour through this before returning to photography. In *Vie et mort de l'image,* Régis Debray writes: "the birth of the image is partly linked to death. But if the archaic image springs from the tombs, it is in refusal of

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[105] Edgar Morin, *L'homme et la mort* (Paris: Éditions du Seuil, 2002).

[106] Barthes, *Camera Lucida*, 92.

[107] Barthes, *Camera Lucida*, 60. Edgar Morin, *L'homme et La Mort*, Paris: Buchet-Chastel, 1951. Barthes and Morin would go on to establish the Centre for the Study of Mass Communication at the *Ecole pratique des hautes études* in Paris, now known as the Edgar Morin Center at *École des hautes études en sciences sociales* (EHESS).

[108] Dubois, *L'Acte Photographique*, 160.

[109] Sontag, *On Photography*, 15.

[110] Alan Cholodenko, "Still Photography?" *Afterimage* 32, no. 5 (April 2005): 5.

[111] Metz develops the notion of thanatography in "Photography and Fetish," 81–90.

[112] Susan Sontag, *The Benefactor* (New York, NY: Picador, 2002), 26.

nothingness and to prolong life."[113] Hans Belting's analysis of the image and death in *The Anthropology of Images* provides a critical resource. Tracing the analogy back to archaic societies, Belting discerns two different concepts of the image in Western thought, which are linked to death with different sociopolitical effects. Each of these concepts bears out differently in relation to funerary practices. I will describe these under the headings of the Greek *eidōlon* (a term invoked by Barthes without much by way of explanation), and the Latin *imago*.

    1. *Eidōlon*: Belting notes two "faces" of the *eidōlon* in Ancient Greek culture: Archaic and Classical. The archaic *eidōlon* represents an absent body by way of a process of presentification. This comes close to what Derrida means by "image," albeit with some critical differences. In this first paradigm, *eidōlon* designates the soul (*psychè*) of the dead that flies away from the corpse in the form of a non-corporeal shadow, phantom, or double. The taxonomy of *eidōla* in archaic Greek culture includes the crude effigy or idol erected in stone (*kolossos*), the dark shade associated with the power of the dead (*psuchè*), the dream-image (*oneiros*), the shadow (*skia*), and the apparition (*phasma*).[114] The function of the archaic *eidōlon* was both (1) to translate the power of the dead into a visible form and (2) to symbolically reintegrate the dead back into the order of the living in earth-bound Archaic Greece. *Eidōla* are not iconic images, but rather a *process* of making-present or "presentification" that gave material form to an absence. The archaic *eidōla* played a pivotal role in mourning and funerary rites in the *Iliad*, Homer's epic description of battlefield deaths during the last weeks of the Trojan War. Mourning took place by way of the image of death, which finalized absence by giving the departed

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[113] Régis Debray, *Vie es mort de l'image: Une histoire du regard en Occident*. Paris, France: Gallimard, 1992: "La naissance de l'image a partie liée avec la mort. Mais si l'image archaique jaillit des tombeaux, c'est en refus du néant et pour prolonger la vie. La plastique est une terreur domestiquée" (16).

[114] This aniconicity of the image of death in the Greek funerary cult led Jean-Paul Vernant to posit a split between the archaic theory of the 'double' and the Platonic theory of the 'image' (*eidōlon*) under the Classical theory of *mimēsis* sketched by Xenophon in *Memorabilia* III.11 and *Symposium* IV.21, and formalized by Plato in *Sophist* 265b–266d. Because Archaic Greece privileged the new medium of embodiment as an image of death over iconic representation, Jean-Pierre Vernant tells us that image is not the right term for these aniconic symbolizations. Instead, he uses the category of the 'double' to refer to the taxonomy of *eidōla* in archaic Greek culture. Vernant defines the term "image," "properly speaking" as the outcome of a historical process that crystallized at a pivotal point in the fifth century as "an imitative artifice."[114] The archaic Greek category of the double, is thus, according to Vernant "completely different" from the category of the image.[114] For Vernant then, category of the *double* is *not* an image of dead, because it does not resemble the physical appearance of the deceased, but rather functioned as the substitute for the absent corpse. Belting rejects Vernant's division of double/image on the grounds that it presumes a narrow Platonic concept of the image by assuming a criterion of resemblance that already belongs to Platonic theory of mimesis (108). See Jean-Pierre Vernant, *Myth and Thought Among the Greeks*, trans. Janet Lloyd and Jeff Fort (New York, NY: Zone Books, 2006), 333-349.

new material form. Similarly, *non-iconic images* (like the *kolossos*) could be installed in the place deserted by the dead. The image was considered a symbolic substitute that pointed to empty place of the dead: "The image of the dead, in the place of the missing body."[115] The *kolossos* was supposed to attract and then fix, immobilize, and localize the elusive *puschē* that "flits around forever elusive" at once everywhere and nowhere—spectral, as Derrida would say. In so doing, the *eidōlon* mediated between the world of the living and that of the dead. They served, in Baudrillard's terms, as a site of "symbolic exchange" between life and death.

This archaic concept of the image (*eidōlon*) underwent a significant shift in Classical Greek culture when Plato introduced a new hostility to images. This is the second "face" of the *eidōlon*. In Book 10 of the *Republic*, Socrates condemns images (whether in art, music, or poetry) as secondary imitations: with this the archaic *eidōlon* is reduced to a copy, a degraded reproduction. Positing a clear-cut dualism between the real, intelligible image (*eidos*) and the sensory image as copy (*eidōlon*), Plato argues that the sensory world is a copy of the intelligible Forms, art is a copy of a copy, twice removed from truth.

Alongside the rigid opposition of *eidos*/*eidōlon*, in the *Sophist* (a text Derrida engages in *Athens Still Remains*), Plato further distinguishes between the good repetition of the true image (*eikōn*) and bad repetition of the false image (*phantasma*), within the larger category of the *eidōlon*, in order to distinguish philosophy from sophistry.[116] Following the Platonic method of division (*diairesis*), the Eleatic stranger discerns two kinds of images, or rather, two kinds of relation between the original and its copy, along with two different practices of dealing with appearances (*phantasai*): correct and incorrect. According to Plato's mimetic paradigm of representational verisimilitude, the "likeness" (*eikōn*) (from which the English 'icon' is derived) conforms to the truth, providing adequate representation of the model, which precedes it causally and ontologically. The likeness (*eikōn*) reproduces the true proportions of the original. It is a correct image and therefore the *only* thing that can properly be called an image.[117] On the other hand, "bad repetition" produces false images— phantasms, semblances, or apparitions. Examples of *phantasmata* include dream images, reflections in water, mirror images, and ghosts. As opposed to the philosopher who makes likenesses (*eikastikē*),

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[115] Belting, *Anthropology*, 107, 84 and 308.
[116] Plato, *Sophist*, 236a-b.
[117] Plato, *Sophist,* 236 14-6.

the sophist is involved in apparition-making (*phantastikè*) that distorts the proportions of the original.[118] Accusing it of emptiness and illusion, Plato defines the *phantasma* as a false likeness.[119] He attempts to purify image of ruse by dividing the *eidōlon* into two categories: one true (*eikon*), the other false (*phantasma*) and banishing the *phantasma* with its diffuse meanings (as *kolossos, psuche*, dream-image, and most of all as apparition) from the concept of the representational image as Classical, mimetic *eikōn*.

With this, the concept of the image could no longer fill the gap left by the departed, but rather became a metaphor for death: the image "was itself *like* death."[120] When the world of appearance dissolved into semblance, images were stripped of their archaic function. As Derrida has shown in *Dissemination*, Plato's critique of images is impelled by a desire to defend against prosthetic forms of memory, which he considers dead externalizations (*hypomnēmata*) that threaten to corrupt living internal memory (*mnēmè*) by duplicating death. Even the good kind of repetition threatens living memory with death: in "letting themselves get stoned [*medusé*]" images sink into forgetfulness and in so doing increase the "domains of death, of non-truth, of non-knowledge."[121] The Platonic critique of images leads to the famous indictment banning the tragedians' deathly images from the ideal *Republic*. Plato, who sought to overcome the fear of death by seeking within it the truth of an immortal soul, argues that Homer's poetic representation of death in the *Iliad* induces fear into the Athenian polis, thus threatening a properly human relation to death.[122]

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[118] Plato, *Sophist*, 235a10-236d8.

[119] Plato, *Sophist*, 234c. Whereas *eikōn* comes from the Greek verb *eokia* (to be like), which has been uniformly translated in English as "likeness" (rather than transliterated as 'icon'), *phantasma* comes from *phantazesthai* (to make appear) which is related to the more general *phantasia* (appearance).[119] Giving rise to a slippery knot of translations, including "semblance," "appearance," "simulacra-phantasma," "apparition," the term *phantasma* resists stabilization. It disseminates itself through a sematic shifting that associates it with an excessive logic haunted by dispersal, absence, and the risk of unmeaning. (Even so, Derrida says that his specter is not the Platonic *phantasma*.) For F. M. Cornford's translation of *phantasma* as "semblance" see Plato, "Sophist," *Plato: The Collected Dialogues*, trans. F. M. Cornford, ed. Edith Hamilton and Huntington Cairns (Princeton: Princeton UP, 1989). *Cf.* Noburu Notomi's translation as "apparition" in *The Unity of Plato's Sophist: Between the Sophist and the Philosopher* (Cambridge, UK: Cambridge University Press, 1999), 147; and Allan Silverman's translation as "appearance" in "Plato on Phantasia," *Classical Antiquity* 10 no.1 (1991): 123-47.

[120] Belting, *Anthropology*, 111.

[121] Derrida, *Dissemination*, 105.

[122] Plato, *Republic*, §386b. In Plato, for whom the sole "aim of those who practice philosophy in the proper manner is to practice for dying and death," the virtuous citizen should neither fear death nor grieve their dead, and must have *courage* to stand firm in the face of death (*Phaedo*, 64a). Plato therefore prohibits public displays of grief along with the tragedians' images of death from his ideal city (*Republic* 387c-388d, 603e-606c). He instructs citizens to cultivate the

2. *Imago*: Roman culture gave rise to yet another paradigm of the image. The *imago* retains the Platonic sense of the image as icon (*eikon*). However, with this second (third or fourth, depending on how one counts) concept, the Platonic fear of simulacra gives way to an iconocratic cult of imitation.[123] The Latin *imago* came to mean "copy, imitation, likeness, picture," but *also* "phantom, ghost, apparition," thus glossing over the Platonic division of the *eidōlon* into *eikon/phantasma*. *Imago* referred to any copy or likeness (Aquinas argues for an etymology that links the Latin verb *imitari* to *imago*), but also more specifically, to the ancient Roman funerary practice of making portrait-masks of the faces of the dead in cast wax, which were carried and sometimes worn in funerary processions and displayed in the atrium of noble Roman households. [124] The *imago* provided the living with an image of departed fixed at the instant of death. Roman mourning rituals maintained the archaic

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proper attitude towards death. This education includes the metaphysical doctrine on the immortality of the soul and new regulations for the city. There is no reason to fear death says Plato, because the soul (which is "deathless, intelligible, uniform, indissoluble, always the same as itself") survives the body (which is "mortal, multiform, unintelligible, soluble and never consistently the same") (*Phaedo* 80ab). Moreover, following Solon's legislation against "set dirges" (*thrêneîn pepoiêména*), Plato prohibits of the lamentation *and* representation of the dead—a critical part of Attic Greek mourning rituals—because they formed a threat to the political organization of the city by inviting fear of death. Homer and Hesiod's poetic representations of battlefield deaths and the shadowy Underworld traversed by drifting "shades" of the dead similarly introduced fear of death and thus threatened the ability to act courageously in the face of war, illness, and dangerous voyages on the high seas. On the Athenian statesman and lawmaker Solon's funerary legislation, see Plutarch, *Plutarch's Lives,* trans. John Dryden (New York: Modern Library, 2001), 21.4.

[123] *Cf.* Marie-José Mondzain's discussion of the onto-theological heritage of iconic images in "Can Images Kill?" She argues that Greco-Roman culture was the first to explicate the philosophical and political import of iconic images as a symbolic reflection of power directly instrumental in its conquests. According to Mondzain, the Platonic fear of simulacra gave way to an iconocratic "cult of imitation" that inaugurated an unprecedented "reign of the image" (20).

[124] In *Natural History,* Pliny says that the main purpose of the *imago* was for funeral ceremonies (35.6). This practice formalized a political economy of the image. Ancient Roman law reserved the right to the *imago* to sovereign nobility according to the concept of the *Jus imaginum / jus imaginis* (right image), a modern term coined on the basis of a passage in Cicero's *In Verrem* that describes the legal right to display a portrait and thus transmit one's image for posterity as a privilege belonging only to those who held office (5.14). The visual iconocracy of the *Jus imaginum* was controlled through a series of restrictions laid down by the state that mandated the conditions of public exhibition the image of death. According to a circular logic of enclosure, only the magisterial class had the right to images and only those with images were granted the right to hold public office. By delimiting the privilege and authority of the *imago*, the Roman Empire ensured the lineage of forefathers would survive by the ancestral image that mandated the order of inheritance. See Pliny, *Natural History: A Selection*, trans. John F Healy (London; New York: Penguin Books, 2004) 31.I.6; Polybius, *The Histories*, trans. Robin Waterfield (Oxford UK; New York NY: Oxford University Press, 2010) VI.53; R.N. Wornum, "Some Account of Greek and Roman Portraits," *The Classical Museum, Volume 4,* ed. Leonhard Schmitz. (Cambridge: Cambridge, 1847), 47-65; and Harriet I. Flower, *Ancestor Masks and Aristocratic Power in Roman Culture* (Clarendon: Oxford UK,1996), 53–9. Debray comments in passing on the *imago* and *Jus imaginum* in *Vie et mort de l'image* (Paris: Gallimard), 19-22. See also Belting's fascinating account of Roman funerary practice in "Pompes Funèbres in Ancient Rome," *Anthropology*, 115-118.

belief in the power of images as a mode of symbolic communication with the dead. In the cult of ancestors, the absence of the dead was supplemented by their representation in images, which established a linear mode of inheritance through paternal images (*imago*). The image was the means by which the living secured continuity with their lost ancestors, by preserving their presence in the form of an image. This served, in Louis Marin's words, as a kind of "ontological transfer" of power and authority to the image.[125]

This morphology leaves us with three different theories of the image that have organized the political relation to death in a distinct fashion. Under the Greek paradigm of *eidōlon* (with its internal divisions of Archaic/Classical, and then further under the Platonic distinction of the Classical concept *eikon/phantasma*), *first,* as a process of *non-iconic* materialization that mediated between the living and the dead; *second*, as a mimetic and weakened representation; *third*, under the Latin *imago,* as a form of *iconic* power—or "optopower" to borrow Mondzain's term—that organized the relation between the living and the dead through the mediation of images in the cult of religion-based ancestor worship.

Let's return, after this long detour, to photography. Belting describes photography as a "modern brand of archaism" that aims to defend the living against death.[126] Images, he argues— even those that do not represent the dead—are kept visible among the living in an effort to defend against loss. Every image announces the *presence* (visibility) *of an absence* (invisibility) and is therefore an image of death. As Louis Marin puts it: "death is the other subject of every image." To represent is always to bear an absent object into presence as absent. In so doing, the image attempts to "master its loss, its death by and in representation."[127] Photography gives us a particularly modern

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[125] Louis Marin, "The Tomb of the Subject in Painting," in *On Representation* (Stanford, CA: Stanford University Press, 2001), 269.

[126] Belting, *Anthropology*, 120-124 and 3. In the ancient Greek tale recounting the origins of painting recorded by Pliny the Elder, a Corinthian maid traces the profile shadow cast on the wall by the living body of her departing lover so as to secure his "silhouette" or "shadow" as an index of the absent referent and thus figuratively, of death: "As soon as the Greeks looked upon a shadow missing its body, they fell under the spell of a metaphor that brought death into play." See Pliny the Elder, *Natural History*, Chapter 15. For Derrida's consideration of skiagraphy or shadow writing and the Corinthian tale of the imprint of the departed see *Memoirs of the Blind: The Self-Portrait and Other Ruins*, Chicago: The University of Chicago Press, 2010.

[127] Marin, "The Tomb of the Subject in Painting," 311. *Cf.* In "Two Versions of the Imaginary," Maurice Blanchot similarly conceives a distance between life and death, the thing-itself and its image as a "fine line does not hold us at a distance from things so much as it preserves us from the blind pressure of this distance. Thanks to the image, the remove is at our command. Because of the inflexibility of the reflection, we think ourselves masters of absence which

version of the attempt to banish death through its deferred appropriation. And yet, photography can never "master" death! The photograph secures the survival of the departed, but paradoxically produces *more death* in the very act of trying to defend against it.[128] The moment the image is frozen by the camera it becomes "a living dead person."[129] Photography, writes Sontag, in her introduction to Peter Hujar's collection of portraits of the dead, "converts the whole world into a cemetery."[130]

Derrida responds to this thanatographical inheritance. His quasi-transcendental concept of spectrality explains this paradox. Images can never "master" death because of their intrinsically spectral structure. Displacing the image from the heritage of this opto-onto-theology, Derrida reorients both terms—"death" and "image"—*vis-à-vis* spectrality. On the one hand, all of the theories outlined above still presuppose a notion of death as instantaneity clearly divided from life: Blanchot associates it with the figure of the limit; Metz describes the snapshot as "immediate" and "definitive" *like* death; even Belting, who claims to bracket the meaning of death from his anthropology, nonetheless presupposes, even while denying, an understanding of death *as limit*.[131] As we will see in the next chapter, Derrida throws the determinability of death into question. He argues that we do not know, at bottom, what "death" means. At the same time, he thinks death not in opposition as two poles separated by an indivisible line, but rather, as a structural absence *within life*. Life is always, on this reading, inhabited by death, the machine, and automaticity, etc. in ways that render it vulnerable and exposed to finitude. On the other hand, image for Derrida, seems to suggest

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has become interval" (255). The *aim* of the image is both to maintain this distance and control it. See "Two Versions of the Imaginary," in *The Space of Literature*, trans. Ann Smock (Lincoln, NB: University of Nebraska Press, 2015), 254–63. *Cf.* Cristian Metz. Drawing on psychoanalytic resources that link the photograph to death and then to the Freudian concept of the fetish, which symbolically wards off the threat of castration, Metz argues that the photograph cuts off a piece of the object it represents. The photographic fragment refers metonymically to an absent object over which it wields a kind of power. One keeps a photograph in place of the object in order to dominate over the "displeasure" of absence and death through the pleasure of a present image that takes its place in the mode of the fetish. The stillness and immobility that link the photographic fetish to death have made the medium particularly useful as an aid to processes of bereavement. The use of mortuary photography in Victorian commemoration processes therefore *follows from* photography's intrinsic structural characteristics which link it to death. See "Photography and Fetish," *October* 34 (Autumn 1985): 81–90.

[128] Belting, *Anthropology*, 122.

[129] Belting, *Anthropology*, 121.

[130] Susan Sontag and Peter Hujar, *Portraits in Life and Death*. New York, NY: Springer, 1976.

[131] Metz, "Photograph and Fetish," 84. Debray displaces this concept of death when he argues (quoting Gaston Bachelard) that death is first and foremost an image. The idea of death as passage, limit, or voyage was later and secondary. See Bachelard, *La Terre et les rêveries du repos* (Paris: Jose Corti, 1948), 348; *qtd.* in Debray, *La vie,* 23.

a broadened concept of "writing" (*écriture*). Photography, for example, as *light-writing*, involves (like the archaic *eidōlon,* to which Derrida seems to owe a great deal) a process of "presentification," but also (unlike the like the archaic *eidōlon*) a process of "absentification," or self-effacing erasure. This double movement attends to an attempt to preserve against loss, which is nonetheless ineliminable. This double and spectral pressure explains the failure of the image to defend against death.

According to Derrida, contemporary teletechnologies—including cinema, television, photography—amplify spectrality, providing a new instantiation of its "logic." Phantoms, specters, and *revenants* are promulgated by the media. Photography, which speaks to Derrida of ghosts, phantoms and "apparitions," serves as a "medium" for the departed. "The spectral," he writes, "is the essence of photography."[132] Cinema is "an art of phantoms (*phantomachia*), a battle of phantoms."[133] In a conversation with German photographic theorists Hubertus von Amelunxen and Michael Wetzel, later published in English as *Copy, Archive, Signature*, Derrida notes:

> Spectrality, far from being reduced by the rationality of modern technology, found itself, on the contrary, amplified, *as if* this medium (photo cinematography, tele perception, teleproduction, telecommunication) was the very site, the proper element (also properly privileged), of a fantastical phantomaticity, of the *phainesthai* in its originary link with *techne*. The revenant is not confined to the culture of the manor house or to spiritualism and fantastic literature from the last century. Every culture has its phantoms and the spectrality that is conditioned by its technology.[134]

Spectrality infiltrates today's global post-photographic constellation of satellites, CCTV cameras, and GPS. The accelerating velocity of global media gives rise to an unprecedented tele-virtualization constituted though technological networks that are neither living nor dead, present nor absent but which, as Simon Critchley notes "haunt our most intimate private spaces" with their "imagery of power."[135] These new configurations of imaging technologies oblige us, as Derrida argues in *Spectres,* to think "the virtualization of space and time, the possibility of virtual events whose movement and speed prohibit us more than ever […] from opposing presence to its representation, "real time" to "deferred time," effectivity to its simulacrum, the living to the non-living, in short the living to the living-dead of its ghosts" (SM 169).

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132 Derrida and Plissart, *Right of Inspection*, np.
133 Derrida, Jousse and de Baeque, "Le cinéma et ses fantômes," 78.
134 Derrida, *Copy, Archive, Signature*, 39.
135 Simon Critchley, *Ethics, Politics, Subjectivity: Essays on Derrida, Levinas and Contemporary French Thought* (London: Verso, 1999), 173.

Derrida suggests two consequences of media spectrality for contemporary politics. He argues that it offers both a new *promise* and *threat*. *First*, the technological amplification of spectrality intensifies the claim of the dead upon us. Partaking of the spectral logic characterized by the contamination of oppositions between the living/dead, present/absent, real/virtual, teletechnologies contribute to a politics of mourning that understands the dead as intrinsically haunting the living. New constellations of teletechnologies make visible a disjointed experience of time. In returning the dead as ghostly, they articulate a critique of the philosophy of time associated with sovereignty, which I chart in the following chapters. The spectral moment of the technical image "no longer belongs to time" if one understands by the word time "the linking of modalized presents (past present, actual present: "now," future present)" (SM xix). Rather, it is "furtive and untimely" like the apparition. Images amplify the spectral disjuncture of the present. Processes of mechanical inscription expose a past whose wake I pull up as inheritance and the structural possibility of death in the future. They proliferate with the dead who return from the past and the future, to *regard us* and to deliver an ethical demand to speak with ghosts—not only those who litter photography's battlefields, but those that go unnamed and unrepresented. In short, spectrality is structurally amplified by technical images—and specifically by images of death—which afford a critical resource for the deconstruction of the sovereignty.

Second, and because of this unprecedented amplification of spectrality, the media and visual culture becomes all the more critical as a site of struggle and contestation. Today's fast-paced technological developments involve new ways of "producing, handling, organizing, making profit out of some spectrality" (DE 44). While Derrida is careful to distance himself from anti-technological discourses, he is aware that teletechnologies are transforming public space. Struggles to control spectrality (in terms of what is made visible *and* invisible) plays out across the spectral space of the media in ways that are crucial to the operation of power in the context of globalization. Media spectrality opens up critical new dimensions of struggle over what Derrida calls the right to inspection (*droit de regard*), or what Nicholas Mirzoeff, calls the "right to look," which is fundamentally linked to power over appearance and representation.[136] Derrida therefore highlights

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[136] See Jacques Derrida and Marie-Françoise Plissart, *Right of Inspection*, trans. David Wills (New York, NY: Monacelli Press, 1998) and Nicholas Mirzoeff, *The Right to Look: A Counterhistory of Visuality* (Durham, NC: Duke University Press, 2011).

the need to examine the role of the archive and its organization by elected delegates in the production and distribution of knowledge. He enjoins us to develop a critical culture of media spectrality that attends (as Butler does in *Frames of War*) to the way images function—both through representation and lack thereof—to assign and circulate power (DE 45).[137] This threat relates to the third sense of "plus d'un" (*more of one*) discussed in our spectral topography. Derrida associates this superlative sense of the *plus d'un* with the "the worst" violence. Here, *the worst* involves the manipulation of media spectrality to produce *more indivisible sovereignty*. Images, reshaped by digital communication and scopic regimes of surveillance constitute new networks of violence, ranging from the most direct (for example, the remote killing operations of drone strikes coordinated through GNS satellite), through the most indirect (for example, the iconoclastic attempt to eliminate visibility by withdrawing images from circulation).

The challenge is to think both the *promise* and *threat* of spectrality as two sides of the technological structure of the aporia of sovereignty. The "differential deployment of technē" leaves us with a double injunction: to speak with ghosts that haunt via the media *and* to develop a critical culture of the spectrality of the media that attends to the ways in which images are mobilized in the service of the phantasm of sovereignty, while simultaneously undoing it (SM 169).

Postmodern Spectrality

Before developing this double injunction into an "infrastructure," I will compare Derrida's account of the *threat* of spectrality to the dystopian vision of spectrality articulated by critics of the "postmodern": Jean Baudrillard and Fredric Jameson.[138] Both thinkers diagnose representational crises brought about by the so-called "death of photography" (even if their theorizations predate this turn of phrase) and the concomitant erosion of the categories of "index" and "reference" I trace in the next chapter. The anxiety brought about by the advent of new digital imaging technologies is that they unhinge images from their referents, undermining their relation to the "real," thus

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[137] See Derrida and Stiegler, *Echographies* and *Trace et Archive, Image et Art* (Paris, France: INA Éditions, 2014).

[138] See Jean Baudrillard, *Simulacra and Simulation*, trans. Sheila Faria Glaser. Ann Arbor: The University of Michigan Press, 2014; Fredric Jameson, "Marx's Purloined Letter," *Ghostly Demarcations: A Symposium on Jacques Derrida's Specters of Marx,* ed. Michael Sprinkler (London, UK: Verso, 2008), 26-67.

dissolving them into ghostly representations that are mere "phantasms."[139] The Baudrillardian critique of spectrality diagnoses this dissimulation of reality into the "hyperreality" of the dematerialized simulacrum. Baudrillard, who was influenced by Guy Debord's Situationist theory of the spectacle, gives voice to a dystopian vision of "America as a country of lonely screens flickering" depleted of sociality.[140] With this, utopic dreams of global connectivity are displaced by electronic networks of digital imaging, cyber-optics, and techno-culture that obfuscate the real. Jameson similarly describes the threat of "postmodern virtuality" as a quotidian or "daily spectrality" that circulates so insidiously that it eludes our attention. As Jeffrey Sconce notes, such accounts of "television's constant transmission of instantaneous representations make the medium both the prime catalyst and most pervasive symptom of an age marked by the increased dissolution of all referentiality."[141]

Yet, it should be clear from the thanatography that the deconstructive figure of the specter must be distinguished from the Platonic theory of the image, as well as from the Baudrillardian account of the postmodern simulacrum, which accepts too much from Platonic concepts.[142] Derrida's quasi-concepts of the image, the phantasm, and spectrality cannot be thought from within Platonism. The furtive visibility of the invisible that Derrida associates with spectrality distinguishes the specter "not only from the icon or the idol but also from the image of the image, from the Platonic *phantasma*, as well as from the simple simulacrum" (SM 6). Derrida's account of media spectrality rejects the binary thought that: (1) the image, as reference, is attached to real things and thus bound to truth (Platonic *eikōn*), or alternately, (2) that world is nothing but an image, as in the account of image as simulacrum (Platonic *phantasm*). Rejecting the oppositional values of truth and non-truth that emerge from this dualistic Platonic heritage, Derrida rethinks the image as *both* simulacral *and* referential, virtual *and* actual, living *and* dead, *at the same time*. Spectrality takes up both

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[139] See for example Geoffrey Batchen, "Phantasm: Digital Imagining and the Death of Photography," *Aperture*, no. 136 (1994): 46-51.

[140] See Emily Apter, "Visual Culture Questionnaire," *October* 77 (Summer 1996): 26–27, doi: 10.2307/778959.

[141] Sconce, Jeffrey, "Haunted Media," *Spectralities Reader*, eds. Esther Peeren and María del Pilar Blanco (London, UK: Bloomsbury, 2013), 249.

[142] Kas Sagafi interrogates the distinction between Derrida's phantasm and Plato's in "Dying Alive," *Mosaic* 48, no. 3 (2015): 15-26.

sides of the opposition in a way that destabilizes postmodern spectrality and its Platonic antecedents.[143]

The Optic Of Spectrality

Linking up the three principle axes of this study—*sovereignty-spectrality-image*—this final section develops the double and deconstructive logic of spectrality at work in sovereignty and in images into a general "infrastructure" I call the "optic of spectrality." This double optic will serve as a heuristic device that helps to assess the multiple ways images have been deployed to "master" death by exploiting, repressing, and controlling spectrality, while simultaneously thwarting attempts at visual mastery, in ways that render sovereignty fragile and precarious.

Before venturing further, I will specify the kind of work this general "infrastructure" is going to do for me. I borrow the term from Rodolphe Gasché, who lifts it from Derrida.[144] "An infrastructure," Gasché explains, "is not what is called a ground in traditional philosophical language. It is, on the contrary, a non-fundamental structure, or an abyssal structure."[145] Gasché mobilizes the concept of infrastructure against its usual meaning. In legal-economic discourse, infrastructure tends toward standardization and reproduction of the same (rather than generation or variation). In philosophy, it usually suggests a deeper, more fundamental structure or origin. For Gasché, on the other hand, infrastructure articulates a general structural logic that both grounds and ungrounds at same time. To borrow the language of quasi-transcendentality again, "infrastructures are conditions as much of the impossibility as of the possibility of origins and grounds."[146] As an infrastructure, the optic should be understood as co-articulating the spectral logic at work in sovereignty and images.

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[143] See Jacques Derrida and Bernard Stiegler, "Artifactualities," in *Echographies of Television: Filmed Interviews*, trans. Jennifer Bajorek (Cambridge, UK: Polity Press, 2007): 1-27. *Cf*. Foster, "Death in America," 36–59. Foster makes a similar rejection, but without interrogating these Platonic roots, in his reading of Warhol's agit-prop death images. He advances his own theory of "traumatic realism" which attempts to unravel the either/or logic that characterized "post-structural" critiques of the image as simulacrum in the 1990's. Foster similarly rejects this *either/or* blackmail by thinking the image as both referential and simulacral at the same time.

[144] For Gasché's discussion of infrastructure see *The Tain of the Mirror*, 121–76. For Geoffrey Bennington's sardonic rebuttal to Gasché see "Deconstruction and the Philosophers (The Very Idea)," *Oxford Literary Review* 10, no. 1-2 (1988): 73–130. Derrida expresses reticence towards the concept in *Positions*, 90 and *Acts of Literature*, ed. Derek Attridge (New York, NY: Routledge, 2017), 72.

[145] Gasché, *Tain of the Mirror*, 155.

[146] Gasché, *Tain of the Mirror*, 161.

Calling this general possible/impossible law of infrastructure an "optic" allows me to refocus spectrality's relation to the visual and to vision and then technicity. The optic is a kind of technical infrastructure that frames sovereignty as an *optical* affair. "Optic" is of course imported from the lexicon of visibility (from the Greek *optikos* "of or having to do with sight," from *optos* "seen, visible" and *ops* "eye"), which has been historically related to the production of knowledge. Recall that the concept of theory (*theoria*) depends on the rhetoric of "visualization, visuality, vision, seeing, optics. To theorize means... to see, to contemplate, to gaze, as in *theoria*" (DE 16). The optic troubles the long history of the optical space of vision that associates seeing with knowledge, reaching from Plato's theory of *eidos* (as a visible image) through the uniform monocular space of geometrical perspective theorized as the ground of the Cartesian subject in *La dioptrique*.[147] The stereoscope provides a useful analogy. (In fact, the images of Gettysburg that began the thanatography are themselves stereoscopic images; photography and death were linked from the beginning and these images of death were always doubled.) Cartesian optics—like Renaissance perspective—attempts to understand objects as, in principle, masterable by placing them on a grid observed from a stable, immobile point that reduces vision to an affair of geometry. This immobilization of the eye flattens the visible field around a focal center that excludes foveal curvature. The stereoscope, by contrast, relies on its three-dimensional effect on the presence of curved space of vision; it accepts into the image, the elliptical margins of the foveal periphery as well as the focal center. As such, it represents a different kind of seeing that retains within it a spectral heterogeneity at the margin of seeing.[148]

Moreover, as Jonathan Crary notes in "Techniques of the Observer," the stereoscope's three-dimensional imaging system relies for its effect on the principle of "binocular disparity"—i.e. the fact that each eye sees a slightly different image. This is illustrated by David Brewster's 1849

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[147] See René Descartes, *Discourse on Method, Optics, Geometrics and Meteorology*, trans. Paul J. Olscamp (Indianapolis, IL: Hackett, 2001). Derrida comments on Catherine Malabou's expression "at once" in Jacques Derrida, "A Time for Farewells: Heidegger (Read by) Hegel (Read by) Malabou," trans. Lisabeth During (London, UK; New York, NY: Routledge, 2009), xxxvi. Also see Derrida's description of the double-sided analysis in "Freud and the Scene of Writing," trans. Jeffrey Mehlman, *Yale French Studies*, no. 48 (1972): 74–117, doi:10.2307/2929625.

[148] Maurice Merleau-Ponty and Jacques Lacan noted the importance of the stereoscopic reversal. Both the phenomenologist and the psychoanalyst analyzed anamorphic or 3D visual phenomena in opposition to the geometrical structuring of space by an optical system. See Laura Burd Schaivo, "From Phantom Image to Perfect Vision: Physiological Optics, Commercial Photography, and The Popularization of the Stereoscope," in *New Media, 1740-1915*, ed. Lisa Gitelman and Geoffrey B. Pingree (Cambridge, MA: MIT Press, 2010), 113–37.

diagram of his lenticular telescope (*Figure* 7). The stereoscope aimed to quantify the differential between the optical axis of each eye by rooting the synthesis of retinal disparity in the observer's body (as opposed to earlier theories that the observer only ever saw with one eye at a time) the stereoscope was able to explain how *two* different images, when viewed together, could be experienced as a single univocal "image."[149] Pushing the stereoscopic analogy further, this account of the mechanisms of stereoscopy can be related to the phantasm of sovereignty instituted by an ineliminable spectrality, which it nevertheless covers over when it projects an image of itself as *indivisible, instantaneous,* and devoid of technicity. Yet, as Crary shows, the stereoscope provoked a historical crisis in the nineteenth century. The problem was that the new vision machine made all to clear the fact that perceptual experience is the apprehension of spatial differences, or "disjunct or divergent images" over time.[150] In so doing, it undermined the stability of the subject. Brewster wrote of his fear that the synthesis of retinal difference would never be stable or secure.[151] Stereoscopy's immersivity captivated and fascinated, but it was not sufficiently able to conceal its phantasmaticity. It offered neither the assurance of "the identity of a copy nor the coherence guaranteed by the frame."[152] This led to the apparatus' eventual displacement by the photograph, which preserved aesthetic distance and the codes of monocular space. In effect, the stereoscope was *too deconstructive.*

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[149] Jonathan Crary, "Techniques of the Observer," *October* 45 (Summer 1988): 25, doi:10.2307/779041.

[150] Crary, "Techniques of the Observer," 27.

[151] See for example, David Sir Brewster's theory of stereoscopic vision in *The Stereoscope: Its History, Theory, and Construction, with Its Application to the Fine and Useful Arts and to Education* (London, UK: John Murray, 1856).

[152] Crary, "Techniques of the Observer," 30. This has grave implications for Kant's theory of aesthetic judgment, which famously calls for "disinterested contemplation." The stereoscope fails in this regard; its proto-immersivity violates aesthetic distance between the observer's consciousness and the space of the image in the age of reproduction, making the new twin-lens camera *the* popular choice for imaging war dead. Shortly after Alexander Gardner first displayed his stereographic Civil War prints at Matthew Brady's New York gallery in 1862, Oliver Wendell Holmes (an early stereoscopy enthusiast and its most eloquent spokesperson) commented on the burgeoning medium's capacity to capture and display death: "It was so nearly like visiting the battlefield to look over these views," he reported, "that all the emotions excited by the actual sight of the stained and sordid scene, strewed with rags and wrecks, came back to us, and we buried them in the recesses of our cabinet as we would have buried the mutilated remains of the dead they too vividly represented" (12). Gardner's plates transported the spectator to distant battlefields where they could confront a new experience and scale of mechanized death in modern warfare. Like collodion, which was used during the Civil War both to coat light-sensitive photographic plates and to suture war wounds, these images attempt mediate death but the stereoscope ultimately fails to suture the psychic wounds it causes. The unassimilable remainders of "The Dead of Antietam" provide no closure nor visual mastery. Moreover they illustrate why stereoscopy as a mode of technicity provides no grounds for common sense that Kant and Arendt alike argued was necessary for political cohesion. See Oliver Wendell Holmes, "Doings of the Sunbeam," *Atlantic Monthly* (July 1863), 1-15.

David Brewster's lenticular stereoscope. 1849.
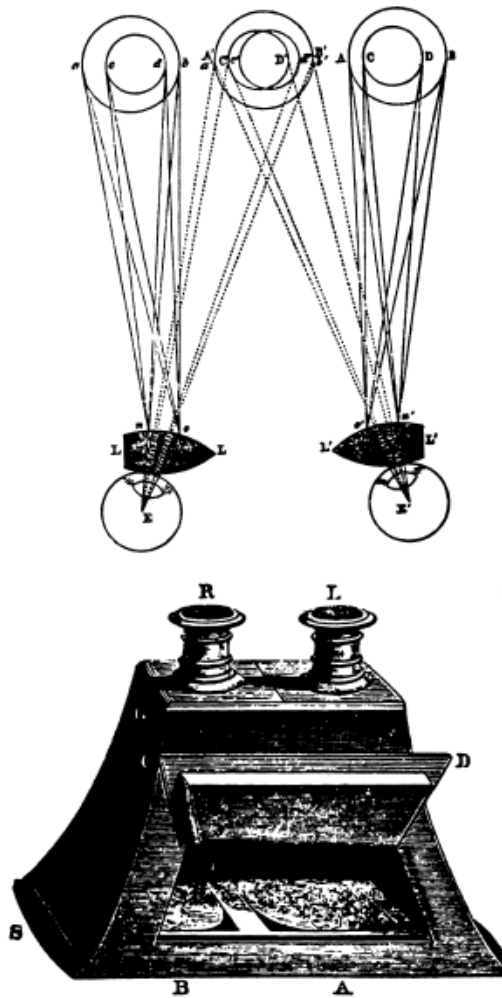
Figure 7. Unidentified artist, David Brewster's lenticular stereoscope. Etching, from Sir David Brewster, The Stereoscope; Its History, Theory, and Construction. London, UK: John Murray (1856).

The analogy of the stereoscope—with its principle of binocular disparity—will help illustrate the double-sided analysis and explanatory effect of the optic of spectrality I mobilize throughout this work. As an intrinsically double, recombinant space, the optic allows us to see two things "at once." It holds together the possibility *and* impossibility, the transcendental *and* empirical, as well as the complication of visibility *and* invisibility associated with the logic of spectrality outlined above. My general argument is that images perform a double function in relation to sovereignty: sovereignty

needs images to install itself over time, even as these same images simultaneously undermine sovereignty by exposing it to the very death that they are supposed to contain. The optic has two cinematic "angles," or interpretative functions.

The first deconstructive angle of the optic of spectrality is broadly critical and diagnostic: it reconstructs various ways images of death are deployed to institute sovereignty by variously repressing, foreclosing, or exploiting spectrality and thus the ways images of death have been deployed to institute the phantasm of sovereignty, even as sovereignty represses the question of technicity. As I have suggested, the phantasm of sovereignty is associated with forms of psychic mastery over death, which play out in terms of *who* and *how* the state decides to kill, for example, in the death penalty and warfare. But this also plays out significantly in relation to images and visible representation, that is, by how the state manipulates and legislates the power that accrues around images of death.

Sovereignty marshals its conceptual resources against death. Relying on a clear-cut divide between life and death that takes the form of a threshold, sovereignty absolves itself of spectrality: the phantasm of sovereignty cleaves life from death and confirms the line between the two. The French expression that power "holds the bar" (*tient la barre*) is no metaphor. Rather, it refers to the supposition of a line between the living and the dead.[153] Images proliferate at this line that is supposed to divide life from its proper end. They are deployed in this divided space, as a kind of tollgate and border control that regulates the exchange between the two and thereby seeks to "master" death through its visible appropriation. Images of death function both to circulate power and to stabilize the meaning of death in opposition to life: it is at this frontier that power emerges and is defended. Images of death afford a key site where the grappling with death takes place. As a form of differential iterability they are one of the empirical processes or techniques that work to stabilize sovereignty, as well as the border between life and death—or Life/Death, to use Barthes' visual formulation.[154] This confrontation with death takes different forms in different historical contexts. Sovereignty tarries with death when it telescopes death into an instantaneous image (chapter 2) and when it disseminates lethal images through global satellite networks that coordinate the capture and destruction of bodies in counterinsurgency operations (chapter 4). However, this

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[153] See Jean Baudrillard's remarkably incisive analysis of "death power" in *Symbolic Exchange and Death* (London, UK: Sage, 1993), 129-131. (This term appears in English in the original 1976 French Edition.)

[154] Barthes, *Camera Lucida*, 92.

drive to master death is also deployed through modes of what Orlando Patterson calls "social death" and "natal alienation" inflected through the exclusion from opportunity or the relegation of social life to what Mbembe calls forms of "living death" (*mort vivant*), for example in mass incarceration, and in networked digital images of antiblack violence that circulate the possibility of death as an omnipresent threat that circumscribe black social life under social death. In each of these cases, sovereignty orchestrates material processes of inscription in an attempt to confront the exposure to finitude and death, which is sovereignty's quasi-transcendental condition of *im*possibility. In deploying technicity, sovereignty tries to immunize itself against death and time.

The second deconstructive angle follows the critical angle with a quasi-transcendental argument. It shows how images of death circulating in visual culture simultaneously expose sovereignty's weaknesses and phantasmatic dimensions. Sovereignty deploys the machine-like repetition of teletechnologies to install itself, but it equally needs to control images because they simultaneously harbor an unruly potential to disrupt the limit between life and death: differential iterability also amplifies spectrality in ways that deconstruct sovereignty by exposing its aporetic structure. Dissimulating themselves across the border in the manner of the ghost, images disrupt the bar that is supposed to divide the purity of life from death. In their quasi-transcendental operation, images also "unground" sovereignty. Images, with their general technical and structural possibility of differential iterability and their long association with death, amplify spectrality and complicate our understanding of sovereignty. They afford a point from which to deconstruct sovereignty's phantasmatic dimensions. There is a sense in which images of death are never fully within our grasp. As Belting rightly notes, "we are not the masters of our images, but rather in a sense at their mercy; they colonize our bodies … so that even if it seems that we are in charge of generating them, and even though society attempts unceasingly to control them, it is in fact the images that are in control."[155] This disruptive potential frames the second angle of the optic.

In reframing deconstructive reading in its visual operations, this stereo-aporetico-scopic "infrastructure" affords a heuristic device from which to approach the double function of images of death in relation to sovereignty, whereby images of death function both to stabilize a phantasmatic concept of sovereignty that understands itself as indivisible and absolute, while simultaneously rendering that same structure perilous by exposing it to the very finitude and alterity that images are supposed to occlude and master. Images of death are imbricated both in the institution *and*

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[155] Belting, *Anthropology of Images*, 9-10.

deconstruction of sovereignty. The optic of spectrality helps me assess (first eye) how historically and geopolitically specific mutations in sovereignty deploy images to immunize itself against the incursion of death and finitude and (second eye) how—*at the same time*—these same images expose the phantasmatic attempts to control death, time, and visibility mobilized by sovereignty. The optic of spectrality traces a constellation of questions about symbolic violence and iconic power, phantasmaticity and spectrality, death and representation.

The following chapters put this two-eyed optic to the test in a series of visual provocations. The optic of spectrality will organize my analysis of the production and consumption of images of death circulating across spatiotemporal and political borders in contemporary art and media. What follows is an attempt to test the diagnostic efficacy of the optic in a series of historically specific contexts and visual regimes of power. In the next chapter, I will deploy the double logic to interrogate in the visible field of the death penalty. Turning to Derrida's engagement with Foucault in the first year of the Death Penalty seminar, I examine the theatrical and spectacular dramaturgy of capital punishment, which always implies the right of the sovereign to have the power to decide over the life and death of its citizens, as well as a certain thinking of the time of death as instantaneity. The remaining chapters examine how this two-eyed logic of spectrality plays out in videos of anti-black police violence (chapter 3) and the "operational images" deployed in an increasingly virtualized global warfare (chapter 4). In this later engagement, stereoscopy is mobilized not *only* as an analogy, rather, it's principle of reconciling binocular disparity is instrumentalized in the operations of global warfare: the drone is a transcontinental stereoscope whose aim is annihilation.

Methodologically, this organizing logic should not be seen as reflecting a distinction of universal/particular (as though I am giving you the paradigm and then the example). In other words, the optic should not be understood as a theoretical apparatus that can simply be repeated or "applied" to visual objects as case studies. Instead, it needs to be understood as a kind of "formal rule" that regulates differently each time it is put into play.[156] Each of the following chapters mobilizes the optic to show the "same" double logic at work in the different socio-political, geographic, and historical contexts. The spectral tensions amplified in each regional engagement discloses different aspects and ramifications of the double logic at work in sovereignty. Each differential iteration performatively engages another aspect of this general infrastructure, disclosing various inflections and shifting emphases: from prosthetic to mental images, from iconic to

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[156] Gasché, *Tain of the Mirror*, 142.

symbolic, etc. Each brings the oscillating double movement of the optic into play in different ways, with new elements moving to the fore, while others recede into the background.

What happens to spectrality for example, with the advent of the vernacular instantaneous photography movement, when new prosthetic techniques emerge for arresting the flow of time in a visible instant of scopic mastery? What happens to spectrality in the midst of the early fascination with images of execution, which serve as a preeminent site where the frontier between the living and the dead is drawn and defended? Or when spectacular structures of state killing are deployed in the service of white supremacy to construct the racial other as intrinsically less human and more precarious? What happens moreover, when cameras are installed in remote control missile heads and when "dematerialized" images transmit lethal data codes across satellite networks that are increasingly illegible to the human eye? What happens to spectrality across the mutations of sovereignty? And what does this tell us about the reversible necessity of photography for the phantasm (*no phantasm without photography*), and the phantasm for photography (*no photography without the phantasm*)?

CHAPTER 2: *Time of Death*: Sovereignty, Photography & The Death Penalty

> Dans la photo, tout est donné dans un seul coup.
> —Phillipe Dubois[157]

9 December, 1937: the body of Jean de Koven is found in a shallow grave beneath the porch of a Saint-Cloud villa outside Paris (*Figure* 8). Moments before her untimely death, the aspiring American dancer took two snapshots of her killer, the handsome German exile, Eugène Weidmann. Her camera, recovered alongside her corpse five months after the fatal rendezvous, still held the exposed negatives, which were developed belatedly—only after a delay—to serve as evidence in the sensational trial that captivated all of France.[158] Reporting for *The New Yorker,* Janet Flanner writes:

> In the quick quarter-hour with him before Miss De Koven went to her new operatic role, sheer sociality reigned; they smoked, she took pictures of him with her nice new camera, he kindly refreshed her with a glass of milk. When, five months later, his unfortunate guest was disinterred, she still summed up (except for the murderous cord tight around her throat and the awful action of time) the sartorial elements of the sociable summer tourist. She was still wearing her cute brown sports hat, her gloves, her blue dress with its red Scotch plaid top, her new patent-leather shoes— still had her white handbag (empty of $430 in American Express checks and about 300 francs cash), still had at her side her nice new camera containing snapshots of her murderer.[159]

We do not have de Koven's snapshots, which frame and sever Weidmann's head in a "micro-version of death" that uncannily anticipates his beheading by guillotine on 17 June, 1939. (De Koven's images are buried yet again, but this time in some institutional repository, perhaps Les

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[157] Dubois, *L'acte photographique*, 98.

[158] The temporal torsion introduced by this photographic process illustrates Freud's analogy for the unconscious structure of trauma, which is not lived in the time of the event, but only retroactively—after a delay.

[159] Janet Flanner, "American in Paris," *The New Yorker*, February 5, 1938, 37.

Figure 8. Unidentified photographer, Police Digging in the Garden of the Death Villa at St. Cloud. 14 December, 1937. Press photograph. Photo courtesy of AP Photo.

archives de la préfecture de police de Paris.) We do however, have a short film depicting Weidmann's execution outside the Prison Saint-Pierre at Versailles, in what would prove to be metropolitan France's last public execution.[160] This short film will guide my first deployment, or "take," of the infrastructural optic of spectrality to examine the relation between sovereignty and images of death in the first year of Derrida's seminar on the death penalty. Between these deathly images—between de Koven's snapshots of Weidmann and the anonymous film of his 1939 execution—emerge different notions of time and the instant that will be the focus of this chapter.

A source of fascination among France's literati, Weidmann made posthumous appearances in Jean-Paul Sartre's *The Age of Reason* and Albert Camus's *Reflections on the Guillotine*. Jean Genet—the "fascinated analyst" of the legal murder to whom Derrida turns his attention in the first session—commences *Our Lady of the Flowers* with the proper name "Weidmann," effectively penning his debut novel under the watch of the seductive "killer with a velvet gaze," as he was affectionately known in

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[160] Barthes, *Camera Lucida*, 14.

the press.[161] Commenting on the analogical powers of the photograph in her seminal book *On Photography*, Sontag recounts: "On one wall of cell No. 426 in Fresnes Prison in the early 1940s Jean Genet pasted the photographs of twenty criminals he had clipped from newspapers."[162] Among these glorified images of virile criminality was Weidmann, Genet's "erotic talisman," clipped from *France-Soir*.[163] "Multiplied by the presses," this image of Weidmann's face, bloodied and bandaged after a shoot-out with the French police, "swept down upon Paris and all of France, to the depth of the most out-of-the-way villages," reaching a youthful Derrida in Algiers.[164] In the first lecture of the seminar, Derrida confesses that he can "still see the image of his photograph" (DP1 29), which appeared in the independent French-Algerian newspaper *L'Écho d'Alger* (*Figure* 9). The image returns like an "apparition in the media," at once "theatrical and spectral," in the uncanny temporal modality of the Freudian *Nachträglichkeit* to haunt Derrida's interrogations of the death penalty with a kind of retroactive force that constellates questions about the role of visuality and contemporary tele-technologies in the formation of sovereign power and conversely, in the "discontinuous, but irreversible" movement for the abolition of the death penalty (DP1 30). Following Derrida's invocation, I resuscitate Weidmann's ghost to show how the phantasm of ipsocratic sovereignty is structurally linked to technical images that are presumed to be instantaneous.

As discussed in the last chapter, this model of sovereignty has five interlinking traits: *indivisibility*, *autonomy*, *closure*, *instantaneity*, and *spontaneity*. In this chapter, I focus on instantaneity and its relation to sovereign technicity. I examine how this trait asserts itself in the ethos of analogue photography through the attempt to arrest time in an instantaneous image. In the last chapter, I argued that there is always a phantasmatic dimension of sovereignty that one can deconstruct. My aim in this chapter will be to elucidate the phantasmatic dimensions of this understanding of time presupposed by sovereignty when it "takes life," by executing a death penalty. Following Wills' observation that the "central question of the death penalty is the question of time," I argue that

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[161] Macha Séry, "Colette Au Procès d'Eugene Weidmann," *Le Monde*, 2014, *my translation*, http://www.lemonde.fr/culture/article/2014/07/31/colette-au-proces-d-eugen-weidmann-le-tueur-au-regard-de-velours_4464899_3246.html. Jean Genet, *Our Lady of the Flowers*, trans. Bernard Frechtman (New York, NY: Grove Press, 1963).

[162] Sontag, *On Photography*, 162.

[163] Edmund White, *Genet: A Biography* (London: Vintage, 1993), 143.

[164] Genet, *Our Lady of the Flowers*, 51.

photography, which emerges as a contrapuntal theme in the seminars, provides a critical site for thinking through the deconstruction of the death penalty, while reframing the way we think about sovereignty.[165]

Figure 9. Unidentified photographer, *Eugène Weidmann, a few moments after his arrest*. 1939. Press photograph. L'Echo d'Alger. Photo courtesy of the Bibliothèque nationale de France.

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[165] Wills, "Drone Penalty," 174.

In the first section, I examine Derrida's assertion that state sovereignty presumes an ability to calculate the time of the other's death—down to the very *instant*. In putting the life and death of its subjects as its disposal, state sovereignty assumes a phantasmatic understanding of an objective instant of death that Derrida will deconstruct throughout the seminars. Pulling at one of the long veins that runs to the very heart of Derrida's attempts to think through a rigorous philosophical abolitionism, I read the seminars with an eye to visuality and to images. I argue that we can better understand Derrida's deconstruction of death by reading it in tandem with his questioning of the temporality of the instant, which he has treated in another light, in his texts on photography. The second section elaborates the debate staged by Derrida in the first lecture when he argues, *contra* Foucault, that the hallmark of sovereign power involves the right to command death in public spectacles that are still visible—though more virtual—with today's accelerated tele-technologies. I then sketch a genealogy of the instant mobilized by the Western onto-theology of the death penalty as well as by a certain concept of photography, by way of an analysis of the temporality of the guillotine and the nineteenth-century photographic snapshot (the French term for snapshot is *instantané*). My general argument here is that these two technical apparatuses give phenomenal support to the desire to a "master" an objective instant of death: both are modern techniques of sovereign power and both, in their own way, seek to master death by contracting time into a visible point (or *punctum,* to borrow from Barthes' lexicon).[166] This genealogy sets the scene for a double reading of the instant in the anonymous film of Weidmann's execution in the final section. The short film stages a double and deconstructive reading of the instant *first*, as a technique of mastering death and spectrality by contracting time into a visible instant and *second*, as a mode of spectral *revenance* or haunting that destabilizes the very limit sovereignty presumes to calculate and operate. Drawing on Derrida's critique of the temporality of the photographic instant, argue that this short film divulges another understanding of the instant and its power that can help us examine the putative instantaneity of death that posits life as that which happens only before death.

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[166] I am indebted to Elissa Marder's keen observation of the "shocking convergence" of the guillotine and photography in "The Elephant and the Scaffold: Response to Kelly Oliver," in *Spindel Supplement: Derrida and the Theologico-Political: From Sovereignty to the Death Penalty*, ed. Stephan Blatti (Memphis, TN: University of Memphis, 2012), 106, doi:10.1111/j.2041-6962.2012.00115.x 95 96.

Deconstructing Death

Derrida opens the first year of the Death Penalty seminar with the claim that the sovereignty of state power "is marked by the right of life and death over the citizen, by the power of deciding, laying down the law, judging, and executing" a death penalty (DP1 5). The sovereign presumes the right to command death and to grant exceptions to the law, for example, by deciding whether or not to grant clemency and stay an execution, at the very last moment. "State sovereignty," says Derrida, in conversation with Elisabeth Roudinesco, "defines itself by the power of life and death over subjects. And therefore by the right of exception, by the right to raise itself, if one may say, above the law" (FWT 144).[167] To think through the philosophical underpinnings that justify the death penalty, as well as the potential resources for a principled philosophical abolitionism, Derrida maintains the need to interrogate the "phantasmatico-theological" foundations of sovereignty that "presents itself, represents itself as the right to decree and to execute a death penalty" (DP1 22).

According to Derrida, these foundations remain uncontested—*de facto* if not *de jure*—in the history of philosophy (DP1 5). No philosophy, he argues, has ever contested the legitimacy of the death penalty in a principled, philosophical way: in the *Laws*, Plato judges the death penalty (*thanatōi zēmiousthō*) as a curative for the disease of stubborn impiety; in the *Philosophy of Right*, Hegel advances a retributive theory of justice that preserves death as legitimate form of punishment; in *The Metaphysics of Morals*, Kant (Derrida's main interlocutor) refers to the death penalty as a categorical imperative of penal law, while arguing that a principle of equivalence (or *lex talionis*) between crime and punishment is proper to the dignity of human reason. Even those philosophers that maintained a public discourse *against* capital punishment never did so in a "properly philosophical way" (FWT 146).[168] At stake between the "innumerable silences" of Heidegger, Sartre, and Foucault and the outright support articulated by Plato, Hegel, and Kant, is not only what philosophers have said (or

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[167] This echoes Jean Bodin's definition of sovereignty. For example, in *Method for the Easy Comprehension of History,* trans. Beatrice Reynolds (Sharon Hill: Russell Press, 1985), Bodin argues that "the power of life and death where the law itself has made to provision for flexibility or clemency" is one of five basic rights of the sovereign (174-175). See also *Bodin: On Sovereignty*, trans. Julian H Franklin (Cambridge, UK: Cambridge University Press, 2004), Book 1, Chapter 10.

[168] See Plato, "Laws," in *Plato: Complete Works*, trans. Trevor J. Saunders (Indianapolis, IL: Hackett Publishing, 1997); Georg Wilhelm Fredrich Hegel, *Hegel: Elements of the Philosophy of Right*, trans. H.B. Nisbet (Cambridge, UK: Cambridge University Press, 1991), §101-102; Immanuel Kant, "On the Right to Grant Punishment and Clemency," *The Metaphysics of Morals*, trans. Mary J Gregor (Cambridge, UK: Cambridge University Press, 2017), 104-110.

failed to say) about the death penalty. Rather these resistances expose the organization of Western philosophy around a speculative (and specular) investment in the doctrine of punishment.[169]

Derrida wants to elaborate an abolitionist discourse that counters the "stupefying fact" that there is no philosophy *as such* that objects in principle to the death penalty.[170] To do this in a "principled" and "unconditional way" he needs to contest the understanding of sovereignty that arrogates to itself the power over the life and death—over the time and finitude of the other (FWT 144). This whole concept turns on the phantasm that the sovereign can master an objective instant of death:

> The concept of the death penalty supposed that the state, the judges, society, the bourreaux and executioners, that is, third parties, have mastery over the time of life of the condemned one and thus know how to calculate and produce, in so-called objective time, the deadline to within a second. This knowledge, this mastery over the time of life and death, this mastering and calculating knowledge the time of life of the subject is presupposed … alleged, presumed in the very concept of the death penalty. (DP1 220)

In this paragraph, which appears only near the end of the seminar, Derrida announces what will have been one of the guiding themes of the seminar: a critique of the Western philosophy of time. The question of time and more specifically, the concept of the instant (of death) (which Derrida has incessantly problematized, from his earliest writings on Husserl's phenomenology of the living-present through his interrogations of photography) is lodged at the very heart of the critique of the phantasm of sovereign power over death in the seminars: what we have called "ipsocratic" sovereignty thinks that it can master an objective instant of death.

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[169] Derrida treats this omission in Heidegger in DP2 148-149.

[170] Derrida is not content with the familiar pragmatic arguments against the death penalty such as those outlined by the American Civil Liberties Union: that it is retributive, that it violates the Eighth Amendment of the US Constitution, which prohibits cruel and unusual punishment; that it fails as a social deterrent to crime; or that it is disproportionately directed against minorities. None of these pragmatic grounds for abolition provide an unconditional, secular rejection of capital punishment he aims to articulate in the seminars. The best these pragmatic arguments can hope to achieve is a contingent abolition. For example, the Supreme Court's 1972 decision in Furman v. Georgia, argued that the practice of capital punishment violated the Eighth and Fourteenth Amendments against cruel and unusual punishment. The four-year *de facto* moratorium on the death penalty was reversed with the US Supreme Court's 1976 decision in Gregg v. Georgia, effectively reinstating the death penalty. Derrida wants something more radical and more principled. See American Civil Liberties Union, "The Case Against the Death Penalty," n.d. https://www.aclu.org/other/case-against-death-penalty.

This phantasmatic desire for the juridical calculation of the "time of life," in turn, presupposes an unexamined conception of death that is our philosophical inheritance (DP1 220). This "pre-comprehension" is presumed "more or less explicitly" by all the great thinkers of death (DP1 237) from Plato—who, in the *Phaedo*, describes philosophy as a calmative that prepares the citizen for death and who, in the *Republic* indicts the tragedians' deathly images for inducing fear and thus threatening a properly human relation to death—through the most "radical" and "deconstructive phenomenologies," including Heidegger's existential analysis of *being-toward-death* and Levinas' ethics of radical alterity.[171] In each case, sovereignty is still construed by way of a relation to death that has long served as the fulcrum of speculative thought. To philosophize, according to the old injunction that bears us back to ancient Greece, is to learn to die, and learning assumes a certain thinking of the possible as a capacity, power or *ability* on the part of a subject to master an objective instant that "separates a state of death from a state of life." Each of these analyses presupposes the "existence of an objectifiable instant that separates the living from the dying, be it of an ungraspable instant that is reduced to the blade of a knife or to the *stigmē* of a point" (DP1 239). "Knife-edge" and "point" are presented here as two figures for the same allegedly objective division of life from death in a single instant that can be "determined" and "calculated" by a third party. Death is understood as an objective border, a limit, line or a threshold, but it is also figured a stigmatic point, a "puncta" or *punctum* (to borrow from Barthes' photographic language).

A radical and principled philosophical abolitionism must rethink the time of death and the time of the instant together (as Bazin argues the moment of death is the unique instant *par excellence*) along with a displacement more generally, of the topography of the border that is presumed to separate life from death in a clear-cut opposition. Derrida aims to dismantle this fantasy of control over an objective instant of death along with the specular and "speculative scaffolding" of the guillotine—a technical apparatus said to share with photography a certain temporal "metonymy of the instantaneous" (FWT 61). He contests the phantasmatic belief that one can master and control the instant by calculating the time of the other's death in executing a death penalty. This presumed mastery of death is impossible because there is no instant *as such*. Derrida exhorts us to deconstruct this phantasmatic delimitation of death. The seminar thus traces a patient "deconstruction of death," which is also a deconstruction of the Western philosophy of time, which understands time as a series of discrete moments that are conceived as indivisible "points." Derrida wants us to put this

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[171] Plato, *Phaedo* §386b; *Republic,* §386b. I would need to do a great deal of work to flesh out these respective critiques.

"point" "under surveillance" (*haute surveillance*) (DP1 7). He enjoins us to be "vigilant"—to keep our "eyes open" to what this watch-word "death" means and to what it makes us say, "in more than one language," including the idiomatic language of photography (DP1 240). We can better understand Derrida's injunction to "deconstruct death" by reading it in tandem with his questioning of the temporality of the instant, which he has treated in another light, so to speak, in his texts on photography. Images give us another point from which to interrogate the sharp edge of the instant of death that is supposed to divide the living *polis* from the community of the dead.

Although Derrida, (a self-proclaimed *cineaste*), does not develop a systematic discussion of images in the seminars, he lists the visible presentation of the death penalty among the veritable "thicket of problems" within the "immense overgrown archive of the death penalty" (DP1 47-8). In the first double session of the seminar Derrida places two interrelated visual sub-themes against the broader horizon of the "big question of sovereignty in general, of sovereignty of the state in particular" (DP1 xv).[172] The first subtheme indicates a concern with the role of visuality in the "primal scene" of sovereignty. It involves the "spectacle" or the "scene" of capital punishment and the general history of its essentially visible and public character. Opening the seminars with a pathos-laden description of the "cinematic theatricality of execution" Derrida promises to return "often and in countless ways" to the specular and theatrical *mise-en-scène* that organizes the death penalty (DP1 42). The second subtheme involves the representation of the death penalty in theater, painting, photography, cinema, and literature.[173] While Derrida focuses most explicitly on literature, technical images emerge in a spectral fashion, as an underdeveloped theme across the seminars, condensing and displacing questions about time and the instant, visibility and power, voyeurism and cruelty. Derrida references multiple films over the course of the seminars, including Louis Malle's *Elevator to the Gallows* (1958), Tim Robbins's *Dead Man Walking* (1995), and Clint Eastwood's *True Crime* (1999), as well as a single photograph: that of Eugène Weidmann.[174] My resuscitation of Weidmann's ghost will give us another *point* from which to assess the co-imbrication of these two themes in the "scopic drive" of the death penalty.

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[172] Derrida, qtd. in Geoffrey Bennington, "Editorial Note," in DP1, xv.

[173] See Peggy Kamuf, *Literature and the Remains of the Death Penalty* (New York, NY: Fordham University Press, 2019) for a discussion of literature and the death penalty.

[174] Barnaby Norman explores questions of testimony and time through a reading of Werner Herzog's documentary about Texas death-row, *Into the Abyss: A Tale of Death, a Tale of Life* (2011) in "Time of Death: Herzog/Derrida," *Oxford Literary Review* 35, no. 2 (2013): 205–20.

Seeing-Punish

Before I trace this genealogy of the instant through the scopic machines of the death penalty and photography, I will treat the first of the two visual subthemes by taking a detour through Derrida's claim that the hallmark of sovereign power involves the right to command death in visible (though increasingly virtual) spectacles. In the first double session, Derrida confronts Foucault's historical thesis about the progressive "de-visibilization" of punishment. I will restage this debate (which is largely implicit in the seminar), to flesh out Derrida's argument about the constitutive function of visibility in the death penalty. A comparison between the two thinkers will clarify the stakes of Derrida's specular investments in the seminar, while setting up an argument for the continued centrality of images in the visible appropriation of death as a site of political formation and deformation in the contemporary nation state.

Let's begin with Foucault. In *Discipline and Punish*—a text that Derrida reads as an "overture" in the course of the first seminar (DP1 42)—Foucault describes the old spectacle of execution as a "manifestation of force" that displayed the sovereign's absolute right over life and death (*vitae ius ac necis*) that Roman law called *merum imperium*. According to Foucault's analysis of penal law, the sovereign's power was confirmed through ritual display of violence. The public execution played the juridico-political function of restored a "momentarily injured sovereignty … by manifesting it at it most spectacular."[175] The scene of the execution was a form of public theater that aimed to reconstitute sovereignty. It was also an education in citizenship: the "right to be witnesses" tied spectator and spectacle in a "general economy of the public execution."[176] The people assembled to witness public executions were a critical part of the ritual performance of sovereign power.[177]

This changed, says Foucault, on the "threshold of modernity" when the classical model of sovereignty, as power over death, was supplanted by a new "biopolitical" paradigm that sought to calculate, organize, manage, and preserve life (*bios*) more pervasively than it sought to distribute

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[175] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans Alan Sheridan (New York: Vintage, 2012), 48.

[176] Foucault, *Discipline and Punish*, 58-9.

[177] *C.f.* Diane George and Diane Shoos's account of "witnessing" as an inherently political act vs. "voyeurism" as a theory of seeing associated with visual pleasure and power in their analysis the spectacle of the death penalty in "Deflecting the Political in the Visual Images of Execution and the Death Penalty Debate," *College English* 67, no. 6 (2005): 587–609, doi:10.2307/30044654.

death.[178] According to Foucault's famous thesis, the old negative power to "make-die and let-live" (*faire mourir et laisser vivre*) gave way to new positive power to "make-live and let-die" (*faire vivre et laisser mourir*). Foucault calls for the death of the traditional study of sovereignty as a political discourse: "what we need," he argues, "is a political philosophy that isn't erected around the problem of sovereignty, nor therefore around the problems of law and prohibition. We need to cut off the King's head."[179] Although Foucault still accords a certain power to expose its subjects to death as the "underside" of biopolitics, his general historical thesis in the last chapter of *History of Sexuality*, "Power over Death and Right to Life," is that the formation of power known as sovereignty—both in its monarchical and juridical instantiations—has been supplanted by the channels of "disciplinary power" and "biopower" that operate through discursive formations embedded in our social and institutional practices.[180] Biopower is power over the administration and management of life, enacted in distributive, capillary modes: in the prison system, the health system and new forms of governmentality. With this, "the great spectacle of physical punishment disappeared" from the stage of the death penalty: "the tortured body was avoided; the theatrical representation of pain was excluded from punishment."[181] The bloody theater of the death penalty recedes behind the gates of the sprawling system of mass incarceration, signaling a decisive shift from the visible administration of death to invisible regime of punishment incorporated into bodies. The sovereign spectacle is erased; a new epochal *episteme* is born from this rupture.

Derrida's response to Foucault: visibility is not eclipsed, but "deferred." Where Foucault sees hardened historical ruptures and binary oppositions, Derrida suggests a complex and complicated field of differences (FWT 12) . In a move characteristic of disagreements between the two thinkers, Derrida argues that life *and* death have always been fatally entangled with power. Although Derrida

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[178] In *Bíos: Biopolitics and Philosophy* (Minneapolis, MN: University of Minnesota Press, 2008), Roberto Esposito shows that Foucault waffles on the relation between sovereignty and biopolitics. At times, he argues that sovereignty and biopolitics are two incommensurable regimes, with the later chronologically superseding the former. Yet other times, Foucault suggests the two regimes are superimposed. On the one hand, he posits a clean and irreversible caesura—an absolute incompatibility of sovereignty and biopolitics. On the other, the two regimes are coextensive, rather than contiguous. Esposito argues that Foucault's flirtation with these two oppositional hypotheses creates "an optical effect of splitting or doubling" (34). He attempts to overcome this antimonial knot by injecting his concept of "immunity" into the articulation of the two regimes of sovereignty and biopolitics.

[179] Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings*, ed. Colin Gordon (New York, NY: Pantheon Books, 2009), 121.

[180] See Michel Foucault, *The History of Sexuality, Volume I* (New York: Vintage Books, 1990), 144.

[181] Foucault, *Discipline and Punish*, 14.

does not confront Foucault's epochal thesis about the shift from sovereignty to biopolitics we should nonetheless read this into the margins of his argument about the visibility *and* invisibility central to the death penalty.[182] The stakes of this are far-reaching: Foucault's (historical) genealogy of penal reform presumes an underlying divide of life and death that Derrida's (quasi-transcendental) analysis of the instant of death seeks to problematize. Derrida argues:

> Foucault's book is not a book on the death penalty, but it is a book that deals among other things with the historical transformation of the spectacle, with the organized visibility of punishment, with what I will call, even though this is not Foucault's expression, the seeing-punish [*voir-punir*], a seeing-punish essential to punishment, to the right to punish as right to see-punish(ed), or even as duty-to-see-punish(ed) [*devoir de voir-punir*], one of Foucault's historical theses being that at the beginning of the nineteenth century, what "gets erased" is, I quote, "the great spectacle of physical punishment; the tortured body is avoided; the staging of suffering is excluded from the punishment. The age of punitive sobriety begins" (21). I am not so sure of this, but perhaps there is here a technical, tele-technical, or even televisual complication of seeing, or even a virtualization of visual perception. (DP1 43)

Whereas Foucault posits the "progressive disappearance of spectacular visibility" and a generalizable shift from the (visible) right over death under sovereign power to the (invisible) administration of life under biopower, Derrida tries to demonstrate a shift from one "modality," "distribution," or parceling out of visibility *and* invisibility to another more virtual one that has the effect of extending the "field of the spectacular and the theatrical" (FWT 12). What Derrida, glossing Foucault, calls "seeing-punish" (*voir-punir*), as the essential right or duty to witness the scene of the execution, is still operative today.

Like Foucault, Derrida traces shifting empirical apparatuses of killing in the history of the death penalty, from the "excessive *jouissance*" procured by the violent execution under the Ancien Régime to the elimination of pain with the guillotine, to the elimination of blood and the corporeal traces that mark the passage from life to death with the contemporary practice of lethal injection (FWT 159). But Derrida argues that seeing-punish remains throughout. Both visibility *and* invisibility, he argues, are always part of a "theatrical, spectacular, or even voyeuristic machinery" (DP1 2). Power is still erected over the scaffolds of death and death is *still* visible: "The spectacle will

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[182] Foucault, *History of Sexuality,* 143. For a particularly insightful analysis of Derrida's critique of biopolitics see Jeffrey T. Nealon, "Living and Dying with Foucault and Derrida: The Question of Biopower," in *Between Foucault and Derrida*, ed. Yubraj Aryal, Vernon W Cisney, Nicolae Morar, and Christopher Penfield (Edinburgh: Edinburgh University Press, 2016), 237–50.

have continued; it still continues by becoming virtual" (DP1 205). Yet, visibility is more diffuse and virtual—*more spectral*. Thus, in the second year of the seminars Derrida recalls that "punishment, which is in the end always public, did not become invisible but only changed its *form and its place* of visibility by becoming virtual or by virtualizing itself (*en se virtualisant*)" (DP2 20, my emphasis).

Derrida links this virtualization of visibility to spectrality and to empirical, or iconic images. He suggests that contemporary teletechnologies introduce a "technical, tele-technical, or even tele-visual complication of seeing, or even a virtualization of visual perception" (DP1 43):

> On the question of whether "to see or not to see killing or cruelty," Foucault speaks of a progressive disappearance of spectacular visibility. This is true, but at the same time, thanks to television and cinema, one sees more and more films that, under the perfectly good pretext of abolitionism, exhibit not only the condemnation to death but the process of execution, up to the last moment. Visibility is thus deferred. The transformation of the media makes it so that one should speak not simply of invisibility but of a transformation of the field of the visible. Never have things been as "visible" in global space as they are today; this is itself an essential element of the problem— and of the struggle. Spectral logic invades everything, especially at the intersections of the work of mourning and the *techne* of the image— which is to say everywhere. (FWT 159)

This redistribution and virtualization of spectacular visibility involves intertwined temporal and spatial aspects.[183]

On the one hand, what Derrida elsewhere calls "virtual time" suggests a temporal deferral.[184] Visibility is not abandoned, but postponed. The spectacle gets caught up in a delay made possible by prosthetic images, so that even where the application of the death penalty has become less visible, (for example, where civil society is banned from the direct scene of the execution), it is nonetheless re-established as the site of voyeuristic fascination with the representation of the death penalty across a multitude of screen cultures including television and cinema, as well mobile screens that

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[183] Numerous projects problematize the biopolitical priority of the *faire vivre* over the sovereign power of the *faire mourir*. Esposito's theory of "thanatopolitics" and Mbembe's theory of "necropolitics" argue that biopolitics is entangled with the power of death and exclusion. I return to this in my discussion of sovereignty and race in the next chapter.

[184] In the final chapter, I turn to Derrida's deconstruction of the concept of actuality in "Artifactualities," where he argues for a portmanteau concept of "actuvirtuality," which no longer opposes actuality and virtuality, but rather where the "virtual image" effects the production of actuality or event through a kind of detour through "virtual time" (E 6).

circulate an ongoing stream of violent images through our media feeds. Prosthetic images provide another site of fascination with the "immediate or deferred spectacle" of the death penalty (DP1 29).

On the other hand, as the spectacle is disseminated through the channels of the media it loses its specificity of *place*. When the scene of the execution loses its proper borders the spectacle becomes idealized or "spectralized"—it is disseminated everywhere, like an itinerant ghost. The result of this virtual complication of space is an "exhibitionism that knows no bounds" (FWT 159). What Derrida is diagnosing here is a shift to a de-centered sovereign power whose global empire of images has become increasingly diffuse and omnipresent.[185] The visibility of "seeing-punish" is displaced by the space and time of images. It is not that there is *less* visibility, but rather, a series of non-epochal transformations in the structure and field of visibility. Sovereignty is still linked to voyeuristic and spectacular violence, even where visibility is increasingly diffuse and "virtual" and where the apparatuses of capture are more mobile, as I will show in my in my interrogations of the archives of antiblack police violence (chapter 3) and the virtual field of drone warfare (chapter 4).

The Instant: Scopic Machines Of Death

But let's return to the instant in the analogue era of photography. The focus on the instant permits us to thread together two mechanical themes or motifs that run through the death penalty seminars:

1. *Machines of death*: On the one hand, the instant motivates Derrida's analysis of the apparatuses for the administration of capital punishment—from France's revolutionary guillotine to America's medicalized lethal injection protocols. Each technique of execution gives empirical or phenomenal support to the phantasm of the instant that installs itself at the very heart of the nation-state's sovereign administration of the death penalty, when it tries to calculate, control, and operate the time of the other's death.

2. *Machines of vision*: The instant is also central (as we have just seen) to Derrida's efforts to understand the power of technical images in relation to "seeing-punish". Images play a central role in framing our understanding both of instantaneity and death. In this regard, technical images (our paradigmatically modern form of visuality), have been central to the organization of the line or point that separates life and death.

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[185] *C.f.* Gilles Deleuze "Postscript on the Societies of Control," *October* 59 (Winter 1992): 3–7. Deleuze pushes this historical categorization when he argues that Foucault's disciplinary societies have succumbed to new more diffuse and deterritorialized modalities of power in contemporary societies of control.

These two intertwined mechanical motifs are tied up with Derrida's discussion of the instant and with his recurrent challenge to a dominant account of the Western philosophy of time that privileges the present moment. What is the instant like? How has it been represented? How have images of death framed the instant? What are the consequences of this model of thinking time? What links sovereignty to this account of time, which has enjoyed a historical privilege over other concepts?

To answer these questions, this section traces the desire for the instant *first,* as framed by the "calculating machine" of the guillotine (which figures as the symbolic site of transfer from monarchical to popular forms of sovereignty) and *second*, as it is produced and developed in the ethos of analogue photography—with more or less deadly consequences. My basic argument is that both the guillotine and the classical ontology of the photographic snapshot (*instantané*) share—or develop—a common presupposition of the instant. This presupposition, moreover, serves to preserve the phantasm of sovereignty described in chapter 1. I argue for a kind of reversibility or convertibility between these two machines of political power, which analogically mirror one another in the specular theater of the death penalty. Through this mirroring, the possibility of mastering the instant through one machine's operation is empirically confirmed by the other. These two machines thus preserve the phantasm *en abyme*. My first diagnostic move then, is to examine the understanding of the instant mobilized by these twinned machines. This will set the stage for the final section, which threads these two notions back together in a double and deconstructive reading of the instant of death in the short film of Weidmann's execution. This "stereoscopic" analysis will demonstrate how the image's spectrality simultaneously undermines the notion of the instant it is supposed to confirm.

The Guillotine

On the one hand, the guillotine, which served as the exclusive instrument for the deliverance of the death penalty in France from the Reign of Terror through to the abolition of capital punishment in 1981, was said to end life in a single instant without subjecting the condemned to the specular *nuit blanche* of punishment that preceded executions during the Ancien Régime. As a more humane method of execution, neither "cruel" nor "unusual," to borrow the language of the *Universal Declaration of Human Rights*, the guillotine was considered a reform in the progressive evolution of legal methods of putting to death. The guillotine was rational and egalitarian; a "humanitarian machine" in concert with the values codified by *The Declaration of the Rights of Man* (DP1 192). Prior

to the Penal Code of 1791, decollation was a method of execution reserved for the monarchy and aristocracy. However, when the machine's inventor, Dr. Joseph-Ignace Guillotin presented his machine to the National Constituent Assembly on 1 December 1789, he promised that the blade's mechanized instantaneity would democratize the death penalty by ensuring the repeatability of death without difference. Enlisting medical opinions to support the new democratic art of dying, the Assembly heard testimony from the Secretary of the Academy of Surgery, Dr. Antoine Louis, who assured the revolutionary government that the new apparatus would ensure that decapitation occurred in "an instant" according to the spirit and intention of the new law that stipulated that all should be equal in death.[186]

The guillotine condensed the spectacle in a new economy of time that was supposed to rid the death penalty of pain by reducing death to a mere "instantaneous passage without duration" (DP1 222). According to Guillotin, the transit from presence to non-presence—or from "being to nothingness"—was said to fall "like a bolt of lightning" in an "infinitesimal, inconsistent, inexistent instant, an instant without time"—on a single point, or a punctual *stigmē*" (DP1 222). The French physician, René-George Gastellier, similarly reports:

> The velocity of lighting is not greater than that of the fall of the blade, whose accelerated precipitation by the weight of the *mouton*, is such that from the first point of contact to the last there is no distance: it is an indivisible point, the blade falls and the patient is no more.[187]

Hence Foucault writes in *Discipline and Punish*, "decapitation reduces all pain to a single gesture, performed in a single moment—the zero degree of torture."[188] With the invention of the guillotine "death was reduced to a *visible*, but instantaneous event."[189] According to this logic, the guillotine contracts the death into a timeless instant. Instantaneity is thus connected to the exceptional logic of sovereignty, which underwrites the connection between mastery and death. Sovereignty imagines its proper instant as the "indivisible stroke" of the guillotine, which is "as silent as it is instantaneous, without any thickness of time" (R 109). The hallmark of sovereign power is *zero-time*. So long as the

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186 Dr. Antoine Louis was credited with designing a prototype of the guillotine. For a period of time after its invention, the guillotine was called the "louisette" or a "louison." See Friedland, *Seeing Justice Done,* 243.

187 René-George Gastellier, *Que penser enfin du supplice de la guillotine?* (Paris, France: chez les marchands de nouveautés, 1796), 19-20, *my translation.*

188 Foucault, *Discipline and Punish*, 33.

189 Foucault, *Discipline and Punish*, 13, my emphasis.

condemned dies in the "blink of the eye" (*Augenblick*), the death penalty remains proper to the dignity of man. The figure of the guillotine's instantaneous blade, which severs life from death, serves to link the two themes of *instantaneity* (the "intemporal instant") and *anesthesia* ("insensibility, non-pain, non-cruelty") (DP1 225): the instant proper to the guillotine would put an end both to time and to suffering. This is why, Derrida quips, "The guillotine is not just a killer, it's a painkiller [in even more colloquial American English, we might say that it is a killer painkiller] … And [it] kills pain because in a certain way, reducing time to an instant, to the nothingness of an instant, it kills time" (DP1 9).

What then is the connection between sovereignty and this anaesthesial instant in this specific form of modern instantaneism? Ever since the revolutionary government chopped off the King's head—in an iconoclastic instant that inaugurated a new model of popular or democratic sovereignty—there has been this intensified link between political sovereignty and a view of an anaesthesial instant that makes death masterable by suggesting its determinability. The sovereign is put in the position of mastering death by conceiving it as a "cut off" from life. As Fritsch writes,

> The sovereignty of Eurocentric humanism consists in seeking to master death by pin-pointing it as the end of life, by dreaming of "killing time," and with it affectability by others, as Derrida puts it near the end of the first year of the Death Penalty Seminar (DP1, 226/308; see also Rogues 109/154). Because subjection to time and change signals receptivity, suffering, and relation to others, to contract time into an instant is to attempt to master time, to kill it, and to render the self sovereign invulnerable to alterity.[190]

According to Derrida, this view of sovereign temporality is not entirely wrong. In principle, I wouldn't be a subject if I didn't contract time. Sovereignty, as we saw in the first chapter, involves a capacity or power—what I called ipseity—to return to itself, which shores up its power and identity by appropriating it back into itself. This is *always* part of sovereignty. However, in the case of the guillotine, this contraction manifests as a specific belief that one can determine the instant of death.

Moreover, this account of "killing time" implicitly draws on a certain strand of thinking of time in the "metaphysics of presence" that gives priority to the instant or the "now." Derrida calls this interpretation of time "constituted of simple discontinuous, discrete, and undecomposable instants," Cartesian instantaneism (DP1 225). However, it belongs to a longer tradition of thinking

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[190] Fritsch, *Taking Turns*, 190.

of time that Heidegger links to Aristotle in *Being and Time*. According to Heidegger, Aristotle laid the foundations of a "vulgar" or "common" concept of time that subsequently informed various canonical formulations from Hegel through Bergson.[191] On Heidegger's account, Aristotle inaugurates linear instantaneity in the history of thinking about time in chapter 4 of the *Physics*, where he says that time is composed of a successive series of "nows" (*nun*) or atomic points separate from one another and ordered into a chain that make up the stream of time. Hegel then gives this classical temporal determination of the instant the spatial analogue of "punctuality" (*Pünklichkeit*), or the point. Heidegger tells us that this dominant understanding of time determined on the basis of the *now*, as a punctual point, always privileges the present (*Gegenwart*).[192] It is this dominant account Western philosophy of time (which is by no means the *only* account of time) that Derrida has in mind when he says that sovereignty dreams of killing time, in the anaesthesial of the guillotine's operation.

Yet, Derrida is critical of Heidegger's sweeping claims about the continuity of this account of time in the tradition of metaphysics. In "Ousia and Grammē," he argues that Aristotle's treatment of time, which is much more complicated and varied, takes the form of an exoteric aporia. Aristotle rehearses more than one understanding of the instant, when he describes the now both as a link (*sunecheia*) of time *and* a boundary-limit (*peras*). On the one hand, Aristotle says you have to give an account of the "part" and hence divisibility of time. If time is thought in terms of its divisibility—it is thought as a series of nows. On the other hand, you have to account for the movement or flow of time from a not-yet-now to a no-longer-now. Time implies "before" and "after," or a coming to be and passing away of "nows" in a linear and successive fashion. However, if the now emerges out of a previous indivisible instant and gives rise to a subsequent indivisible instant, then each now also robs time of being, because it is always past and future. If time is thought in terms of indivisibility, it would never give way to another now, instead the now would be eternal. It would continue and there would be neither before nor after. In this case, there would be no change. For Aristotle, time is

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[191] For Aristotle's account of the aporia of time see *Physics* 4.10-14, 217b-218a, *The Complete Works of Aristotle*, trans. Jonathan Barnes. Princeton, NJ: Princeton University Press, 1984.

[192] Heidegger then develops his own understanding of "authentic" time against this backdrop. For Heidegger's discussion of Aristotle see Heidegger, *Being and Time*, Division 6, 26. For his analysis of Hegel's thinking of the punctuality of the point see *Being and Time*, Division 2, 82 (a). See also Catherine Malabou, *The Future of Hegel: Plasticity, Temporality, Dialectic*, trans. Lisabeth During (Abingdon, UK: Routledge, 2005), 1-5.

aporetic: it both is and is not; the now is both a part and not a part of time. Time is both the temporal flow of *nows*, and a succession that divides the present and tears at the flow of time, entailing its destruction.[193]

In *The Guillotine and the Terror,* the French historian Daniel Arasse suggests that the guillotine gives us a spatial metaphor for the Latin *instans* as that which "stands over" and "threatens." The guillotine's blade "expresses the instant" as a "knife's edge" that divides the *no longer now* and the *not yet now* (*Figure* 10).[194] Arasse writes: the instant of death without time "also consists of a separation, an infinitesimal and dynamic rupture between past and present. Each instant is a syncope out of which the linear continuity of time is constructed."[195] How can the instant both link and divide? How can continuity be based on the incessant tearing apart of time? The image of the guillotine stilled crystalizes the paradox of the Aristotelian aporetics of time in a strikingly modern form. There are at least three important consequences of this for our discussion. *First,* what emerges from Aristotle is not a coherent account of time, but rather, an aporetics of time, with more than one notion of the instant. *Second,* sovereignty implicitly draws on only one dimension of this aporia of time in order to support its claim that death is determinable in an instant that can be mastered in delivering a death penalty. *Third,* this experience of time needs technical methods of inscription in space. Both the guillotine *and* the camera serve this function.

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[193] It is not clear that either of these accounts give Aristotle's own position, nor whether he resolves the aporia of time. This perennial problem has been taken up by a number of thinkers, from Saint Augustine, *Confessions*, trans. Henry Chadwick (Oxford, UK: Oxford University Press, 2009) to Paul Ricoeur, *Time and Narrative, Volume 1*, Trans. Kathleen McLaughlin and David Pellauer (Chicago, IL: University of Chicago Press, 1984). Derrida discusses the aporia of time and Heidegger's treatment of it in "*Ousia* and *Grammē*: Note on a Note from *Being and Time*," in *Margins of Philosophy*, translated Alan Bass (Chicago, IL: University of Chicago Press, 1982), 29–67. "Without a doubt," he writes, "Aristotle thinks of time on the basis … of the now, the point, etc. *And yet* an entire reading could be organized that would repeat in Aristotle's text both this limitation and its opposite" (61). Whereas Heidegger discerns two oppositional theories of time: one "inauthentic" account thought in terms of the present now and the other (his own) "authentic" account of temporality, Derrida advances his account of trace and iterability in order to think the co-implication of these accounts of time. See also Richard Beardsworth, *Derrida and the Political* (Hoboken: Taylor and Francis, 2013), 31-34 and Fritsch, *Taking Turns,* which addresses Aristotle's aporia by using Derrida's figure of the "turn" give an account of democratic sovereignty that explains how time is *both* divisible and indivisible (162-163).

[194] Daniel Arasse, *Guillotine and the Terror*, trans. Christopher Miller (New York, NY: Penguin Press, 1989), 36.

[195] Arasse, *Guillotine and the Terror*, 151.
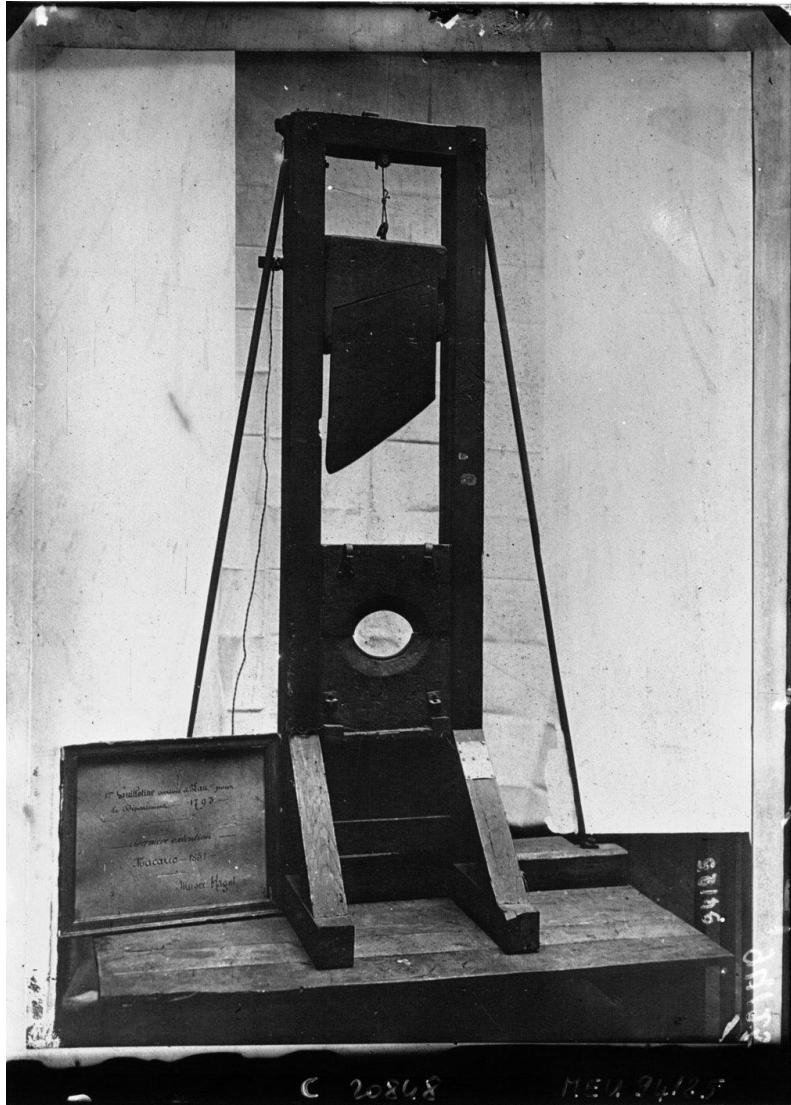
Figure 10. Unidentified photographer, *L'ancienne guillottine ayant servi jusqu'en 1848*. 1921. Press photograph. Agence Meurisse. Photo courtesy of the Bibliothèque nationale de France.

This brings me to the relation between the aporetics of time and processes of material inscription.[196] What is the connection between this phantasmatic concept of time and photography? Following Derrida, I will argue for a technical constitution of this experience of time. Photography functions to support this phantasmatic dimension of sovereignty that plays out in the death penalty's attempts to master death *vis-à-vis* the determinability of the instant. Photography implicitly draws on this phantasm of sovereignty expressed in the guillotine's instantaneity. The violent metaphorics of "taking" instantaneous pictures is beholden to this dominant concept of time premised on the instant. Conversely, the instant presupposed by the death penalty can only be experienced through processes of technical organization, which include the guillotine *and* photography. In short, sovereignty needs processes of material inscription to stabilize this phantasmatic dimension of time in the present. Yet, both photography and the philosophical concept of time have other sides. As we saw in the optic of spectrality outlined in chapter 1, photography's modes of inscription are *both* complicit with sovereignty *and* a deconstructive and distancing device. These are the two "stereoscopic" sides our optic. Because of its intrinsic spectrality, photography also draws out another account of time constituted through differential iterability. This duplicity allows photography to trouble the indivisibility of ipsocratic sovereignty. As I will show in the next section, in my discussion of the short film of Weidmann's execution, photography also allows for the exposure of sovereignty's weakness. And in fact, as we have just seen, Aristotle's account of time in the *Physics* is also both of these things! Aristotle gives us both an account of the divisibility *and* indivisibility of the instant, but without resolving the two into a single coherent account.

For now, I will focus on photography's complicity with this dominant "presentist" account of time's determinability. I will track the relation between technics and time as it plays in a genealogy of the photographic snapshot (*instantané*), which attempts to seize the instant and make it visible. (I will return to this in the final chapter, where I interrogate the contemporary techno-scientific reorganization of the phantasm of instantaneity in "real time" operations of global warfare.) For now however, I will interrogate the representation of time as an instantaneous point in the history of analogue photography. The most I can do is trace a provisional genealogy of the snapshot in order to flush out the slumbering investment with instantaneity that stretches across very different theorizations of the image from Étienne-Jules Marey's chronophotographic instant through Bazin's

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[196] See Fritsch, *Taking Turns,* 163.

realist analysis of the photograph as a "death mask," and Barthes' account of the *punctum*. Photography has been driven by a desire for the simplicity of the temporal instant as a minimal point of phenomenal self-presence since its invention. Here too we find the theme of *Augenblick* or "the blink of the eye" is central to the conceptualization of the photographic instant. This itinerary will deepen our understanding of the association of image and death traced in the last chapter, as well as the complicity of a certain understanding of the image with the Western philosophy of time, while setting the stage for a deconstructive reading of the instant of death.

The desire to contract and distill time into its minimal unity of a *now-point* was central to the modern project of nineteenth-century chronophotography. The instant was the primary passion of the early photographic research of Jules-Étienne Marey along with his contemporaries, Thomas Skaife, Eadweard Muybridge, Albert Londe, and Jules Janseen who aimed to materialize the "now" in an instantaneous image conceived as a point without duration.[197] Thomas Skaife explains that "Time is duration with beginning and end, but instantaneity is beginning and end *without* duration."[198] For Skaife, the "twinkling of the eye" comprised of "a closing and opening movement during which the eye is darkened for the space of one-tenth of a second" served as the "best, oldest and most reliable" criterion for instantaneity. The theme of the *Augenblick* or the "intemporal instant" re-emerges to define the photographic instant as the smallest unit of time which the unassisted human eye fails to measure: lightening, for example, is considered instantaneous because the unassisted eye cannot perceive if its flash lasts one-tenth of a second, or else a ten-millionth part of a second.[199]

This desire to capture the instant drove a series of technical inventions that sought to reduce the time of exposure to an absolute point without duration. New apparatuses of capture were

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[197] The contemporaneous movement in Germany was known as *Augenblickphotographie* and in England, as the Instantaneous Photography Movement. For an account of Edward Muybridge's pioneering contributions to the early vernacular Instantaneous photography movement see Phillip Prodger, *Time Stands Still: Muybridge and the Instantaneous Photography Movement* (New York, NY: Oxford University Press, 2003). See Denis Bernard and André Gunthert *L'instant Rêvé: Albert Londe.* (Nîmes, France: Éditions Jacquelin Chambon, 1993) for an account of Albert Londe's role in the "discovery" of the snapshot in the early nineteenth century. Londe, is best remembered for his work producing the iconography of hysteria while serving as a medical photographer at the Salpêtrière Hospital in Paris under Jean-Martin Charcot. See also André Gunhert's thesis "La Conquête de l'instantané: Archéologie de l'imaginaire photographique en France (1841-1895)," École des hautes études en sciences sociales, 1999.

[198] Thomas Skaife, *Instantaneous Photography, Mathematical and Popular Including Practical Instructions on the Manipulation of the Pistolgraph* (Greenwich: Henry S Richardson, 1860).

[199] Skaife, *Instantaneous Photography*, 9.

designed to render this "trifling obscurity of vision" visible as a point of presence. In 1859, *The British Journal of Photography* reported a demonstration of Skaife's "Pistolgraph" which used a rubber-band powered shutter to condense the speed of the shutter's operation.[200] By 1878, new light sensitive gelatin dry-plate emulsions allowed for the reduction of exposure time to 1/25th of a second. And in 1882, Marey presented his "photographic gun" (*fusil photographique*) in the journal *La Nature,* which allowed for the capture, dissection, and analysis of bodies in motion through a sequence of still images with unprecedented sharpness and legibility (*Figure* 11). Marey's apparatus allowed him to analytically dissect movement into a series of points that could represent temporal succession as series of still images on a single analogue plate (*Figure* 12). In *The Emergence of*
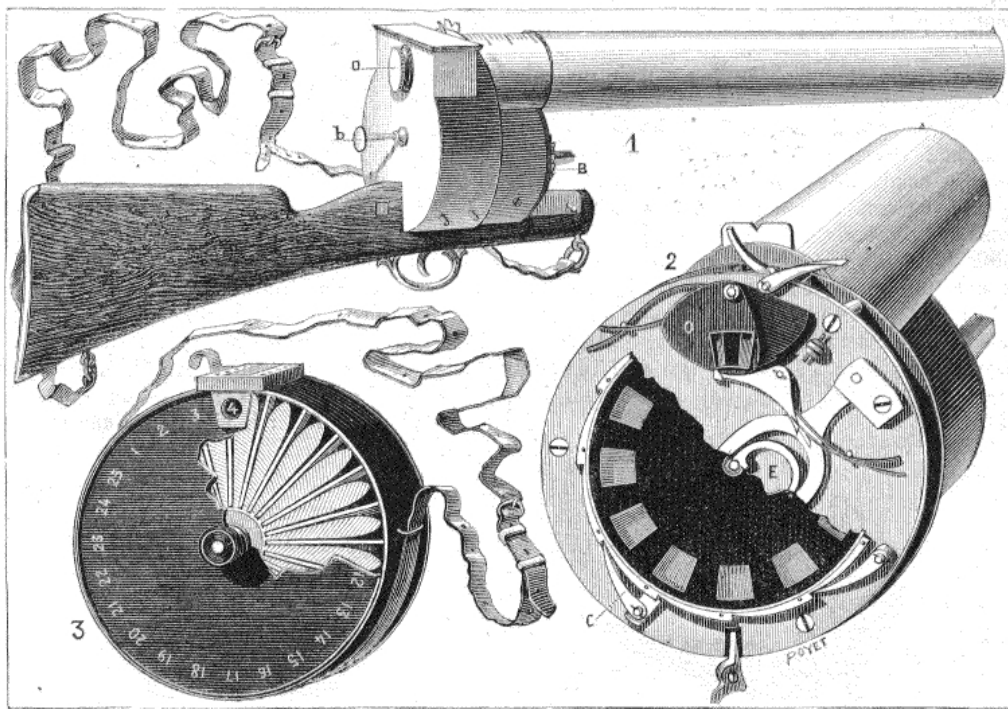
Figure 11. Louis Poyet, *Étienne-Jules Marey's Photographic Gun.* 1882. Etching. La Nature 18.464. Photo courtesy of Wikimedia Commons.

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[200] John Hannavy, ed. "Snapshot Photography," in *Encyclopedia of Nineteenth-Century Photography* (New York, NY: Routledge, 2008), 1277-79.
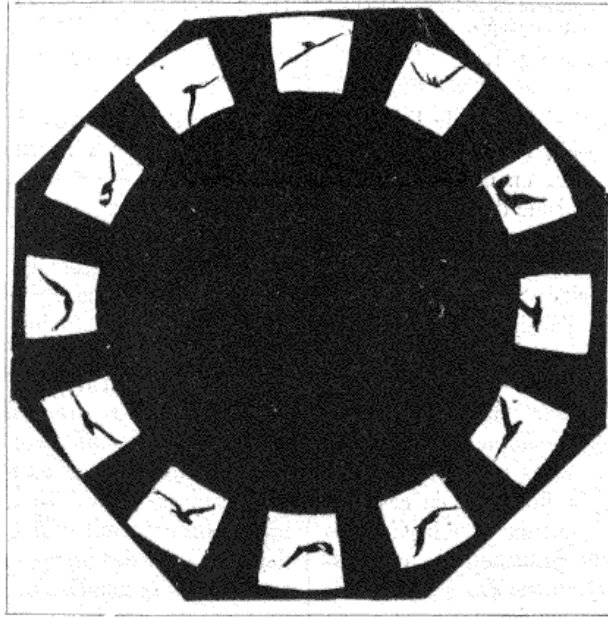
Figure 12. Étienne-Jules Marey, *Photographe d'une mouette pendant son vol.* Photograph obtained with the help of a photographic rifle. 1882. La Nature 18. 464. Photo courtesy of Wikimedia Commons.

Cinematic Time, Mary-Anne Doane describes Marey's primary interest as the methodological analysis of time through its fragmentation into the smallest possible unit—the photographic instant—which could (at least in theory), be "re-synthesized" with the advent of cinema.[201] She writes: "The representation of time … as a series of points … potentially actualisable as a *zero point* mandates a conceptualization of the instantaneous image as a point."[202] Analogically mirroring the knife's-edge of the guillotine, the mechanical nod of the camera's shutter cut into time's flow, parceling it out into an equidistant succession of atomic units representable as "instantaneous" images.

Marin thus describes the representation of time as an indivisible point as both the "aesthetic ideal" and "proto-scientific technique" of nineteenth-century photographic research; the dream of "seizing the instant" in the snapshot by suspending the flow of time and fixing it in its minimal unity

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[201] Although Marey's images were an important precursor to the technical development of the motion picture camera Marey was compelled by the dissection movement, rather than its synthesis through the apparatuses of projection under development at the time by Lumière brothers. Marey's contributions to the development of the chronophotographic instant nonetheless made possible the development of the motion picture camera.

[202] Doane, *The Emergence of Cinematic Time*, 211, my emphasis.

of an instant of presence was the "guiding axiom" of early chronophotographic experimentation.[203] Doane calls this desire to control time the "lure" of the instant. Marx might call it a fallacy of hypostatization. Marin calls it the *Medusa effect*.[204] By this, he points to the instant as an *effect* that is framed as a minimal unity, only by repressing its relation to spectrality:

> But if the dream [of the instant] is an ideal of the creative imagination and of scientific reason, it is also illusion, quasi-hallucination, theatre of nocturnal shadows, dissipated in the clear morning of the watchful mind. The instant, an ideal; the instant, an illusion, an evanescence, pure hallucinatory effect, the recording of which cannot fix the proper lure, like the conjuror who can only pull the rabbit from his hat because he has put it there.[205]

The "discovery" of the snapshot in the nineteenth century eruditely testifies to the phantasmatic desire for presence without *différance* or spectrality.

In a certain sense the snapshot does not merely *represent* time, but rather, *invents* or supplements an understanding of time as comprised of a series of indivisible points thought on the basis of presence.[206] This performativity of the instant is a retroactive construct with political consequences: the photographic snapshot was the guarantor of a new regime of positivistic visuality. If the evanescent now eludes capture, if it disappears as the very moment we apprehend it, with the advent of photography, the instant could for the first time be seized in a visible form as something "actual" and "present" that could be analyzed and controlled. Marey's interpretation of the instant facilitates its appropriation by scientific thinking, which associates actuality with reality, and finally, with objectivity. On this reading the camera, as an apparatus of capture, is admitted into a long history of machinery of domination.

Bazin's realist ontology gives us the next step in this genealogy of the instant. In his 1945 essay "The Ontology of the Photographic Image," Bazin theorizes the photographic instant as an incision in time that embalms life. Like Marey, Bazin decomposes time into a series of still frames understood as undecomposable points that form the most basic semantic unit of cinema. Developing a film aesthetics indebted to the Peircean concept of index, Bazin invokes a number of

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[203] Louis Marin, "Le présent de la presence," in *L'instant rêvé Albert Londe*, trans. Denis Bernard (Nîmes: Jacqueline Chambon-Trois, 1993): 11-19.

[204] Marin, "Le présent de la presence," 17, my translation.

[205] Marin, "Le présent de la presence," 13, my translation.

[206] Doane, *Emergence of Cinematic Time*, 208.

analogies to convey the immediacy of the mechanical imprint: he compares the still frame to a footprint, a fingerprint, and finally—a death mask. The instant of the shutter's release preserves a past-present snatched from the ineluctable flux of time and impressed like a "death mask."[207] Like the Roman funerary practice of the *imago* examined in the last chapter, the photographic image is produced by direct contact with the departed, it gives a direct trace or physical imprint of the real that serves to materialize the limit between life and death. The image is indelibly linked to the departed object by virtue of this direct, physical transmission, (in this case of the instantaneous operation of light on silver bromide), giving an incontrovertible trace or record of the real.[208]

Under the sign of the death mask, Bazin thus develops the indexical paradigm that came to dominate the first wave of photographic theory, serving at once to ballast the new medium's status as objective evidence, while confirming the image's relation to death.[209] Thus Sontag, for example,

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[207] The framing of the question of image in French post-Heideggerian philosophy around the figure of the death mask is formidable. Heidegger, having encountered Ernst Benkard's influential publication *Undying Faces: A Collection of Death Masks*, trans. (Margaret M Green. London: Hogarth Press, 1929)—which reproduces the death masks held by the Schiller National Museum of Marbach—discusses the photograph of Blaise Pascal's death mask in his Marburg lectures of the same year. He returns to the death mask in *Kant and the Problem of Metaphysics* in the context of his interrogation of Kant's transcendental schematism in the first Critique, where he argues for the centrality of the image (*Bild*) in the imagination's synthesizing activity (the imagination, according to Kant, is responsible for unifying the manifold of intuition in an image through its temporalizing activity). See Martin Heidegger, "Image and Schema," in *Kant and the Problem of Metaphysics*, trans. Richard Taft (Indianapolis, IL: Indiana University Press, 1973), 65–68. The question of the image is thus situated by Heidegger, using the example of the death mask, as the pivotal question around which the metaphysics of presence crystallizes. Derrida offers a short commentary on Heidegger's reading in BS2 (171-173). Jean-Luc Nancy takes up the image of Roman mortuary mask in *The Ground of the Image,* where he argues that Heidegger's critique of Western metaphysics revolves around his questioning of the status of the image's relation to finitude (80-100). Louis Kaplan takes up Nancy's argument to recast Bazin's indexical theory of the photograph as death mask as a mode of exposure to alterity in "Photograph/Death Mask: Jean-Luc Nancy's Recasting of the Photographic Image" *Journal of Visual Culture* 9 no. 1 (2010): 45-62; finally, Jeff Fort reads the death mask into Maurice Blanchot's analysis of the "corpse-image" in the wake of Heidegger's reading of the Kantian schematism in *The Imperative to Write* (New York, NY: Fordham University Press), 248-290. See also Emmanel Alloa, "Bare Exteriority: Philosophy of the Image and the Image of Philosophy in Martin Heidegger and Maurice Blanchot," *Text Theory Critique* no. 10 (2005): 69-82.

[208] In "The Indexical and the Concept of Medium Specificity" Mary Anne Doane asserts that it is no accident that Bazin's death mask of the pharaoh is associated with sovereignty, "for the indexical itself has attained a form of semiotic sovereignty in the face of its imminent demise" (129). See Mary Ann Doane, "The Indexical and the Concept of Medium Specificity," *Differences : A Journal of Feminist Cultural Studies* 18, no. 1 (2007), 128-52, doi: 10.1215/10407391-2006-025.

[209] Laura Mulvey calls this the "time of index." Pointing to the paradoxical conclusion of Bazin's cinematic aesthetic, Mulvey aims to rethink cinema as life inhabited by death and stillness. In Bazin's cinematic ontology, each instant that makes up the time of the moving image is comprised in an intrinsic relation to death that comes to haunt life itself as death-in-life or *lifedeath*. The projected motion of the cinematic apparatus furtively hides the deathliness that marks

observes that the photograph is not an *interpretation* of the real, but the real itself; the image is "directly stenciled off the real, like a footprint or a death mask." Like Bazin, she draws on the figure of the death mask to articulate an indexical account of photographic ontology: while a painting gives a mere interpretation of the world, the photograph is a literal "emanation" of light reflected by objects, "a material vestige" and thus an indexical trace.[210] But whereas Bazin directs his theory of the index-*qua*-death-mask towards the ancient ambition of overcoming death, for Sontag, photography, by virtue of its indexicality, becomes potent means of gaining control over its objects.[211] Following this logic, the photographer is a kind of hunter that asserts his dominance over the world by ensnaring it in images that submit it to a metaphoric death. The language surrounding photography attests to this analogy: one "takes" a photograph; one "shoots" one's subject, etc. There is an implicit logic of violence and domination that is only strengthened by the historical fact that camera technologies were adapted from those of munitions. Barthes similarly confirms that the image and the referent remain tethered together "like the condemned man and the corpse in certain tortures."[212]

The indexical analogy of the death mask allows Bazin to address a general existential alliance of the image and death; it serves as a kind of shorthand for photography's relation to time and finitude. Bazin's analogy of the mask captures his idea of the materiality of the imprint, while signaling the instantaneous image's paradoxical oscillation between conservation and loss, presence and absence. On the one hand, the instantaneous image is a certificate of a past-present. Like the footprint, the photograph announces the absence (and thus death) of what it represents. On the other hand, the analogy of the death mask is always an image of one whose time has run out. Like the *imago*, the photograph promises to halt time's forward march, offering posterity to what it represents. The image seeks to save the instant from its inevitable disappearance. The camera promises the survival of the photographed, "freed the conditions of time and space that govern it."

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each frame of the film strip: film as Mulvey concludes, is death at 24*fps*. This means that the old analytic distinction of still photographic image (allied with death) *vs.* the animate cinematic image (allied with life) is no longer tenable. See Laura Mulvey, *Death 24x a Second: Stillness and the Moving Image* (London: Reaktion Books, 2015). Jean-Luc Nancy also problematizes the equation between the photograph, stillness, and death in his investigations the violence of the image in *Ground of the Image*, trans. Jeff Fort (New York, NY: Fordham University Press, 2005).

[210] Sontag, *On Photography*, 154.

[211] Sontag, *On Photography*, 155.

[212] Barthes, *Camera Lucida*, 6.

Bazin's image transcends death by saving what was bound to decay and time; the photograph "embalms time," as he famously says, rescuing the referent from "its proper corruption."[213] The function of the image, according to Bazin's pithy formulation, is "the preservation of life by representation of life." On this reading, photography, as much as philosophy, succumbs to a desire to master death. Photography aims *against* death. It tries to preserve what is bound to decay by arresting the entropy inherent in all things. The photograph *steals life*, taking it to itself and producing its "petrified analogue."[214] Offered as an assurance that what is promised to death might survive, the photograph serves as a mnemonic defense against time.[215]

But paradoxically, if the very passage of time *is* life, one can equally say that the photographic image preserves life by arresting or "shooting" it. Photography "masters" death, only by killing.[216] And this elicits the thanatological metaphorics of Marey's chronophotographic gun. Hardly a "sublimation of a gun," Marey's apparatus was a modified Colt rifle that borrowed its design from Jules Janssen's 1873 "astronomical revolver" (*revolver astronomique*).[217] The lexicon of capture and prey moreover, is encoded in the English term "snap-shot," derived from an old hunting term describing a quickly executed pistol shot at a fast-moving target. The photographic sense of the term emerged only in 1860 when, Sir J.P.W. Herschel, spokesperson for the British Instantaneous photography movement, referred to "the possibility of taking a photograph, as it were, by a snap-shot—of securing a picture in a tenth of a second in time."[218] The snapshot's violent genealogy also extends to the methods employed for fixing images. For example, in 1888, George Eastman developed a photograph-chemical paper negative using guncotton, a highly flammable substance made from dissolving cotton wool in nitric acid. As Paul Landau notes "breech-loading guns and the Kodak camera not only drew on the same language; they both sealed

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[213] Bazin, "Ontology," 14.

[214] *C.f.* de Duve, "Time Exposure and Snapshot," where the time exposure affords a second aesthetic paradigm that runs counter to what we are theorizing here as the instantaneous snapshot. Whereas the snapshot correlates to a traumatic temporality for de Duve, the time exposure correlates to a Freudian paradigm of mourning.

[215] Bazin, "Ontology," 10.

[216] Derrida makes allusions to photography's shoot-to-kill ethos, for example, in *Athens Still Remains*—a text that circles around prosthetic images and their relation to the death penalty by intertwining reflections on Jean-François Bonhomme's photographs of Athens and Socrates' execution—when he describes the unique fatality of the click (29).

[217] Sontag, *On Photography*, 15.

[218] Sir J.P.W Herschel, "Instantaneous Photography," *The Photographic News* IV, no. 88 (May 11, 1860) quoted in Harding, "Snapshot Photography," 1277.

the same sort of chemicals in their cartridges."[219] The snapshot (*instantané*) thus remains tethered in this paradigm to a thinking of domination that links violence and vision.

And yet, if photography kills, it is said to do so in an instant *without time* and *without pain*. The condition of its "essentially objective character" resides in an anesthetizing automaticity that Bazin describes, in tandem with the logic of the guillotine, as "impassive" (*impassabilité*).[220] Harbingers of democratic modernity, both guillotine and camera alike, allow for the ostensible removal of suffering by virtue of their mechanism. Cinema too was a "killer painkiller."[221] Whereas the guillotine "democratized" the death penalty by offering decapitation to all, the camera's lens (*l'objectif*) "democratized" the exclusionary practices of portraiture which had been reserved solely for aristocracy.

All this is confirmed in a certain sense by Barthes' Sartrean phenomenology of the image, which implicitly incorporates many of Bazin's intuitions in its account of the lacerating force of the photographic *punctum* (the Latin term for point).[222] But for Barthes, who performs a sort of reversal, the point of the now does not only cut into time, but into the viewer: the punctum names a detail in the photograph that "pricks" or "wounds" the viewer. It is in the punctum that Barthes finds the meaning of the image. What cuts into Barthes is the realization of his own impending death.[223] Death, as we saw in the last chapter, is the meaning or "eidos" of the photograph.

However, for Barthes, the temporality of the photographic instant registers a double fatality. The photograph gives testimony that a thing has been present. This "that-has-been," is for Barthes, the "*noeme*" of photography. "The photographic referent," he writes, is not an "optionally real thing to which an image of a thing refers but the necessarily real thing which has been placed before the

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[219] See Paul S. Landau, "Empires of the Visual: Photography and Colonial Administration in Africa," in *Images and Empires: Visuality in Colonial and Postcolonial Africa*, edited by Deborah D. Kaspin and Paul Stuart Landau (Berkeley, CA: University of California Press, 2003), 146-49.

[220] Bazin, "Ontology," 13-15.

[221] Susan Buck-Morss develops an analysis of the theme of anesthesia in the context of a reading of Walter Benjamin's "Artwork" essay. She argues that cinema functions as an mimetico-anaesthesial defense against the ongoing shock of modern life. See "Aesthetics and Anaesthetics: Walter Benjamin's Artwork Essay Reconsidered," *October* 62 (Autumn 1992): 3–41.

[222] Although Barthes' text is clearly indebted to Bazin, he does not reference the "Ontology" essay. This omission has been explained in view of the intellectual eclipse of Bazin's thought in the era of structuralism and semiotics—even *Cahiers du cinéma* would expunge the Catholic humanist in the wake of the political events of May '68 in Paris.

[223] Barthes, *Camera Lucida*, 15.

lens, without which there would be no photograph."[224] Every photograph points euphemistically to "that which has occurred only once."[225] But just as the photograph presents a literal "emanation" of the referent—its "certificate of presence"—it simultaneously announces its absence and thus, death. For photography to be possible, the image must be able to separate from the presence of that which was photographed. From the moment the image is "taken," there is sudden death. In becoming a photograph, one is transformed, petrified, immobilized, mortified—"embalmed," as Bazin says. Severing the referent, the image turns the photographed subject into an object. The diabolical complicity of guillotine and camera is not lost on Barthes, who likens the splitting instant of the shutter to a "little death." The nineteenth-century obsession with the "inexorable analogical similarity between the technology of the guillotine, in which the head is immobilized and framed before being severed from the body, and the mechanics of popular portraiture, in which the strange prosthesis of "Headrest and pedestal" are utilized to immobilize the subject before the click of the shutter shuts life down in a "micro-version of death."[226]

At the same time, photography enables us to speak of the ineluctability of death before our "actual" death. This strikes Barthes in his discussion of Alexander Gardner's famous 1865 portrait of the young assassin Lewis Powell, who—like Robespierre—stands responsible for the death of a sovereign (*Figure* 13). (Powell was condemned for his involvement in the assassination of President Abraham Lincoln.) Gardner's photograph of Powell awaiting the gallows registers a torsion in time that announces death in the future: "The photograph is handsome, as is the boy: that is the *studium*. But the *punctum* is: he is going to die."[227] The photograph marks a double structure: it mourns for what it represents as absent, but it is also a *memento mori* that anticipates death in the mode of the future anterior like a medieval *ars moriendi*. The instant thus signals a double fatality: "Whether or not the subject is already dead, every photograph is this catastrophe."[228] The *punctum* opens the now to another experience of the torsion of finitude that marks the structure of death-in-life as a structural force. We will return to this reading of the temporality of the photographic instant as a temporal rupture. For now, let it suffice to say that this provisional genealogy of the temporality of the photographic instant confirms a common philosophical heritage of thinking the temporal instant as

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[224] Barthes, *Camera Lucida*, 76.

[225] Barthes, *Camera Lucida*, 4.

[226] Marder, "The Elephant and the Scaffold," 106; Barthes, *Camera Lucida*, 14.

[227] Barthes, *Camera Lucida*, 96.

[228] Barthes, *Camera Lucida*, 96.
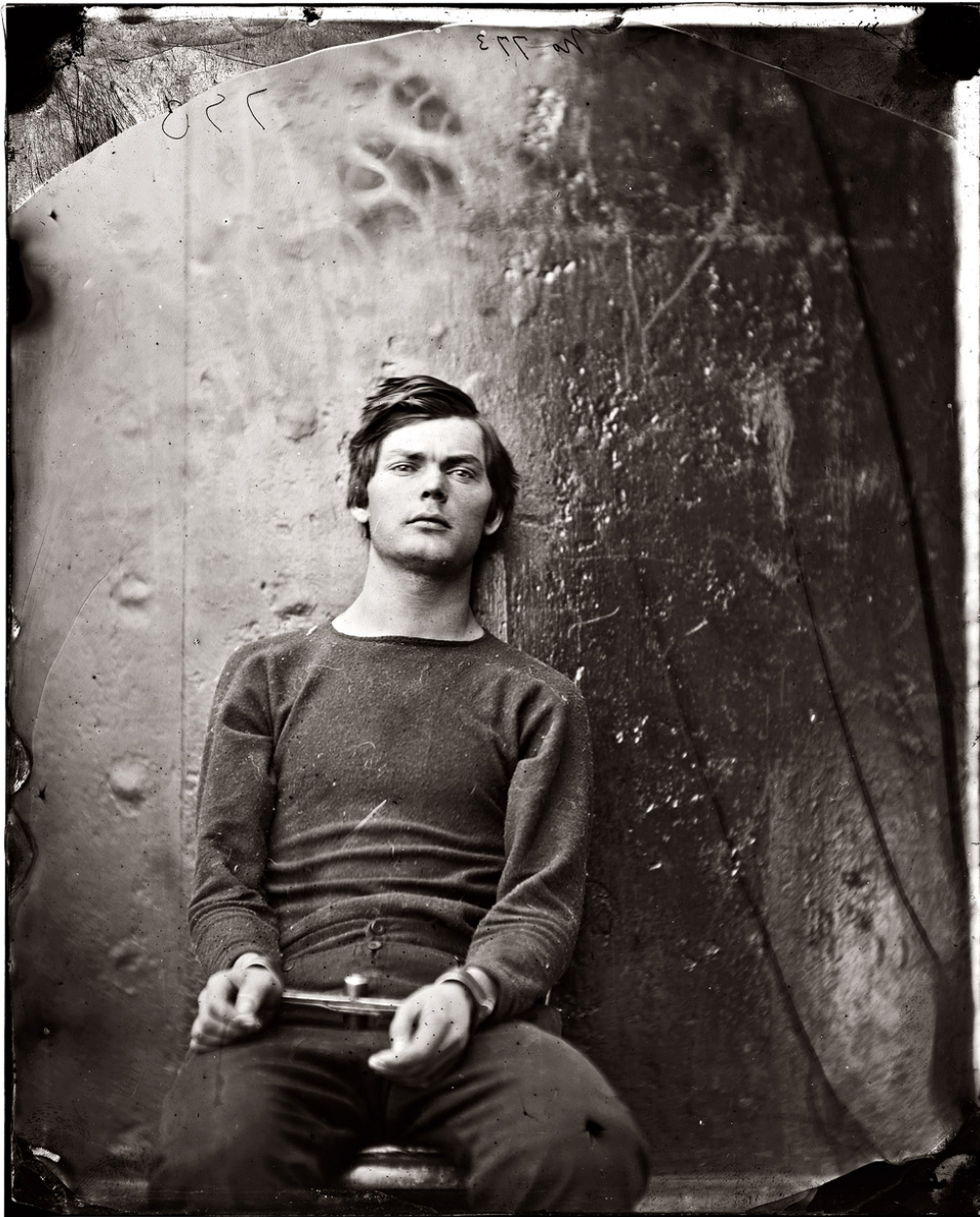
Figure 13. Alexander Gardner, *Washington Navy Yard, D.C. Lewis Payne, in Sweater, Seated and Manacled.* April 27, 1865. Glass plate - wet collodion process. Photo courtesy of United States Library of Congress.

a point. This desire for instantaneity has served as the guiding thread, or *idée fixe,* from the early decades of chronophotographic experimentation through Barthes' phenomenology of the image.

We find evidence further of the alliance of these visionary machines of death inscribed in their respective nomenclatures. According to underworld slang, the first assistant to the executioner responsible for fastening the condemned's neck into the bezel (*lunette*) of the guillotine was colloquially known as "the photographer," ostensibly because his gaze strikes the condemned through the semi-circular window of decapitation that resembles the camera lens, while the angled blade recalls its shutter.[229] Tracing the entanglement of the two emissaries of instant death through the literary imagination, Patrick Wald Lasowski writes: "Parmi les aides du bourreau, celui qui, par les oreilles ou les cheveux, tire la tête du condamné dans le collier—la lunette ainsi obtureé—celui-là, on le surnomme *le photographe.*"[230] Conversely, on 2 April 1845, the young physicists Louis Fizeau and Léon Foucault introduced the newly christened "guillotine shutter" (*obturateur à guillotine*). The mechanism, which was described by the early photographer George Dawson in "Notes on Instantaneous Shutters" as a simple "slot falling immediately in front of the sensitive plate,"[231] sharpened the time of exposure to an unprecedented brevity, enabling Fizeau and Foucault to capture the first daguerreotype of the sun—none other than Plato's great analogy for sovereign power in the *Republic* (*Figure* 14).[232]

The twinned technologies of the image and death, which were by no means coeval developments (the guillotine, which was introduced to the French in 1789, proleptically prepared for the 1839 advent of photography), can thereby be seen to exchange their attributes. Marin captures this reversibility between the temporal notion of the instant mobilized by these two modern techniques of power when he tells us that the snapshot always has something to do with decapitation. This is reflected in the "phantasmatic structure" (*structure fantasmatique*) that makes the image appear, as much as through its iconic content.[233] The snapshot (*l'instantanè*), which emerges as

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[229] This colloquial use of the term "photographer" first came to my attention by way of Patricia Tourancheau's review of Fernard Meyssonnier's 2002 autobiography *Paroles de bourreau,* "Meyssonnier, Bourreau à Alger," Libération, October 9, 2006, http://www.liberation.fr/evenement/2006/10/09/meyssonnier-bourreau-a-alger_53778. See also Arasse, *Guillotine and the Terror,* 134-143.

[230] Patrick Wald Lasowski, "La guillotine dans le texte," *MLN* 103, no. 4 (1988), 84, doi:10.2307/2905019, emphasis mine.

[231] George Dawson, "Notes on Instantaneous Shutters," qtd in Prodger, *Time Stands Still,* 89.

[232] Plato, *Republic,* §508a.

[233] Marin, "Le présent de la présence," 18.
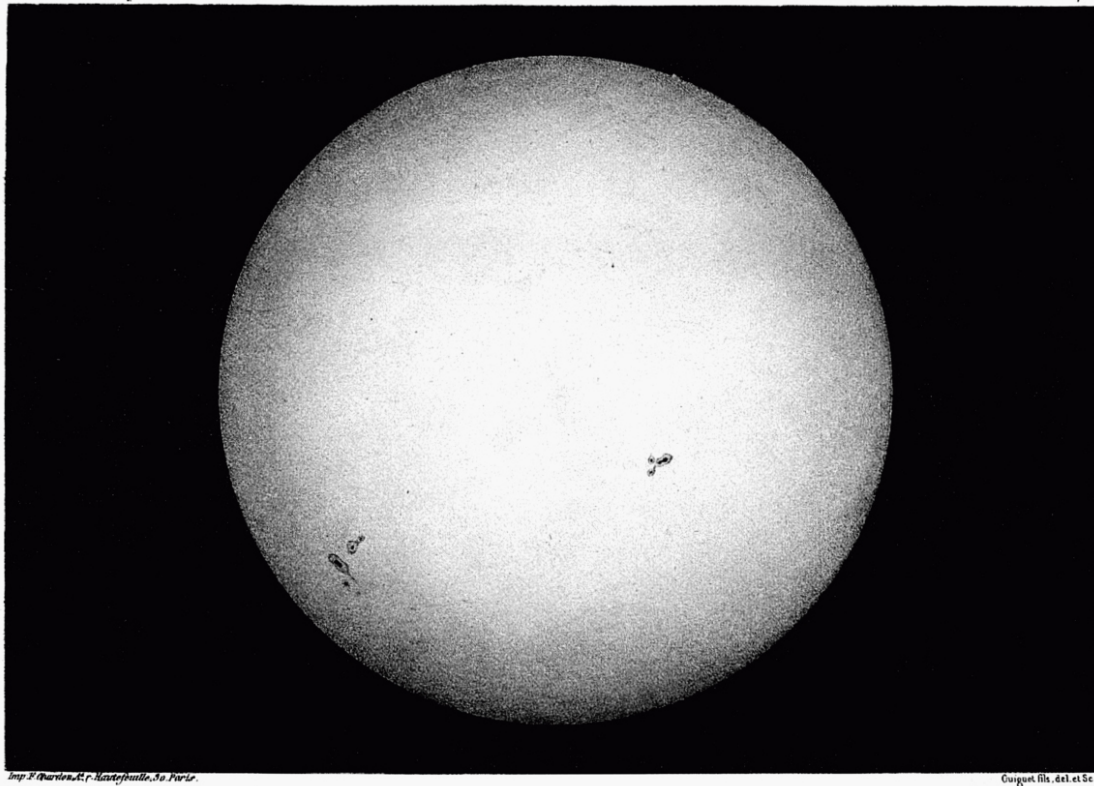
Figure 14. Hippolyte Fizeau and Léon Foucault, *Image photographique du soleil prise le 22 avril 1845 par Fizeau et Foucault*. 1845. Glass plate - wet collodion. Photo courtesy of Bibliothèque nationale de France.

our paradigmatically modern method of framing and thus producing an understanding death in the nineteenth century, is beset by a drive to instantaneity that is yet another manifestation of the will to master the spectrality that is nevertheless sovereignty's very condition. Whereas the guillotine was likened to a "terrifying 'portrait machine,'"[234] the photograph severs the body of its subject from the flow of life: "the snapshot slits the throat (*l'instantané lui tranche le cou*)."[235] Both attempt to master death by condensing time into an instant. "Life / Death" writes Barthes, using the *caesura* (Latin for 'cutting') to visually separate the two terms, "the paradigm is reduced to a simple click, the one separating the initial pose from the final print."[236]

Having flushed out the shared subterranean desire for a phantasmatic notion of the determinability of the instant that coalesces around the sovereign mechanisms of the guillotine and

[234] Arasse, *Guillotine and the Terror*, 134.

[235] Marin, "Le présent de la présence," 18.

[236] Barthes, *Camera Lucida*, 92.

the photographic snapshot, we will see how the slippage between these cosignatories of instantaneity is visualized (*mise en vision*) in the short film of Eugène Weidmann's execution, where the two instants converge—*stereoscopically*—on the penal stage of the execution.

Take 1: The Scene Of The Execution

Eugène Weidmann was beheaded on rue Georges Clémenceau, outside the Prison Saint-Pierre at Versailles, in what would prove to be metropolitan France's last public execution. I want to turn now to the anonymous amateur film of Weidmann's execution, shot unbeknownst to authorities from a window adjacent to the prison. Comprised of a single handheld shot, a mere thirteen seconds in duration, this film allow me to examine the relation "between the death penalty and spectacle, the *mise en scène*, the essential voyeurism that attaches to a putting to death that must be public because legal" (DP1 3-4). Here, guillotine and camera enter the scene together.

This film affords a first performative articulation of the "optic" or "infrastructure" of spectrality—the first "take," so to speak—according to which sovereignty needs images of death to install itself, even as images deconstruct sovereignty. Functioning under an aporetic exigency, the optic of spectrality frames a double and deconstructive reading of the film: *first*, as a sovereign technique of "mastering" death by condensing time into a visible instant, and *second*, as a mode of spectralized haunting that destabilizes the very limit it presumes to calculate and operate. I will examine the temporal logic explicitly operationalized by this film as well as that which it implicitly makes possible *against* its explicit intention. This stereoscopic reading illustrates the shared logic that weds the guillotine to the classical ontology of photography in a spectacular visual economy, while simultaneously uncovering the disruptive force of images of death.

Let's reconstruct the scene: it is the first light of dawn, 17 June 1939. A crowd has been milling about since the small hours of morning. Jazz can be heard spilling from the cafes onto the boulevard. (We might imagine Miles Davis' lonely trumpet urging the plot to its ineluctable conclusion.)[237] Police, apprehensive, erect barricades just after 2:00. By 3:00, journalists have installed themselves in the windows of a hotel adjacent the prison, while spectators clamber onto neighbouring rooftops. The proceedings, slated to commence at 3:30 under cover of night, are delayed. It seems the inexperienced executioner, Jules-Henri Desfourneaux had been engaged,

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[237] Miles Davis, as Derrida recalls in the first session, recorded the improvised soundtrack for Louis Malle's *Elevator to the Gallows* (1958), which serves as my soundtrack (DP1 33). One should hear it in the timbre of the text.

ironically enough, in a dispute with the head prosecutor of Versailles over the subject of time. As rumour has it, they were quarreling over whether the time of death, handed down in an exceptional moment of sovereign decision, should be calculated in accordance with standard or solar time. It is dawn, then, when the doors to the prison finally swing open at 4:31. There is enough light for the photographers to shoot the guillotine in action. Weidmann emerges from the prison gate, hands bound, eyes tightly shut, flanked on either side by the executioner's assistants. He walks to his death "comme un somnambule, absent, voluntaire."[238] The assistants fling him face down on the tilting board (*bascule*); "his shoulders," the New York *Herald Tribune* would report with slight erotic tenor, appear "startlingly white against the dark polished wood of the machine."[239] It is at this point in the dramatic action that the camera begins to roll, revealing the executioner's assistant, or "photographer," André Obrecht, awaiting his delivery at the far side of the guillotine (*Figure* 15).[240] The tilting board is thrust onto the lower block of the scopic machine. Obrecht threads his patient's neck through the eye of the bezel, making adjustments so as to be sure to have the right angle. Then, relinquishing his hold, he takes two strides backwards, widening his view, assuring a clear sightline. He pauses, in anticipation—the image wavers. The executioner pulls the cable-release (*le déclic*). The knife drops *like a bolt of lightning*. The "photographer" dips forward, bringing his head in line with the film plane. He pushes in for a close-up. His comportment resembles the street photographer, who hastens to capture *l'instant décisif*. Weidmann's body rolls neatly into the wicker basket pulled alongside the guillotine. "Clic-clac: dans le panier, comme le photographe dit: c'est dans la boîte."[241] The camera cuts—*It's in the can.*

My question, then: what is it that this first assistant, this *aide du bourreau*, or so-called "photographer," photographs?

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[238] Genet, *Notre-Dame-des-fleurs*.

[239] Eric Sevareid, "1939: France's Last Public Guillotining," *The New York Herald Tribune*, European Edition, June 18, 1939, https://mobile.nytimes.com/blogs/iht-retrospective/2014/06/18/1939-frances-last-public-guillotining/.

[240] Due to difficulties in tracing a legitimate source for this historic film, I have chosen to reproduce a still image of the event taken from a similar vantage point. The image reproduced here was taken by *Paris-Soir* photographer Paul Renaudon who was installed in a room on the top floor of the hotel adjacent to the prison. His images were late published in a full page spread a few days later in *Life* magazine. The film, which is widely disseminated though the eminently haunted space of the Internet, can be viewed on Le Point's website. See Frédéric Lewino and Gwendoline Dos Santos, "17 Juin 1939. Le séducteur assassin Eugène Weidmann est filmé durant son exécution," *Le Point*, June 17, 2012, http://www.lepoint.fr/c-est-arrive-aujourd-hui/17-juin-1939-video-le-guillotine-weidmann-est-le-dernier-condamne-a-perdre-la-tete-en-public-17-06-2012-1474256_494.php.

[241] Lasowski, "La guillotine dans le texte," 841.

Two things, or rather one thing seen from two "angles," to use the language of cinematography. Each of these angles (we can call them the *politics* and the *aesthetics* of the scaffold) maps onto the optic of spectrality we sketched in the first chapter, whereby sovereignty needs images to master the specter of death while, at the same time, those same images amplify spectrality, exposing sovereignty to the very alterity they were supposed to hold at bay. Each of the photographer's two angles crystalizes a paradox that condenses around the cutting edge of the instant. (These two angles also correspond to the first and second sides of the double genitive "images of death" outlined in the introduction.) The first focuses on the iconic image of the instant

Figure 15. Roger-Viollet, Versailles, France: 1939. *Execution of the German Criminal Eugène Weidmann.* 1939. Photographic print. Photo courtesy of the Image Works.

of death and its role as a locus power over death. The second deals with the structural deathliness of the image of death.

FIRST ANGLE: The photographer takes a picture of the execution for the State. He registers the shudder of death as though on the sensitized plate of national memory. The last person to witness the face of the condemned, the photographer "photographs" the one destined to die—*his death mask*—fixed at the threshold of death. As Arasse suggests in his account of revolutionary portraiture, "The guillotine portrait unmasks the traitor in his death mask."[242]

The photographer serves as the state's witness to the brute facticity of the execution in a way demonstrative of the visuality that marks the application of any legal putting to death. As Derrida argues "with and against" Foucault (DP2 45):

> By definition, in essence, by vocation, there will never have been any invisibility for a legal putting to death, for an application of the death penalty; there has never been, on principle, a secret or invisible execution for this verdict. The spectacle and the spectator are required. The state, the polis, the whole of politics, the co-citizenry—*itself or mediated through representation*—must attend and attest, it must testify publicly that death was dealt or inflicted, it must *see die* the condemned one.
> The state must and wants to see die the condemned one.
> And moreover it is at that moment, in the instant at which the people having become the state or the nation-state *sees die* the condemned one that it best sees itself. It best sees itself, that is, it acknowledges and becomes aware of its absolute sovereignty. (DP1 2 my emphasis)

This paragraph elucidates our *aide-bourreau*-cum-photographer's symbolic function in relation to political power. Drawing on the reflexive construction of the French "il se voit," which can mean both "it lets itself be seen" or "it sees itself," Derrida argues that the sovereignty of the sovereign is confirmed in the instant that the people "having become the state," *see* the condemned die (DP1 2). The visuality of "seeing-punish," is thus integral to the constitution of sovereignty. The state needs to see itself reflected as an image in the eyes of the co-citizenry in order to affirm and reaffirm its power (DP1 3). Elizabeth Rottenberg calls this a "new primal scene," or the mirror stage of sovereignty: the nation-state reflects itself in a "sovereign selfie."[243] The photographer's shot (*prise de*

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[242] Arasse, *Guillotine and the Terror*, 139.

[243] Elizabeth Rottenberg, "A New Primal Scene: Derrida and the Scene of Execution," *Oxford Literary Review* 38, no. 2 (2016), 195.

vue) encapsulates this self-reflection of sovereign power. In this photograph, "tout est donné dans un seul coup," as Dubois writes in *L'acte photographique*.[244]

On the basis of this scopic model, the "photographer's" ideal image of death becomes the condition of possibility for sovereignty (perhaps we could even call this mode of sovereign technicity a "transcendental image"): this historically and geopolitically specific mutation of sovereignty tries to fix death as an instantaneous image in order to install itself. The deathly snapshot serves a number of interrelated functions at once:

1. It institutes a new model of popular sovereignty in France, by uniting the headless body politic under a general will. What the Royalists decried as blasphemy, the revolutionaries hailed as "redemptive alchemy." Decapitation was understood as an "esoteric necessity, indispensable to the emergence of a new head, a new era."[245] As Wills writes in "Drone Penalty," a text to which I will return in the final chapter:

> The absolute monarchy could thenceforth be definitively overthrown only by decapitation; only in that way would Article II of the 1789 *Declaration of the Rights of Man* "the principle of all sovereignty resides essentially in the Nation"—come to be fully respected; only by that means would sovereignty be transferred from an inviolable monarch to the state itself.[246]

The instant of decapitation marks the dissemination of sovereignty into a new regime, by dividing the absolute singularity of power represented by the King as image of God (*imago Dei*) and making it sharable between the people. The people "become the state" in the moment they see the condemned die. Victor Hugo describes this "great mystery" as the central conceptual paradox of democratic sovereignty.[247] The power of the state was concentrated in the image of the sovereign

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[244] Dubois, *L'acte photographique*, 98.

[245] Julia Kristeva, *The Severed Head: Capital Visions*, trans. Jody Gladding (New York, NY: Columbia University Press, 2014), 93.

[246] Wills, "Drone Penalty," 178. Wills then goes on to cite the following passage from DP1: "By dividing in this way the body of the king in two, the head on one side, the body on the other, this unprecedented event was destined at least to put an end to what Kantorowicz calls *the double body of the king*, the king's two bodies, the empirical and carnal, mortal body, on one side, and the body of the glorious, sovereign, and immortal function, on the other. In this logic of the king's two bodies, when the mortal body dies, one can say *long live the king!* and replace him… by the body of another king, who is another and the same, but immortal. Well, by dividing in two the body of Louis Capet beneath the blade of the guillotine, the Revolutionaries… were reducing it to a single body" (100-1).

[247] Victor Hugo, *Literature et philosophie mêlées.*

King. The splitting instant of his beheading performed an iconoclastic division of the unity of power and disseminated it into the hands of the people. Popular sovereignty was thus a paradoxically divided sovereignty.

Yet, the spectacle of the beheading both divided sovereignty and provided a symbolic resolution that re-subsumed the individual under the totality of an indivisible general will. Adapting Rousseau for the revolutionary government, Robespierre (who was at first opposed to the death penalty, but subsequently saw to the removal of several thousand French heads, beginning with the King) says that the public spectacle of the guillotine unites the body politic.[248] The "seeing punish" (*voir-punir*), or the civic "duty-to-see-punish" (*devoir de voir-punir*), meted out in the scene of the execution unifies "the people" under a collective will in a symbolic re-legitimation of legal violence (DP1 43). Henceforth, each singular instant of execution by guillotine in France, re-instantiates sovereign power. If the specular structure of the death penalty is pivotal to the demonstration of a modern theory of popular sovereignty, the guillotine gave this theory its specular illustration.

2. Like the Roman *imago*, the aide-bourreau's deathly snapshot materializes and stabilizes the limit between life and death. By taking Weidmann's picture at the instant of death, he locates and abjects the condemned in a sacrificial exchange meant to ensure both the meaning of death and the continuation of the living *polis* in one and the same gesture. In this regard, while neither pikes nor promenades would survive the French Revolution, our "photographer" nonetheless marks a certain continuation of the specular function of the revolutionary headsman, whose job it was to raise the severed head for all to see.

The performative force of decapitation in the institution and transference of sovereign power is famously illustrated by Isidore-Stanislas Helman's engraving "Journée du 21 janvier 1793, la mort de Louis Capet sur la place de la Révolution" (1794), which was presented to the National Convention just weeks before the overthrow of Robespierre in the month of Thermidor (*Figure* 16). Helman portrays the executioner as he circles the scaffold, brandishing the King's severed head like Perseus' Medusa, in a petrifying act meant to revoke coronation, while transferring sovereign power into the hands of the people.[249] The role of the headsman was to fix the fatal moment visually and

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[248] See Hardt and Negri, *Empire,* 87-88; Derrida discusses Robespierre and the execution of the sovereign monarch, Louis XVI at the hands of the French Revolution in the second year of the *Death Penalty Seminar.* See DP2 187.

[249] Antoine de Baecque, *Glory and Terror: Seven Deaths Under the French Revolution*, trans. Charlotte Mandell (New York: Routledge, 2003), 100.
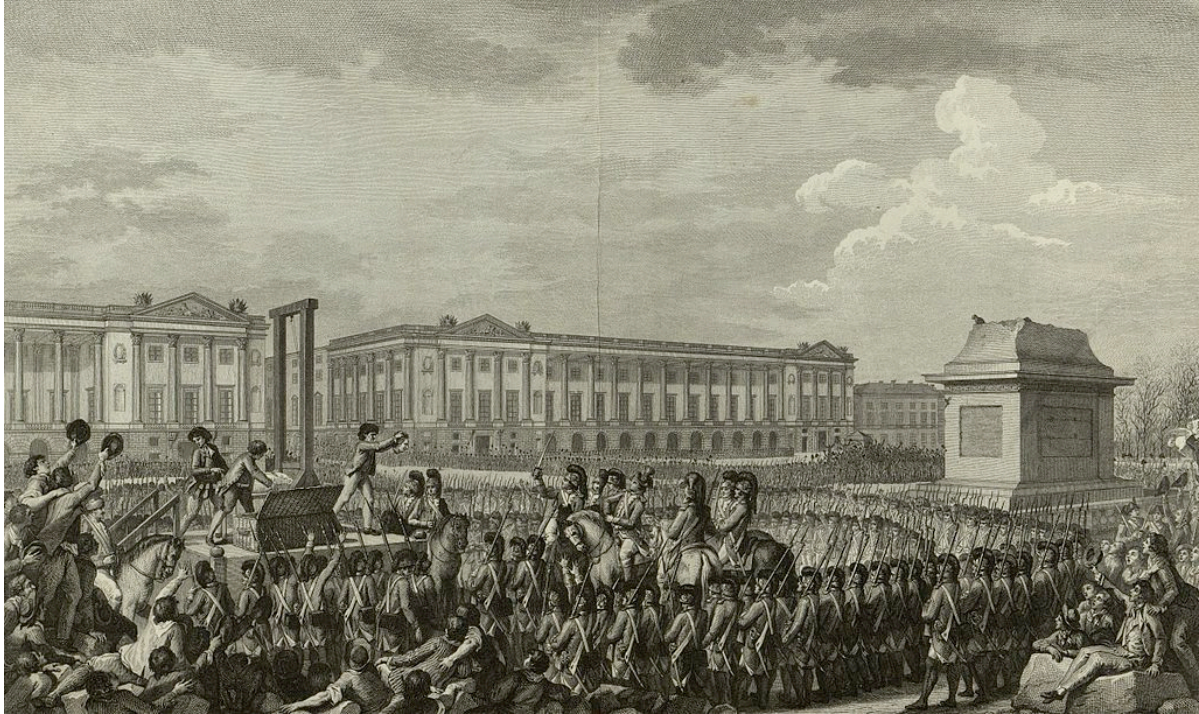
Figure 16. Isidore-Stanislas Helman, *Journée du 21 janvier 1793, la mort de Louis Capet sur la place de la Révolution*. 1793. Etching. Photo courtesy of Wikimedia Commons.

Figure 17. Unidentified photographer, *Elie Théophile Deroo, Vromant, Auguste Pollet, and Abel Pollet. Les 4 têtes de Béthune*. 1909. Press photograph. Photo courtesy of the Bibliothèque nationale de France.

symbolically, by holding the truncated head for all to see. Analogically mirroring this function, the "photographer" takes the condemned's portrait to confirm the death that has occurred.

All this is complicated by the fact that there are actually *two photographers* on the scene: the aide-bourreau (let's call him photographer-1) and the cinematographer who films the aide-bourreau as he "photographs" the instant that Wiedemann's head is severed from his body (let's call him photographer-2). Photographer-2 produces a technical image to confirm that photographer-1 has indeed witnessed the *no time* of the sovereign instant. This continues the development of the technological machines that makes it possible for everyone to do their job, so to speak; to actually *see die* the condemned (even if they were not there at the scene of the singular instant of the execution). Photographer-2 contributes to the virtualization of visibility. The reification of the moment of death into an instant requires technical methods of inscription for visual identification. This necessity has passed through a number of historical mutations. It is confirmed for example, by the gruesome collection of death masks held by the Black Museum of Scotland Yard of criminals executed outside Newgate Prison in London in the nineteenth century; by the photographs of the severed heads of convicts archived by the French "physiognomist of the guillotine," Charles Marie Debierre, in the 1895 publication *La crâne des criminels*; and finally, by the modern institution of the death-row mug shot, which symbolically decapitates the condemned according to the machine-like seriality of the guillotine itself: the condemned sits before the camera as though on the fatal plank, "awaiting the cruel instrument that will cut the thread of his days."[250]

Conversely, at the same time that processes of material inscription are necessary for the institution of sovereignty in the legal putting to death, they must equally be controlled. Photographer-1 serves as a symbolic functionary of the headsman, he testifies to the instant of

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[250] Gastellier, *Que penser enfin du supplice de la guillotine?,* 15, my translation. The underlying phrenological motive for producing death masks of the executed was ostensibly to document the physiology of criminality. See Alan Sekula's discussion of the severed head as primary visual foci for the production of forensic and medical knowledge of delinquency in the burgeoning discipline of nineteenth-century criminology in "The Body and the Archive," *October* 39 (1986): 3–64, doi:10.2307/778312 and Karen Redrobe's examination of the role of the modern mugshot in attempts to unmask the underlying physiognomy of the criminal in "Dead Woman Glowing: Karla Faye Tucker and the Aesthetics of Death Row Photography," *Camera Obscura* 55 no. 19.1 (2004): 1–41, doi:10.1215/02705346-19-1_55-1. For an account of the phantasmatic qualities of the severed head in revolutionary-era portraits see Arasse, *Guillotine and the Terror,* 133-143; Nina Athanassoglou-Kallmyer, "Géricault's Severed Heads and Limbs: The Politics and Aesthetics of the Scaffold," *The Art Bulletin* 74, no. 4 (December 1992): 599–618, doi:10.2307/3045912; and Regina Janes, "Beheadings," *Representations* 35 (Summer 1991): 21-51., doi:10.2307/2928715

death, but is paradoxically prohibited from impressing the image he "takes." His testimony must exclude technical intervention. *Why?* Because this interposition undermines testimony. As Derrida argues in "Demeure: Fiction and Testimony," the very idea of testimony relies on the presence of the witness. One must be present "in order to testify to a present, to an indivisible moment, that is, at a certain point to a moment assembled at the time of an instantaneousness which must resist division."[251] The paradigm of "liveness" of the event must be retained (I will return to this in a moment), because the image's mechanical repetition harbors a ghostly power that amplifies a spectrality that cannot be domesticated.

Not only is photographer-1 prohibited from recording Weidmann's "death mask" but, to add to the confusion (which is now approaching the dangerous form of a *mise-en-abyme*), photographer-2 is forbidden to photograph photographer-1 as he "thanatographs" the condemned. Penal spectacles had indeed come increasingly under fire with the advent of photography, with the jurist Joseph Louis Elzéar Ortolan campaigning for the abolition of public executions as early as 1855. In 1909, the Minister of the Interior, Georges Clemenceau, introduced the first act of cinematographic censorship when he advanced a temporary act aimed at prohibiting Pathé cameramen from filming the quadruple execution of the infamous Pollet gang, whose severed heads were nevertheless the subject of post-mortem photography at the Béthune hospital (*Figure* 17).[252]

Just the same, efforts to restrict publicity remained largely covert until 1939. For the most part, authorities regulated the production of images by ensuring executions took place at dawn, with just enough visibility to satisfy legal criteria.[253] All this came to a head with the controversy surrounding Weidmann's execution. Citing the scandalous images circulated by the press, on 24 June 1939, Council President Édouard Daladier promulgated a decree that abolished public executions by

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[251] Jacques Derrida, "Demeure: Fiction and Testimony," in *The Instant of My Death*, trans. Elizabeth Rottenberg (Stanford, CA: Stanford University Press, 2008), 33.

[252] Pathé, a major producer of French actualities, had already produced a series of deadly re-enactments including *The History of a Crime* (1901) and *The Electrocution of the Anarchist Czolgosz, Murderer of President McKinley* (1904). See Albert Montagne, "Crimes, faits divers, cinématographe et premiers interdits français en 1899 et 1909," *Criminocorpus. Revue d'Histoire de la justice, des crimes et des peines*, January 1, 2007. See Jacky Tronel, "Naissance de la censure cinématographique avec la quadruple exécution de Béthune," *Histoire Pénitentiaire et Justice Militaire*, August 23, 2012, https://prisons-cherche-midi-mauzac.com/varia/naissance-de-la-censure-cinematographique-avec-la-quadruple-execution-capitale-de-bethune-12649.

[253] Paul Friedland, *Seeing Justice Done: The Age of Spectacular Capital Punishment in France* (Oxford, UK: Oxford University Press, 2014), 270.

fiat. From that moment onwards, executions were conducted in prison courtyards and strictures were given to limit those entitled to attend. For the first time, clear directives were put in place to curtail the production of images of death. According to the proposed amendment to Article 26 of the French Penal Code, "No indication, no document relating the execution other than the [official] account can be published in the press, under penalty of a fine of one hundred to two thousand francs."[254] Even those who verbally recounted the scene of the execution could henceforth be prosecuted. With this, the death penalty in France was pushed offstage. We find a parallel situation in America, where a "Midnight Assassination Law"[255] mandated night-time executions in several

Figure 18. Unidentified photographer, *Public Hanging of Rainey Bethea on 14th August 1936, Owensboro, Kentucky.* 1936. Photographic print. 3240535. Photo courtesy of Hulton Archive.

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[254] Quoted in Friedland, *Seeing Justice Done*, 277.

[255] See John D. Bessler, "The 'Midnight Assassination Law' and Minnesota's Anti-Death Penalty Movement, 1849-1911," *William Mitchell Law Review* 22, no. 2 (1996): 577–725.

states throughout the 1880s and where photographic images of one of the last state-sanctioned public executions (in this case by hanging) of Rainey Bethea in Owensboro, Kentucky on 14 August, 1936 before of a crowd of 20,000 spectators, played a role in prompting Kentucky's governor to sign a bill eighteen months later that outlawed public executions, thereby ending the practice in the United States (*Figure* 18).[256] To this day, statutes forbid the use of photographic mediation in all of the thirty-one remaining so-called "killing states." Of these, fifteen still execute inmates in the middle of the night.[257]

The first angle then, maps onto the first moment of our double optic of spectrality. If sovereignty demands a monopoly on the production and circulation of its images of death, this is because the image is both the symbol of power and the instrument of conquest, as I suggested in my genealogy of the snapshot. The visual iconocracy dictates the processes that govern how death is made visible and therefore how it is known and understood as an instantaneous event. This first angle involves a juridical-political problematic that coalesces questions about the institution and transference of sovereign power: images of death are both necessary and paradoxically controlled. At minimum, they are subject to regulation at the level of the nation-state.

This does not, however, mean that executions are not visible! The decree "No images of death!" functions as a kind of juridical performative that covers over or represses sovereignty's

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[256] According to US death penalty historian Hugo Adam Bedau, legislation against public executions was drafted by Dr. Benjamin Rush as early as 1787 in Philadelphia and adopted first in New York in 1835. Missouri was with the last state to pass the law after the execution of Roscoe "Red" Jackson in Galena, Missouri on May 21, 1937. See Bedau ed., *The Death Penalty in America: Current Controversies* (Oxford, New York, NY: Oxford University Press, 1997).

[257] The 12 June, 2001 execution of Timothy McVeigh provides a fascinating counter-example. The US Justice Department authorized McVeigh's execution for transmission by closed-circuit livestream from the Federal Correctional Complex in Terre Haute, Indiana to 232 relatives of those killed in the 1995 Oklahoma City bombing. In an open letter to *The Oklahoman* McVeigh advocated for "a true public execution" by way of public broadcast on national television. His request was denied by the Bureau of Prisons. The recording of McVeigh's defiant last moments was prohibited and security was contracted to prevent hackers from stealing the signal. This "quasi-public" execution supports the hypothesis that it is not the image itself, but the technical image's reiterative capacity to return as living dead (*mourir vivant*) that warrants its prohibition. See Robert Tanner, "McVeigh's Death Raises Shadows of Public Executions Past," *The Oklahoman*, May 5, 2001, https://oklahoman.com/article/677877/mcveighs-death-raises-shadows-of-public-executions-past/. The 2010 Arkansas Execution Code §16-90-502 Conduct of Execution, Item 5a, similarly mandates the use of closed-circuit audiovisual monitor for transmission to relatives and surviving victims. See Justia US Law, n.d. http://law.justia.com/codes/arkansas/2016/title-16/subtitle-6/chapter-90/subchapter-5/section-16-90-502/. See also, Henry Schwarzschild and Robert R. Bryan, "To See or Not to See: Televising Executions," in *The Death Penalty in America*, Hugo Adam Bedau ed. (Oxford, New York, NY: Oxford University Press, 1997), 384–86 for a discussion of proposals in Texas and California that would reverse this prohibition by allowing the filming and dissemination of executions on prime-time television.

Figure 19. Lucinda Devlin, *The Omega Suites, Lethal Injection Chamber from Family Witness Room, Parchman State Penitentiary, Parchman, MS*. 1998. Photographic print. Photo courtesy of the artist.

phantasmatic investment with images of death.[258] The necessity of the witness is no less applicable today when the general public, while prohibited from the proscenium of the execution, is nonetheless considered to witness the event by proxy of official representatives, including media representatives who, in America, are approved by the Secretary of Corrections.[259] Lucinda Devlin's images of the iconic architectural environments of capital punishment trace the tensile binding of spectator and spectacle in the theatre of the death penalty. *The Omega Suites* (1991-1998) document the apparatuses and spaces of death, serving as poignant reminders that today's carceral spaces are as specular as the old sovereign theatre (*Figure* 19). But this logic extends beyond the institutional structures of the death penalty. Today, images are deeply implicated in sovereign killing—for example, in the hyper virtualized space of drone warfare (to which we will return in our final chapter)—while being subject to the greatest prohibition under the Department of Homeland Security. This should serve to remind us that regardless of whether a nation-state still deploys the death penalty, current conceptions of sovereignty are still largely defined in accordance with a sacrificial logic that stakes a claim over the life *and* death of its citizens. So long as the logic of the death penalty and its attendant conceptions of sovereignty remain intact the deconstructive project is as imperative as ever.

This brings us to the "turn around" or the "counter-shot"—to the B-Camera running all the while in the hierarchical world of the film set. Photographer-1, also photographs something that exceeds and supplements our first reading. This is the SECOND ANGLE. It will also be our second approach to the phantasm, which now takes on the ghostly pallor of an etymological chain that links it back to the Greek φάντασμα (*phántasma*): image, apparition, specter.

At the same time that the photographer takes a picture of the execution from the point of view of the State, he uncovers the spectrality at work in the image of death. In addition to the entire judicial-political paradox framed through the little window of the guillotine, photographer-1 registers the representational problematic that haunts the death penalty seminars. This involves a certain

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[258] Derrida, "Psychoanalysis Searches," 244.

[259] This was poignantly illustrated by the Arkansas Department of Corrections' plan to execute eight incarcerated men over the course of ten nights in April 2017 before the expiration of their controversial lethal injection sedative midazolam. The state's plan nearly stalled when it could not find enough people to watch the condemned die. See Matthew Haag, "Arkansas Struggles to Find Enough People to Watch Executions," *New York Times*, March 25, 2017, https://www.nytimes.com/2017/03/25/us/arkansas-death-penalty-witnesses.html?partner=applenews&ad-keywords=APPLEMOBILE&asset_id=100000005004261&_r=0.

structural asymmetry, which in the dialect of the image-maker we might call "reciprocity failure": whereas the guillotine attempts to master death in an instant *without* time and *without* vision, photography seeks to master the elided instant by materializing it as a visible point.

The iconoclastic instant of the guillotine provoked a representational crisis: eyewitnesses complained that everything was over in the blink of an eye (*en un clin d'oeil*), the blade acting faster than the "speed of sight (*la vitesse du regard*)."[260] The guillotine frustrates vision right at the "capital instant" by striking heads off faster than the eye can see. At the heart of the guillotine's operation was the proper impossibility of representing the instant of death.[261] This was considered part of the machine's mechanical sublimity: "By its instantaneous action," says Arasse, "the guillotine sets before our eyes the invisibility of death at the very instant of its occurrence." The little window of the scopic machine of the guillotine "might be considered the *blind spot* around which there crystallizes a terrible visibility." If sovereignty is erected or reflected in the "transcendental" image of death in the structure of the "seeing punish," the *punctum temporis* of the blade's descent nonetheless installs a laconic blindness in the sovereign empire of the gaze.[262] This blind spot both institutes power and disorients it, calling forth more and more images.[263] To reflect death, one *needs* images. In seeking to reveal something that was not visible in the first instance, technical images supplement the phantasmatic drive to master death through a magisterial witnessing of the instant of death. As a kind of deferred sight, this offers another way of understanding François de La Rochefoucauld's maxim: You cannot stare straight into the face of the sun, or death (*Le soleil ni la mort ne se peuvent regarder en face*).[264]

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[260] Pierre Jean Georges Cabanis, *Oeuvres complètes de Cabanis: Rapports du physique et du moral de l'homme* (Paris: Bossange frères, 1823), 171.

[261] See Sédillot le Jeune's description of the instant in *Réflexions hisotoriques et physiologiques sur le supplice de la guillotine* (Paris: de Pain, An IV, 1795), 19-21.

[262] Arasse, *Guillotine and the Terror*, 35-36.

[263] *C.f.* In *The Severed Head*, the text accompanying her curatorial intervention *Capital Visions* at the Louvre in Paris in 1998, Kristeva traces the fascination with severed heads through the museum's collection. She argues that the proliferating figurations of decapitation and the severed head can be read as a resistance to the "democracy" of the guillotine. Their graphic economies "saturate and exhaust the latent meanings of the capital act" (101-102). For a discussion of the guillotine's relation to blindness (both of victim and spectator) from the perspective of its role as monumental sculpture, see Richard Taws, "The Guillotine as Anti-Monument," *Sculpture Journal* 19, no. 1 (2010): 33–48, doi:10.3828/sj.2010.3.

[264] François La Rochefoucauld, *Reflexions ou sentences et maximes morales*, ed. Madeleine de Souvré Sablé (Amsterdam: Pierre Mortie), Maxim 26.

Let's return for a moment to the capital moment in shifting place of power from monarchical to democratic sovereignty. Claude Lefort famously argues that this mutation in the form of political sovereignty has two aspects: *first,* as we have seen, power is now based on the people, and *second,* "the locus of power becomes an empty place."[265] Under the monarchical model of sovereignty, power was embodied in the King who was considered the earthly representative of God. The image of the King's body was part of a visual iconocracy that served to symbolically unify the kingdom. As a visible manifestation of God's power, the King's bodily form provided a visual image of divine right and power: the King was considered an image of God (*imago Dei*), his body condensing within it a visual regime. By attacking the King, the revolution also attacked the empire of the gaze. If the iconoclastic moment of the guillotine links popular sovereignty to the image of an empty place, photography arrives to put power back in its visible place. Images of legal putting to death supplied one mechanism for supplementing the empty place of power left with the demise of monarchical sovereignty. In other words, images of death afforded a material technique for localizing, identifying, and symbolizing power. In a sense then, the new medium was born from the guillotine's need to invent symbolizations of power for a new headless body politic.

The technical image thus emerges as a kind of fetish that makes the instant of death visible as a point of fascination made accessible for the mastery of what Laura Mulvey calls "scopophilia" in her foundational work "Visual Pleasure and Narrative Cinema."[266] The first wave of cinematic experimentation manifested an intense fascination with representing the point at which the living body becomes a corpse. Early filmmakers produced a series of "actuality" films that played a crucial role in framing and thus determining our understanding of death as an instantaneous event.[267] Scott

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265 See Claude Lefort, *Democracy and Political Theory*, trans. David Macey (Minneapolis, MN: University of Minnesota Press, 1988), 17; and "The Image of the Body and Totalitarianism," in *Political Forms of Modern Society*, ed. John B. Thompson (Cambridge: MIT Press, 1986), 298-299.

266 Laura Mulvey, "Visual Pleasure and Narrative Cinema," in *Film Theory and Criticism: Introductory Readings*, eds. Leo Braudy and Marshall Cohen (New York, NY: Oxford University Press, 1999), 833–44.

267 In fact, early cinema not only framed death as instantaneity, but was integral to the development of the death penalty's machinery. Consider for example, Thomas Edison's execution films produced in the 1880s to demonstrate that alternating current was the quickest, most instantaneous, and therefore least cruel power supply for administering death by electric chair. Edison, Nikola Tesla, and George Westinghouse were embroiled in "War of the Currents"—a battle over which system of electricity would be standardized in the burgeoning power industry. Edison was the purveyor of the direct-current (DC) system, while Tesla and Westinghouse championed alternating-current (AC). Following on the heels of experiments with electrocution at Menlo Park in the 1880s, Edison, inventor of the moving image camera, produced a series of counter-propaganda execution films in which animals were publicly electrocuted

Combs extends this line of analysis when he says that the early genre of the execution film "worked to create the impression of death as happening instantaneously, visualizing the relation between the "before" and "after."[268] Contributing to this scopic drive to master death by fixing it as visible point, the short film of Weidmann's execution sharpens the limit between life and death into the conceptual opposition: Life/Death. This "paradigm," writes Barthes, "is reduced to a simple click."[269]

Yet, the capacity of the image to mechanically reproduce the singular event of death—to make it reappear over space and time, problematizes the very divide it seeks to stabilize. The photograph provides a visual index that confirms death, while paradoxically making repeatable in another time what is said not to have taken time. At the same moment that photographer-1 registers the singularity of Weidmann's death, he simultaneously frames the possibility of repeating that which "could never be repeated existentially."[270] Bazin describes the possibility of representing death as an ontological obscenity: death, the instant *par excellence*, cannot be represented "without violating its nature … We do not die twice."[271] Yet, on the screen, Weidmann dies every afternoon. With each viewing, he comes back *as if* living, as a phantom or a phantasm to re-enact his final *coup de grâce* once again in an uncanny temporality that pluralizes the instant, infecting life with the death that photography was supposed to hold at bay. Siegfried Kracauer was already aware of this paradox when, in his 1927 essay "Photography," he wrote: "Seemingly ripped from the clutch of death, in reality [photography] has succumbed to it all the more."[272] Derrida says something similar when he argues that "mortuary sculpture, death masks, and impressions, wills, embalming, and the crypt, everything that preserves the dead, at the same time living and dead, beyond life and beyond death," paradoxically dislocates the limit between life and death.[273]

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using AC. They were intended to demonstrate the dangers of AC and therefore the relative safety of his own DC supply. New York adopted the electric chair as its machine of death using Westinghouse's AC current, with William Kemmler becoming the first person to die in the electric chair in 1890. The apparatus, designed by an electricity salesman secretly on Edison's payroll, was powered by a Westinghouse AC generator. See Richard Moran, *Executioner's Current: Thomas Edison, George Westinghouse, and the Invention of the Electric Chair* (New York, NY: Vintage, 2010).

[268] C. Scott Combs, *Deathwatch: American Film, Technology, and the End of Life* (New York, NY: Columbia University Press, 2014), 39.

[269] Barthes, *Camera Lucida*, 92.

[270] Barthes, *Camera Lucida,* 4.

[271] Bazin, "Death Every Afternoon," 30.

[272] Kracauer, "Photography," 433.

[273] Derrida and Bennington, "Living On," 125.

Weidmann's screen-death exposes us to a paradoxical experience of being "dead but not dead" or "living dead (*mort vivant*)" (DP1 37). It introduces a kind of anachronism that disrupts the understanding of temporal instant we have been tracing. At the same time as the photographer takes a picture of the execution from the point of view of the State—in the same breath—he produces a spectral force that marks the death in life, transporting life beyond the immediacy of its living present. Derrida thus refigures the Barthesian formula as a relationship of haunting: "Neither life nor death, but the haunting of the one by the other. The 'versus' of the conceptual opposition is as unsubstantial as the camera's click."[274] This silent slippage from classical ontology (*ontologie*) to deconstructive hauntology (*hantologie*) reformulates the impracticable opposition of Life / Death. Displacing the topology of Barthes' formulation, the front-slash gives way to a spectralized photographic *lifedeath* (*lavielamort*) that compromises life and death in a relationship of cryptic incorporation. Death, on this reading, cannot be contracted into a spatial border or temporal instant, but is at work structuring and haunting the rhythms of life. The philosophical dream of a rigorous purity of life is a fantasy: "Life," Derrida says in the *Grammatology*, is an "economy of death."[275] The prohibition against the image of death can thus be understood as an attempt to anathematize the ghostly powers of the image that threaten the presumed instantaneity of death and with it any "imagined mastery of the sense of the word 'death'" (DP1 238).

Weidmann's execution leaves us suspended between two angles that mark the chiasmic crossing of the scopic apparatuses of *lifedeath* as visible/invisible doublets on the stage of the death penalty. Photographer-1 registers a double paradox. On the one hand, he registers a juridical-political problematic that coalesces questions about the institution and maintenance of sovereign power: images of death are both necessary and paradoxically controlled. On the other hand, he frames a representational problematic that crystallizes questions about the technical image: the image of death gives irrecusable testimony of death and yet in making this moment repeatable it paradoxically mobilizes a phantomatic power. These intertwined problematics co-articulate a double exigency of photography and the death penalty. Visibility immunizes the State against the incursion of death and finitude thus aiding and abetting the power of the phantasm. But it can equally be seen to complicate the relation between vision (*voir*), knowledge (*savoir*), and power (*pouvoir*) in ways that weaken and parasite the conceptual demarcation between life and death, amplifying spectrality in

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[274] Derrida, *The Work of Mourning*, 42.
[275] Derrida, *Of Grammatology*, 69.

ways that disrupt the claim of the phantasm. In short, sovereignty tries to master death by representing it as an instantaneous event, but the image's iterability paradoxically amplifies spectrality—the photographer's images of death are at once the locus and transmission of sovereign power, as well as a spectral force that destabilizes the instant.

This returns us to the question of the "now" or the punctual moment. Derrida's major contribution to photographic theory is his critical rethinking of the temporal notion of the instant as internally divided. The present, as we saw in chapter 1, is only made possible by *différance*, iterability, or spectrality. According to Derrida's critique, this interpretation of the instant and time more generally as dominated by the succession of present "nows" is phantasmatic. Derrida has challenged this relation between the present and the nonpresent past and future since his earliest works, for example, in his texts on mourning where the dead find their place as an image within the living and where images open time to a kind of ghostly anachronism. In his rereading of the photographic instant, he expresses this struggle with the primacy and authority of the present, when he argues that the instant is not atomic or self-identical, but "spectrally structured."[276] He follows Barthes' reading of the instant here in many regards, however, his reading differs on one critical point: for Derrida, the instant is always a differential duration. Derrida complicates the "punctiform" structure presumed by Barthes. This structure announces haunting in two times, or two modes: the "now" of the living-present is exposed to the alterity of death from the past and future (Husserlian protensions and retentions). Photography exposes us to the dead of history in the form of haunting, but also equally to death in the future. This double solicitation provides another understating of the instant which is always haunted by the memory and prospect of death. Photography *qua* light-writing becomes yet another non-synonymous substitution for *différance*, another way of thinking the infernal movement of the trace as that which is inhabited by alterity—another way of thinking the self-same as paradoxically constituted by iterability, repetition, or what we have been calling spectrality.

According to Derrida's reading of the temporality of the photographic instant, the concept of *punctuality*, the *now,* or the *stigmē* is always divided at the origin: as soon as the image is captured it divides itself. In the moment when I am photographed, I am distanced or spaced out from myself,

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[276] My account of Derrida's rethinking of photography's spectral structure is indebted to Saghafi's *Apparitions* and Louise Burchill, "Derrida and the (Spectral) Scene of Cinema," in *Film, Theory and Philosophy: The Key Thinkers*, ed. Felicity Coleman (London,UK: Acumen Press, 2014).

so that I am both seer and seen, living and dead. The hiatus or space *between* myself as seer and myself as seen remains invisible. It inscribes a kind of blindness into the instant or "the blink of the eye" (*Augenblick*). Derrida concludes that "there is a duration to the blink of the eye and the duration closes the eye."[277] Writing in 1895 as a spokesperson for the Instantaneous Photography movement, William de Wiveleslie Abney similarly concedes that "the epithet 'instantaneous,' as applied to photography, is, of course, incorrect." A photograph, he admits, "taken by a flash of lighting is not instantaneous, for the exposure takes a time."[278] This spacing or blindness is structurally essential to visual auto-affection: it destroys the possibility of self-identity understood as simplicity. Rather, the spectrality of the instant looks a lot like *différance*, as discussed in the first chapter, as the operation of differing-deferral that both splits and delays presence, "subjecting it to originary division and originary delay" (VP 75). To return to the aporetics of time detailed in the last section, for Derrida, who thinks time on the basis of differential iterability, the now is not an indivisible unit, but rather, emerges from originary repetition which originary division or split means that the now is infinitely divided within itself, and therefore that it can never be fully present *as such*. This is why it is impossible to grasp, seize or master the now as a fixed point.

This basic argument has two important implications. *First*, there is no truly instantaneous image and no shutter speed, as de Duve rightly notes, "that will operate as a borderline" between life and death.[279] For Abney, as much as for Derrida, the faith in the simplicity of the instant is a phantasm impelled by a subterranean desire to know the time of life in its purity and immediacy, as self-presence, clearly divided from death. The upshot of the deconstructive reading of the temporality of the photographic snapshot: the instant is a phantasm.

Second, if the instant is a phantasm, if there is no instant *as such*, that is, if the instant is always constituted through differential iterability, then death is never clean-cut. Rather, death is a protracted and messy affair—a "differentiated, slow process" whose duration is impossible to measure and

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[277] See Jacques Derrida, *Voice and Phenomenon: Introduction to the Problem of the Sign in Husserl's Phenomenology*, trans. Leonard Lawlor (Evanston, IL: Northwestern University Press, 2011), 56.

[278] William de Wiveleslie Abney, *Instantaneous Photography* (London UK: Sampson Low, 1895), 3. Abney goes on to describe the operation of the guillotine shutter and the instant it cuts from the flow of time as a duration. However, the "perfect efficiency" of the shutter would mean the "time of opening and closing is *nil*" (14). For his discussion of instantaneous shutters, of which the guillotine shutter serves as the ideal model, see Chapter II "Shutters" and III "Speed of Shutters" (9-21).

[279] de Duve, "Time Exposure and Snapshot," 125.

calculate (DP1 235). Derrida finds empirical confirmation of this indetermination of death in anthropology and medicine. In an important footnote, he points out that the criterion used by the medical profession to determine of the state of death fluctuates between cultures and even within a given one. No one knows what death is nor where we could locate it (DP1 239).[280] We can point to further evidence of this indetermination in ongoing accounts of "botched" executions that fuel debate around current American lethal injection protocols.[281] Consider for example, the 29 April, 2014 execution of Clayton Lockett at Oklahoma State Penitentiary, in McAlester, Oklahoma, who according to eyewitness testimony, writhed against the restraints that bound him to the executioner's table for a protracted forty-three minutes before suffering a heart attack, after the first drug administered (the controversial midazolam) failed to render him unconscious. In another twist of events, in recent years, death penalty opponents have sought to subpoena audio and video recordings in order to falsify the phantasmatic faith in an instant death. For example, "sound portraits" of the execution of twenty-two inmates recorded by the Georgia Department of Corrections were brought before the court in a 1998 case challenging instantaneity—and therefore the constitutionality—of the electric chair. In a second case, also from Georgia, defense attorneys were authorized to record the 2011 execution of Andrew Grant DeYoung in an attempt to furnish evidence against the state's controversial "protocol" for lethal injection, comprised of a single dose of pentobarbital. Not only do these applications of the death penalty fall into the US Supreme Court's criterion of "cruel and unusual punishment," which led to the suspension of the death penalty in America between 1972 and 1977, but more importantly (for we are seeking a principled, rather than merely circumstantial grounds for the abolition of capital punishment), they interrupt the fantasy of control over an objective instant of death.

The whole concept of the death penalty relies on the belief that "the state, its legal system, its justice, its judges and executioners" are able to "know, calculate, operate the time of death" right down to the very instant (DP1 220). In the tenth session, Derrida argues:

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[280] Derrida argues along similar lines in *Aporias*, 24-25. While Baudrillard, in *Symbolic Exchange and Death*, argues that "the irreversibly of biological death, its objective and punctual character, is a modern fact of science. It is specific to our culture. Every other culture says that death begins before death, that life goes on after life, and that it is impossible to distinguish life from death." Baudrillard argues for the "radical indeterminacy" of life and death in the symbolic order (159).

[281] Peggy Kamuf discusses the anaesthesial logic of the death penalty in relation to current execution protocols in the United States in "Protocol: Death Penalty Addiction," *The Southern Journal of Philosophy* 50 (September 1, 2012): 5–19, doi:10.1111/j.2041-6962.2012.00118.x.

> The death penalty, as the only example of a death whose instant is calculable by a machine, by machines (not by someone, finally, as in murder, but by all sorts of machines: the law, the penal code, the anonymous third party, the calendar, the clock, the guillotine, or another apparatus [including the cold and implacable mechanism of the camera's shutter]), the machine of the death penalty deprives me of my own finitude; it exonerates me, even, of my experience of finitude. It is to some finitude that the madness of the death penalty claims to put an end, by putting an end, in a calculable fashion, to some life […] The calculating decision, by putting an end to life, seems, paradoxically, to put an end to finitude; it affirms its power over time, it masters the future, it protects against the irruption of the other. In any case, it seems to do that, I say it only seems to do that, for this calculation, this mastery, this decidability remain phantasms. (DP1 257-8 my emphasis)

To put it another way, the argument that death can be contained in an anaesthesial instant depends on a theory of time that treats the past as something that was once present (but is no longer) and the future as something that will be present (but is not yet). This concept of time depends on a series of atomistic or indivisible points. If, as Derrida suggests in *Copy Signature Archive*, the present divides itself between a past that has been (Barthes' that-has-been) and a past that has never been present (Derrida's absolute past), then this divisibility of the living present disrupts the unity of the line between before/after. The fundamental divisibility or spectrality which the present *is* also conditions the future. It is this future, this ineradicable finitude, that the death penalty tries to put an end to. The real cruelty of the death penalty has nothing to do with the speed of the machines of death, but with the calculating fascination that aims to master time, by depriving the other of finitude. But wherever a clear instant of death is lacking, we can no longer presume to have the power or ability to master it, or to deliver the other over the limit. With this, the scaffolding of the death penalty begins to tremble.

This chapter has examined the production and consumption of images of death in the specular *mise-en-scène* of the death penalty. The film of Eugene Weidmann's 1939 execution facilitated a double or stereoscopic analysis of the Western philosophy of time shared by the guillotine and the early photographic ontologies, while suggesting a reading of photography's spectral structure that helps to deconstruct the phantasmatic dimension of sovereignty at work in the death penalty. The optic of spectrality helped us sketch the aporetic logic at work in sovereign technicity. Pulling at one of the threads that guides the first year of the death penalty seminars, I traced what Derrida calls "a certain 'history of blood'" that draws with it a series of questions about "the visibility or non-visibility of the

execution, the move to lethal injection, modes of visibility, publicity, theatricality, sacrificial rituality," which trouble Foucault's thesis about the progressive de-spectacularization of punishment (DP2 xv). This led me to the theme of the instant and the empirical attempts to frame death as an instant, both through the implementation of a series of machines of death that aimed to humanize the death penalty from the guillotine through lethal injection, as well as through the development of the photographic instant in the nineteenth-century imagination as a symbolic site for the modern confrontation with finitude. The death penalty tries to master the instant of the other's death, but the instant turns out to be a phantasm. I have subjected this phantasmatic dimension of the instant to a deconstructive operation. Derrida's critique of the temporality of the photographic snapshot helped me to trace another understanding of the instant and its power that allows me to trouble the putative instantaneity of death, which posits life as that which happens only before death.

I have tested the hypothesis that technical images are one of the sites where death is confronted and controlled in the context of Derrida's claim that the hallmark of sovereign power involves the right to command death in public spectacles that are more visible, even though more virtual, than ever with today's accelerated tele-technologies. I have examined the relation between sovereignty, instantaneity, and technicity. I have seen that sovereignty needs to extemporalize death in technical images in the era of analogue photography. This specific form of sovereign technicity serves a double function. By freezing and annulling time images aim to "master" death and finitude. At the same time, prosthetic images of death amplify spectrality and thus the deconstruction of sovereignty occurring with an unprecedented speed and rhythm today.

CHAPTER 3: OCT 20 2014/09:57:38PM: BLACK DEATH

What place is given to life, death, and the human body (in particular the wounded or slain body)?
How are they inscribed in the order of power?
—Achille Mbembe[282]

The grainy dash-cam video feed from vehicle 8779 tracks through the dark Archer Heights streets. It's shortly after nightfall on 20 October, 2014. Police have been called to investigate reports of a black man breaking into vehicles in a trucking yard at 41st Street and Kildare Avenue in Chicago. One minute into the video, the words "LBR ON" flash on the screen, signaling the activation of in-car recording system, accompanied by random, high-pitched beeps that saturate the audio-track. Voices are disfigured by digital artifacts and audio compression, but two muffled sirens can be heard engaging in a frenetic counterpoint that announces the cruiser at the intersection with staccato attacks. A familiar sound on the South Side, the siren signifies different things depending on who hears it: for some, it announces the restoration of the law; for others, it warns of an imminent threat of death.[283] For those trying to decipher the cues encrypted in the video, this digital timbre is yet another haunting aspect of sovereignty. The image picks up speed as it passes a string of single-floor suburban row-houses; a spotlight oscillates left-to-right scanning the treelined boulevard. The scrambled siren cuts abruptly as the camera's predatory gaze catches sight of a figure on the curb,

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[282] Mbembe, "Necropolitics," 12.

[283] According to police testimony during Jason Van Dyke's trial which was live streamed by WGN-TV, the dash-cam microphones in car 813R-8779 were in the glove box. In fact, all four attending squad cars were found to have intentionally disabled microphones.

who points offscreen. ("*There!*" says the *deixic* shifter directing the roaming camera towards the impending hail of "sixteen rounds and a cover up."[284]) Following his stage-directions, the camera's ghostly POV cuts left across a deserted parking lot, catching up with 17-year old Laquan McDonald as he walks down the center of the 4100 block of South Pulaski Road towards two police cruisers that have just arrived on the scene. The image comes to a halt. Blue light splashes across the pavement. McDonald appears agitated. He tugs at his pants. His step quickens as two officers descend from their Chevrolet Tahoe, guns drawn. He keeps moving as though to pass them. His right arm swings absently, revealing a three-inch blade. Officer Jason Van Dyke opens fire. McDonald spins in a contorted pirouette under the force of the first volley of bullets, collapsing backward onto the pavement. A puff of smoke silently explodes from his body. For a moment, his arm twitches. Then come more bullets. Another cloud of debris kicks up behind his head. And then it's over. The time-stamp flashes in the lower right-hand quadrant of the screen: "OCT 20 2014/09:57:38PM." Thirty seconds have elapsed since McDonald appeared in the frame. The legal system pronounces him dead in the ambulance on route to Mount Sinai Hospital (*Figure* 20).[285]

But then again, it's not over. Because spectacular images of black death are part of an ongoing litany of lethal force captured on video that continue to tear at the fabric of black life. Karryn Gaines, Trayvon Martin, Tamir Rice, Walter Scott, Eric Garner, Kajieme Powell, Mike Brown, Eric Garner, Natasha McKenna, Freddie Gray, India Kager, Ramarley Graham, Harith Augustus, Sandra Bland. "It is a bitter reality," writes Roxane Gay in the aftermath of Alton Sterling's shooting in Baton Rouge, "that there will always be a new name to that list. Black lives matter, and then *in an instant*, they don't."[286] Each of these proper names marks what Derrida, in his final seminar, calls "the end of the world" (BS2 170). Each measures the degree to which "we" *are*

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[284] In Peirce's taxonomy of signs, the category of index belongs both to the order of the trace (i.e. the footprint, death mask or photograph) where the object leaves its imprint *and* the *deixic* shifter in language (ie. the words "now" and "there," as well as the pointing finger), which implies an emptiness filled in changing spatiotemporal contexts. See Mary Ann Doane, "The Indexical and the Concept of Medium Specificity," *differences: A Journal of Feminist Cultural Studies* 18, no. 1 (2007): 128–52, doi:10.1215/10407391-2006-025.

[285] The full version of the Chicago Police Department dash-cam video can be viewed at "Full CPD Video: The Shooting of Laquan McDonald, 17," *Chicago Tribune*, March 10, 2017, http://www.chicagotribune.com/news/local/breaking/85103764-132.html.

[286] Roxane Gay, "Alton Sterling and When Black Lives Stop Mattering," *The New York Times*, July 6, 2016, sec. Opinion. https://www.nytimes.com/2016/07/07/opinion/alton-sterling-and-when-black-lives-stop-mattering.html, my emphasis.

Figure 20. Dashcam video, shooting of Laquan McDonald in Chicago. 2014.
Screenshot from police video.

and *are not* what Derrida, borrowing from Michel de Montaigne, calls "codiers" (*commourans*) (BS2 263).[287] We all die. This much is certain. But we do not die alike. As Michael Eric Dyson puts it in his *New York Times* Op-Ed: "We don't all think the same, feel the same, love, learn, live or even die the same."[288] White subjects are not confronted by the same conditions of living under the threat of "social and civil and/or corporeal death."[289]

In the last chapter, I mobilized the double-eyed optic of spectrality to examine the relation between sovereign technicity and time in the context of death penalty in the analogue era and beyond. The short film of Weidmann's execution brought the camera and the guillotine together—on the same stage—as scopic machines of *lifedeath*. These technologies of time afforded a first "take" from which to examine the connection between political power and images of death. I examined how

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[287] See Michel de Montaigne, "Of Vanity," in *The Complete Essays of Montaigne*, trans. Donald M. Frame (Stanford, CA: Stanford University Press, 1958), 752. Derrida speaks of the cultural variability of death in DP1 239-40. Derrida asks how one could separate this "commourance" (co-dying) from Heidegger's discussion of Dasein's authentic dying (*sterben*) in *For Strasbourg Conversations of Friendship and Philosophy*, trans. Pascale-Anne Brault and Michael Naas (New York, NY: Fordham University Press, 2014), 21. See also Fritsch, *Taking Turns with the Earth*, 230.

[288] Michael Eric Dyson, "Death in Black and White," *New York Times*, 7 2016.

[289] Fred Moten and Stefano Harney, "The University and the Undercommons: Seven Theses," *Social Text* 22, no. 2 (2004): 114, doi:10.1215/01642472-22-2_79-101.

sovereignty attempts to control the cut between life and death, which it tries to organize *vis-à-vis* images of death as a "sharp" division: Life/Death. My deconstruction of the "time of death" revealed the double logic at work in sovereignty, whereby sovereignty is made possible by the alterity of death and time, which it nonetheless attempts to master and control when it executes a death penalty. As we saw in the last chapter, this drive for mastery over death manifests in various attempts to take life.

In this chapter, I argue that in the context of the white supremacist US police state, the phantasm (recall that "phantasm" is a technical term that is not opposed to the real) of an ostensibly objective instant of death—which the state tries to organize and legislate through images of death *and* extrajudicial executions—is a racial caesura. The drive to master death is deployed *literally* through extralegal execution of black lives, and *symbolically,* through what Orlando Patterson calls "social death" inflected through the exclusion from opportunity or the relegation of social life to what Mbembe calls forms of "living death" (*mort vivant*), for example, in mass incarceration and through the circulation of images that frame black life in close proximity to death. In both cases, as Mbembe writes, "To exercise sovereignty is to exercise control over mortality and to define life as the deployment and manifestation of power."[290] What these very different accounts share is to confront and "master" death, albeit in radically different ways and with different effects. White supremacist sovereignty attempts to "master" death by meting it out under colour of law that requires black exclusion and death, as normative.[291] The fact that the (sharp) cut *can be* racially coded shows that the phantasm involved in the sovereign relation to death can be made politically *real*.

How is McDonald's slain body framed—as disposable and disposed—white supremacist power? What critical possibilities for rupturing sovereign power does it produce in relation to the "requirement" for black death?[292] How can the quasi-concept of spectrality help deconstruct the specific extension of white supremacist sovereignty that functions through modes of police surveillance and antiblack terror? Extending Derrida's account of the deconstruction of sovereignty

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[290] Mbembe, "Necropolitics," 12.

[291] "Color of law" is a legal phrase indicating an act committed is legitimized by a subject's role as an agent of governmental power. At times, it refers to an act done under the appearance of legal authorization, when in fact no such right exist. I use it here in the more general sense indicated under the civil rights act of 1871 (42 U.S.C.A. Section 1983), where color of law is understood as synonymous with State Action, which is conduct by an officer that bears a sufficiently close nexus to a state so that the action is treated as though it is by the state.

[292] Christina Sharpe, *In the Wake: On Blackness and Being* (Durham, NC: Duke University Press, 2016), 7.

in the death penalty seminars, this chapter draws on critical race theory and Black visual cultures to examine the relation between sovereignty and race, technicity and time, in the specific extension of white supremacy *vis-à-vis* the proliferating digital archive of dash-cam and body-cam video utilized by an increasingly militarized and death-prone US police state.[293] I examine this extension of technological sovereignty—or sovereign technicity—that manifests as police power through digital images of antiblack violence circulating—or withheld from circulating—across decentralized, mobile platforms.[294] This archive of quotidian violence allows me to interrogate the refiguration of slavery and its afterlives as they are lived in black social life.

I approach the phantasmatic formation of the white supremacist police state *first,* from the perspective of sovereignty, through a reading of Mbembe's theorization of "necropower" as the deployment of race in the production of living dead ghosts at the intersection of sovereign and bio power. Mbembe's theorization of necropower provides an account of race that specifies who can be killed and who cannot in the specific context of the "terror formation" of white supremacist policing in the United States. Derrida's quasi-concept of spectral *lifedeath* and Saidiya Hartman's account of the "scene of subjection," help further specify the place of visibility, and more specifically, of the spectacle of the slain black body in the formation of power through a double critical and quasi-transcendental reading of the itinerant video of McDonald's perfunctory execution, which served as pivotal evidence in the 2018 indictment and conviction of Chicago Police officer Jason Van Dyke.

Facilitating an analysis of the deathly trajectories of sovereign power that mark subalternity in the US, I redeploy the stereoscopic optic of spectrality to examine the double role played by the spectacle of black death as a mechanism of antiblack violence that regulates the dissymmetrical distribution of death and produces the black subjectivity as a form of "living death" (*mort vivant*) and

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[293] This chapter is indebted to a number of important texts in Black visual cultures. Foremost among these is Saidiya Hartman's pathbreaking work *Scenes of Subjection*. Following in her legacy, Christina Sharpe articulates "wake work" as a critical and experimental practice that generates new ways of living in the afterlife of slavery; Aranke investigates the generative capacity of images of executed members of the Black Liberation Army in the historical and theoretical context of Black revolutionary praxis in "Black Power/Black Death"; and Kimberly Juanita Brown, explores the photographic dispossession of the black body and patterns of exclusion engendered by these ocular practices in *The Repeating Body: Slavery's Visual Resonance in the Contemporary* (Durham, NC: Duke University Press, 2015).

[294] In "Black Power/Black Death," Aranke defines antiblack violence as the "performative rhetoric(s) and structural formation responsible for the use of durational force against black subjects." Whereas rhetorical violence refers to discursive and performative gestures that encourage and enable the subjugation of black life, structural violence refers to the force of philosophies, institutions, libidinal, political, economic, and social investments (2-3). My investigation of the sovereignty and images of death straddles these two interlocking aspects of antiblack violence.

as a site of critical resistance in radical black politics that exposes the phantasmatic dimensions of white supremacy. McDonald's video (which stands in here metonymically for a number of deaths that accrue to this singular image of death dated OCT 20 2014/09:57:38PM) serves to focalize a problem, which is *not* the brutality of rogue police actions *per se*, nor the law's disproportionate shooting of black Americans. Rather, I argue that white supremacy disavows its ineluctable relation to spectrality, by tethering it to "blackness" as racial alterity that can be brought under material and symbolic control through a series of terrorizing strategies, including extralegal state violence, as well as the circulation of images of death. Extending Derrida's account of the violent origin of the state in the scopic structure of the "primal scene" of the execution, I examine the spectrum of antiblack violence, which reaches from the spectacular to the quotidian. I argue that the spectacle of black death haunts the phantasm of sovereign closure; white supremacy tries to master spectrality by projecting onto blackness, which extrojects to an imagined "outside" aligned with alterity and death.

Sovereignty & Race

In the first year of the *Death Penalty Seminar* Derrida marks the juncture of sovereignty and race as a pivotal point from which to approach the deconstruction of the death penalty in the US context. Derrida gestures towards the uneven "socio-historical and political distribution" of the death penalty across the topography of the US killing states, which carves "a scar or a still open wound" along the old frontier of the Civil War—a war waged over the abolition of slavery: the states that continue to kill most are by and large Southern states (DP1 73, my emphasis). He gives statistics to support this claim. Of the 1,477 executions carried out since the 1976 reinstatement of the death penalty 509 (34.5 percent) were black, while black people comprise 17.9 percent of the nation's total population. Moreover, of current death row populations 1,135 (41.4 percent) are black.[295] Whereas white bodies are more likely to be exonerated or granted exceptional stays of execution for similar crimes, black bodies are more likely both to be sentenced to death and killed by the state both within and outside its juridical apparatuses. In short, those condemned to death, executed, and living on

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[295] The relationship between race and capital punishment in the United States has been studied by NAACP Legal Defense and Educational Fund. See "Death Row USA: A Quarterly Report by the Criminal Justice Project of the NAACP Legal Defense and Educational Fund, Inc.," April 1, 2018, https://deathpenaltyinfo.org/files/pdf/DRUSASpring2018.pdf and Death Penalty Information Center, "Race of Death Row Inmates Executed Since 1976," January 2019, https://deathpenaltyinfo.org/race-death-row-inmates-executed-1976?scid=5&did=184.

death row are disproportionately black (DP2 143). We cannot understand the situation of the death penalty in the US, Derrida agues, "without taking into account" a number of historical facts, "including the history of the federal state, the history of racism, the history of slavery, and the long interminable struggle for civil rights and the equality of blacks, the Civil War …etc." (DP1 74). These statistical legacies survive on the fault-line documented by Gardner and O'Sullivan's Civil War stereoscopy.

This still leaves much to be accounted for in terms of the place of race, and specifically blackness, within the logic of the death penalty in the context of United States.[296] The deconstruction of the "time of death" needs to reckon with the whiteness of the executioners and the racial alterity of the executed; with the multiple ways in which the afterlives of slavery intersect with the death penalty, as well as the ways the death penalty—with its subterranean desire for cruelty—bleeds out of its "proper" legal bounds into the summary execution of citizens by an increasingly militarized US police that disproportionately targets so-called "people of color"—black or otherwise.[297] While the state-sanctioned extralegal executions circulated in social media are not *stricto sensu*, contained under the legal concept of the death penalty (for reasons I will discuss in the next chapter), the distinction between formal death penalty (with tribunal, verdict, executioner, and public structures of witnessing) and the broader category of these "impure" phenomena of "sovereign killing" perpetrated under simulacrum of legality, as Derrida suggests, is always problematic.[298]

Derrida does not examine how or *why* sovereignty becomes fixated on race as a visual marker of domination in the *Death Penalty Seminar*. The deconstruction of sovereignty needs an account of the role of images of death in politics with respect to the death penalty, which can explain why race is such a critical site for the articulation of political power. What is the historical and geopolitical specificity of race in this constellation of sovereignty? To address the afterlives of slavery as they intersect with the history of sovereignty and the juridical and legal institution of punishment (capital

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[296] See Lisa Guenther, "An Abolitionism Worthy of the Name: From the Death Penalty to the Prison Industrial Complex," in *Deconstructing the Death Penalty: Derrida's Seminars and the New Abolitionism* (New York, NY: Fordham University Press, 2018), 239-257.

[297] According to Amnesty International USA, "Deadly Force & Police Accountability," Amnesty International USA, n.d. https://www.amnestyusa.org/issues/deadly-force-police-accountability/, unarmed Black Americans are five times more likely to be shot and killed by police than unarmed white Americans.

[298] See Derrida and Roudinesco, *For What Tomorrow,* 153-54.

or otherwise) in the US, I mobilize Mbembe's theory of "necropolitics," as the contemporary politics of putting to death and "necropower," as the production of living "death-worlds" alongside Derrida's quasi-concept of spectral *lifedeath*. Mbembe's theory of necropower helps flesh out the function of race in the dissymmetrical distribution of death in the *topos* of contemporary sovereignties, and specifically in the "terror formation" of the white supremacist US police state.[299] This specificity will set the stage for my double (critical and quasi-transcendental) analysis of white supremacist sovereignty through the dash-cam video of McDonald's execution in the final section.

Necropower: Mbembe

Cameroonian philosopher and political scientist, Achille Mbembe's theories of "necropower" (*necropouvoir*) and "living death" (*mort vivant*) specify the role of race in the work of death at the intersection of sovereignty and biopolitics. Mbembe's account is advanced as a critical rejoinder to Foucault's biopolitics that seeks to account for the sovereign exercise of the right to kill in contemporary forms of domination, war, subjugation, and antiblack violence. In the last chapter, I reconstructed Derrida's implicit engagement with Foucault in the first year of the *Death Penalty Seminar*. As we saw, Foucault argues for a historical shift between modalities of power from the sovereign right over death to the biopolitical control over life through disciplinary mechanisms. Sovereignty's "making die and letting live" gives way, according to Foucault, to "making live and letting die."[300] Mbembe's interventions draw on Foucault's analysis of race in *Society Must Be Defended*, the last of his College de France lectures in 1975-6. Here Foucault argues that there is, in fact, no clean cut between biopower's right to manage life and sovereign power's right to assert death, and

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[299] In the United States, as Norman Ajari writes, the constant risk of death by police or private security forces, is the most salient position from which to pose the question of blackness. On the other side of the Atlantic, afrodescendants are familiar with these practices of putting to death, as well as myriad systematic forms of destruction and privation of black life. See Norman Ajari, *La dignité ou aa mort: Éthique et politique de la race* (Paris, France: Éditions La Découverte, 2019), 22. For Ajari's discussion of the sexualized violence deployed by French police in the 2016 rape and beating of Théo Luhaka in the Parisian suburb of Aulnay-sous-Bois following a race-based identity check, see Kader Attia's 2018 film *The Body's Legacies Pt.2: The Postcolonial Body,* http://kaderattia.de/the-bodys-legacies-pt-2-the-postcolonial-body-2018/. See also Robyn Maynard, *Policing Black Lives: State Violence in Canada from Slavery to the Present* (Winnipeg: Fernwood, 2017) for an analysis of state-sanctioned violence against black bodies in Canada beginning with seventeenth-century criminalization and surveillance in New France (present-day Québec) through current realities of antiblack police violence.

[300] Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France 1975–1976*, trans. David Macey (New York, NY: Picador, 2003), 247.

thus no simple prioritization of life over death. Rather, biopower asserts itself gradually in the twilight of the sovereign state. The tension between biopower and these lingering vestiges of sovereignty come to a head in Foucault's discussion of state killing. Under what conditions can biopower—a regime invested in making live (*faire vivre*)—put to death? Race provides the answer to this dilemma. Race is the condition for waging war and putting to death (what Foucault describes as typically sovereign actions that persist as the underside of biopolitics).[301] On Mbembe's reading, power operates on a "split between the living and the dead" as a power defined in relation to a biological caesura. It is this cut that Foucault calls racism.[302]

Racism performs a double function. *First*, it produces a partition that marks one part of the population as expendable. Racism is the way power is exercised to break up the population into those who can be killed and those who can't. It introduces "a break into the domain of life that is under power's control."[303] This break separates and divides the population into categories and subcategories, producing hierarchies of meaning and value through the establishment of biological boundaries. Race specifies the condition under which sovereignty continues to wield its power to make die. *Second*, race establishes a relation between these two groups (i.e. killable/unkillable), insofar as the deaths of the latter authorize the survival of the former.[304] According to Foucault, the biopolitical state authorizes the putting to death of certain segments of the population so that the real body politic can live. Race construes certain bodies as intrinsically *ill*, and potentially a lethal contaminant to the general health, such that they must be extracted to guarantee the security of the polity. For Foucault, the Nazi state is the paradigm instance of sovereign right to kill (*droit de glaive*) under biopolitics. Nazism represents the culmination of colonial imperialism; the death chambers, the culmination of the serialized mechanisms for taking life; and race provides the rationalization for a "calculus of life that passes through the death of the Other."[305] In short, for Foucault, the right of death continues to survive in the biopolitical field, *vis-à-vis* race (as the "condition of acceptability of putting to death").[306] Mbembe's necropower extends this account of state racism in two ways that

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[301] This suggests that Foucault himself may not have held a sharp and principled division between the paradigms of sovereignty and biopolitics, nor even perhaps, between visibility and invisibility.

[302] Mbembe, "Necropolitics," 17.

[303] Foucault, *Society Must be Defended*, 254.

[304] See Foucault, *Society Must Be Defended,* 254-263. *Cf.* Esposito discussion of "lethal logic" of "thanatopolitics" in Nazi Germany in *Bíos: Biopolitics and Philosophy,* 110-145.

[305] Mbembe, "Necropolitics," 18.

[306] Foucault quoted in Mbembe, "Necropolitics," 17.

help to specify my account of the white supremacist police state: these involve his theorizations of historical "terror formations" and "living death" (*mort vivant*).

<p style="text-align:center">*Terror Formations: The Police State*</p>

First, Foucault's logic is too specific for Mbembe. The Foucauldian analysis doesn't account for the way killing has been delegated across colonial spaces including the plantation and the colony. The rationalizing rhetoric of health pivotal to the nineteenth-century biopolitical lexicon is not helpful in these instances. Race is still a marker that separates who lives and dies, but it is not a matter of purification of the body politic, as it was in Nazi state, which Foucault takes as paradigmatic. Mbembe's discussions of postcolonial necropower diversifies Foucault's account. According to Mbembe the "phantom like world of race" is and "ever present shadow in Western political thought and practice."[307] He details the multiplicity of ways the necropolitical right over death is organized and deployed through mechanisms of state functioning. Mbembe traces the links between modernity and terror through a series of shifting "terror formations" including the Ancien Régime; the revolutionary Terror of the guillotine, with its ever-quickening mechanisms of taking life; the plantation system of slavery; Apartheid South Africa; and the late-colonial occupation of the West Bank.[308] In each of these specific historical contexts, race functions to determine otherness and to mark that otherness for death, through a number of terrorizing mechanisms, which include: the demarcation of new spatial relations, the manufacture of cultural imaginaries, and surveillance operations.

These topographies are by no means exhaustive: the US police state is yet another necropolitical spatiality. This specific terror formation functions through the partitioning of urban space through ongoing practices of spatial segregation; the manufacture of cultural imaginaries that align "blackness" with criminality and death; and techniques for surveillance and policing of blackness, or "blackveillance."[309] These mechanisms are historically linked to colonial plantation slavery: the first forms of policing in (what would become) the United States developed in the context of the economic system of slavery. In the colonies of the Northeast, informal systems of

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[307] Mbembe, "Necropolitics," 17.
[308] Mbembe, "Necropolitics," 22.
[309] Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Durham, NC: Duke University Press, 2015).

"night-watch" (volunteer policing) and "lantern laws" (the regulation of Black and Indigenous mobility through mandatory carrying of lighted candles after dark) were deployed as private security operations aimed at protecting the economic order of white supremacy.[310] In Antebellum Southern states, policing included legally sanctioned, armed slave patrols, or "paddy rollers" comprised of predominantly white men who monitored and disciplined black slaves.[311] Post-emancipation terror strategies—Jim Crow laws and spatial segregation, extralegal vigilantes groups like the Ku Klux Klan, lynching as a structurally acceptable exercise of power "outside" the law—replaced legally sanctioned slave patrols. These early mechanisms survive in the structural legacies of slavery's afterlives in the racial segregation of low-income neighborhoods ("the writing of new spatial relations" by setting internal boundaries and frontiers) the ghettoization of "million dollar blocks" marked for incarceration[312]; racialized policing that includes stop-and-frisk policies, racial profiling and subjection to a disproportionate number of (potentially lethal) traffic stops; a crippling system of bail-bonds; a carceral system that tears apart generations; and obliteration by police violence in a state of impunity; but also, in the various ways "blackness" is marked and coded for death *vis-à-vis* the circulation of spectacular and yet quotidian images of black death. This specific terror formation of the police state is built on the memory and mechanisms of slavery.

<div align="center">*Mort Vivant & Social Death*</div>

Second, Mbembe introduces necropower to account for the specific ways corporeal and/or living death (*mort vivant*) is racially distributed in the contemporary world. Biopower, Mbembe asserts, fails to give an account for the practical conditions under which "the right to kill, to allow to live, or to expose to death is exercised" in our contemporary world, where "weapons are deployed in the interest of maximum destruction of persons *and* the creation of death-worlds, new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of the living dead."[313] Mbembe's concept of the *mort vivant* erodes the border

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[310] For an account of lantern laws and the surveillance of blackness see Browne, *Dark Matters*, 77-79.

[311] See Sally Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge, MA: Harvard University Press, 2003), and Ben Fountain, "Slavery and the Origins of the American Police State," *Medium*, 2018. https://medium.com/s/story/slavery-and-the-origins-of-the-american-police-state-ec318f5ff05b.

[312] Mbembe, "Necropolitics," 25.

[313] Mbembe, "Necropolitics," 12.

between life and death, rendering black life ghostly. Racism, as the "state-sanctioned and/or extra-legal production and exploitation of group differentiated vulnerabilities to premature (social, civil and/or corporeal) death," is the condition for the acceptability for relegation to living death.[314] Rather than simply reversing the hierarchy from a biopolitical "making live" (*faire vivre*), back to "making die" (*faire mourir*) as juridical power over death that Foucault associates with sovereignty, necropower describes the ways black life is regulated so as to make it unlivable through a series of mechanisms of life negation that subject large swaths of the worlds' populations to "death worlds" (*des mondes des mort*), as a form of *death-in-life*.

Mbembe's *mort vivant* challenges Foucault's insistence on the efficacy of biopower as a theoretical model premised on power dominance of life. However, Mbembe's insistence on death needs to be understood within the tradition of critical Black studies, which pivots around the concept of "social death," as its elliptical center.[315] In his pathbreaking study, *Slavery and Social Death,* anthropologist Orlando Patterson defines "social death," as a form of negation achieved through a series of structural and symbolic practices including subjection to systemic violence, the revocation of civil rights, and "natal alienation" (i.e. the destruction of bonds to family, ancestors, and descendants, as well as the mechanisms of inheritance, such as those established through the Roman *imago*).[316] As opposed to corporeal death, social death is a kind of liminality; it entails a kind of civil and political death. Patterson refers to the "liminal state of social death" as "institutional

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[314] I have reproduced Fred Moten and Stefano Harney's citation of Ruth Wilson Gilmore's definition of racism in "The University and the Undercommons," 114 in order to retain their attenuation of death, not only as a corporeal event, but also as a social process described by Patterson, in his important study of slavery and its afterlives, as a form of alienation from civil society.

[315] The theorists informing this section are loosely constellated under the term "Afro-pessimism," coined by Frank B. Wilderson. Informed by Left-Heideggerianism and Franz Fanon's existential psychoanalysis, Afro-pessimism encompasses series of interventions at the intersection of political and libidinal economies of white supremacy that aims to draw out a political ontology of black life. See Frank B. Wilderson III, *Red, White & Black: Cinema and the Structure of U.S. Antagonisms* (Durham, NC: Duke University Press, 2013).

[316] Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press, 1985). The concept of social death is pivotal in contemporary in black studies and black visual cultures. See for example, Frank B. Wilderson III, "Grammar and Ghosts: The Performative Limits of African Freedom," *Theater Survey* 50, no. 1 (2009): 119-125; Jared Sexton, "The Social Life of Social Death: On Afro-Pessimism and Black Optimism," I*nTensions* 5 (2011); and Moten, "Blackness and Nothingness (Mysticism in the Flesh)," *The South Atlantic Quarterly* 112, no. 4 (2013): 737-780.

marginality."[317] Mbembe argues that social death "constitutes an expulsion from humanity."[318] Turning the table on the question of how the living organize their relation to the dead *vis-à-vis* images, slavery had to answer a new dilemma: how is political power to incorporate the *still living* that are already *socially dead*? According to Patterson this required modes of "liminal incorporation."[319]

Building on Patterson's analysis of the ways in which the slave was kept alive "but in a state of injury, in a phantom-like world of horrors and intense cruelty," Mbembe examines the specificities of *how* "black life is *lived* in social *death*"[320] as an ever-present reality of death within life in postcolonial Africa, Kosovo, and the West Bank.[321] Living death is as much death as it is living: it is an experience of liminality punctured and striated by quotidian experiences of terror that include spectacular images of suffering as well as more innocuous and less visible forms of quotidian violence that mark certain populations for death at the expense of others. Such an enlargement of the concept of death parallels Saidiya Hartman's expansion of the life-term of slavery. If slavery persists in the political life of black America after conferral of "rights," it is "because black lives are still imperiled and devalued by a racial calculus and a political arithmetic that were entrenched centuries ago. This is the afterlife of slavery – skewed life chances, limited access to health and education, premature death, incarceration, and impoverishment."[322] These structural legacies are part of the aftermath of chattel slavery as contemporary forms of social death.

This account of *mort vivant* helps explain the warehousing of life in the sprawling US prison-industrial complex, and the necessity of "abolishing what abolition has produced," namely, the life sentence without the possibility of parole, or what the Philadelphia coalition Decarcerate PA calls "death by incarceration."[323] Broadening the work of death to include social death allows for a

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[317] Patterson, *Slavery and Social Death*, 46.

[318] Mbembe, "Necropolitics," 21.

[319] Patterson, *Slavery and Social Death,* 45-51 and 293.

[320] Jared Sexton, "Ante-Anti-Blackness: Afterthoughts," *Lateral: Journal of the Cultural Studies Association* 1 (2012), n.p., doi:10.25158/L1.1.16.

[321] Mbembe, "Necropolitics," 21.

[322] Saidiya V. Hartman, *Lose Your Mother: A Journey Along the Atlantic Slave Route* (New York, NY: Farrar, Straus and Giroux, 2008), 6.

[323] Elizabeth Roudinesco asks Derrida about the necessity of abolishing "life in prison" without possibility of parole or release, but she does not go far enough in recognizing this as social death. Derrida evades this aspect of her question (FWT 161). For a recent discussion of Derrida's analysis of the death penalty in relation to the whiteness that structures US carcerality see Andrew Krinks, "The Color of Transcendence: Whiteness, Sovereignty, and the Theologico-Political," *Political Theology* 19, no. 2: Political Theology in Jacques Derrida's Death Penalty Seminars (2018):

reading of mass incarceration as another instance of what Derrida, towards the end of the first year of the death penalty seminars, enigmatically calls the "survival of the death penalty," which will be the focus of the next chapter (DP1 282).[324] The phantasm of mastery over death and time is accomplished, in this instance, not by cutting life short, but by conferring on the imprisoned a form of living death that breaches the distinction between life and death, not as deconstructive *lifedeath*, but as *death-in-life*. In both capital punishment and life imprisonment sovereignty arrogates to itself power over the other's time of life. Both seek to "put an end to finitude" (DP1 257). As discussed in the last chapter, the calculating decision of the death penalty tries to affirm its power over time by determining the time of the other's death. Yet, as we saw, these attempts to calculate and master death "remain phantasms" (DP1 258).

In short, life without parole is also a death sentence and death-by-incarceration is the paradigm for all acts of incarceration—including the strategy of detaining and terrorizing black life in the image. The image of black death—framed and multiplied by apparatuses of state surveillance—make all social spaces a prison in which black people are marked as socially dead. The image of black death, in this context, repeats a carceral logic that extends death through all of life: it is a mechanism of liminal incorporation that effects living death. Even when the formerly incarcerated person is released from prison, the prison (which constitutes the contemporary experience of slavery), continues to survive within that person. The prison, as Derrida notes in *Faxitexture*, belongs to the "places of death" that are both "circumscribed and dissociated places, included and excluded, at the same time in and outside social space."[325] Insofar as Western political space is related to history the African slave trade in a repressed way, slavery is absolutely central to the discussion of sovereignty and white supremacy in the US context.

137–56; Lisa Guenther, "An Abolitionism Worthy of the Name: From the Death Penalty to the Prison Industrial Complex," in *Deconstructing the Death Penalty: Derrida's Seminars and the New Abolitionism* (New York, NY: Fordham University Press, 2018); and Geoffrey Adelsberg, Lisa Guenther, and Scott Zeman, *Death and Other Penalties: Philosophy in a Time of Mass Incarceration* (New York, NY: Fordham University Press, 2015).

[324] In *Ontological Terror* (Durham, NC: Duke University Press, 2018) critical race theorist Calvin Warren notes that the "prison industrial complex is the modern form of reenslavement of an entire generation" (41). Ava DuVernay traces the mechanisms of this reenslavement in her analysis of the eponymous Thirteenth Amendment to the United States Constitution ("Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States"), which abolished slavery with the exception of slavery as legal punishment in her 2017 documentary *13th*. See also Lisa Guenther, *Solitary Confinement: Social Death and Its Afterlives* (Minneapolis, MN: University of Minnesota Press, 2013), and Ruth Wilson Gilmore, *Golden Gulag Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley, CA: University of California Press, 2006).

[325] Derrida, "Faxitexture," in *Anywhere* (Los Angeles, CA: Rizzoli, 1993), 23.

White Supremacy

As discussed in chapter 1, the desire for sovereignty is constitutive and therefore never simply eliminable. Yet, Derrida's deconstruction of "ipsocratic" sovereignty shows that self-identity can only ever be attempted, never presupposed. Sovereignty gives rise to phantasms when self-identity is presupposed, rather than attempted—that is, when the spectrality, which is sovereignty's quasi-transcendental condition is repressed or denied. If the phantasm involves a kind of "necessary illusion" of purity that we need to function in the world, insofar as it is co-constitutive of sovereignty, it need take *this* exact form of white supremacist state power. How then are we to contest the phantasm, which is not opposed to the real, all the while understanding its necessity and ineliminability? Even if we will never be done with this *desire* for identity (and thus with phantasms), our task is to critique the phantasm by way of a double, deconstructive gesture. This gesture is *both* critical and quasi-transcendental. The first deconstructive gesture is critical: it seeks to explain and recognize the emergence of specific contextual, historical, and geopolitical forms of the phantasm with its shifting mechanisms for organizing technicity and time *vis-à-vis* the visual field. This first move calls for critical awareness of the specific historical form the sovereign repression of spectrality takes in white supremacist sovereignty. The second deconstructive gesture is quasi-transcendental: it aims to expose the double and paradoxical logic of possibility and impossibility (i.e. spectrality) that structures sovereignty. The quasi-transcendental move involves showing that sovereignty's identity is *always* related to mortality, finitude and spectrality, which it tries to master and control through various mechanisms of sovereign technicity.

Sovereign (Dis)closure

How is this specific terror formation of white supremacy related to spectrality? In chapter 1, I schematized "ipsocratic" sovereignty with five interlinking traits: *indivisibility, autonomy, closure, instantaneity,* and *spontaneity.* In this account of the phantasm of sovereignty under white supremacy, I am centrally concerned with the third feature: *closure*, as well as its relation to technicity and time. Sovereignty imagines itself as a spatial closure without exposure to alterity and death. This self-ruled circularity designates an economic principle of re-appropriation, according to which the self affects itself by returning to itself as though through the closed economic system of "auto-affection." Yet, as we saw, Derrida argues that the circle is never closed: each time the self returns to itself *as living* it is only by way of a passage through finitude, death, alterity, or the other (*heteros*). Derrida calls this

necessary condition of life exposed to and affected by the other "hetero-affection."[326] Sovereign identity involves the self returning to 'itself' as different each time, and each differential repetition introduces an alterity that is constitutive of all identity over time.

Mbembe's postcolonial critique of identity similarly diagnoses the phantasmatic dimensions of sovereignty's humanist heritage. Like Derrida, Mbembe (who, incidentally inherited Derrida's position at the University of California, Irvine, following Derrida's death in 2004) argues that the Western colonial tradition believes that "there can be no subject other than in the circular, permanent referral to oneself, to an essential and inexhaustible singularity."[327] "The romance of sovereignty," he asserts, is "defined as a twofold process of self-institution and self-limitation (fixing one's own limits for oneself).[328] Mbembe stresses the phantasmatic dimensions of this desire for insularity and spatial self-enclosure: "Identity," he asserts, "arises from multiplicity and dispersion … self-referral is only possible in the in-between, in the gap between mark and demark, in co-constitution."[329] Mbembe too is a thinker of difference who understands self-identity as the result of an originary differential iterability, or spectrality. Identity always involves a detour through the other and the "outside," which conditions of identity over time. Yet, in his critique of European colonial humanism, Mbembe argues that this alterity is marked *as blackness*; every return—as revenant or spectral—involves "altrucide," or "the constitution of the other not as similar to oneself but as a menacing object from which it must be protected or escape, or which must be destroyed if it cannot be subdued."[330] Alterity is quickly associated with a threat—even a lethal threat. Mbembe's account of the "*topos* of sovereignty" affords an understanding of the emergence of the specific phantasmatic extension of sovereignty known as white supremacist police power in the US polity.

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[326] For Derrida's account of auto-hetero-affection see, for example, Derrida's account of "the technical possibility of the wheel, as a circular, auto-hetero-affective machine" (BS2 83), as well as BS2 170, where Derrida discusses the auto-hetero-affective dimension of the phantasm.

[327] Achille Mbembe, Olivier Mongin, Nathalie Lempereur, and Jean-Louis Sclegel, "What Is Postcolonial Thinking?: An Interview with Achille Mbembe," trans. John Flectcher, *Esprit / Eurozine* (2009): n.p. https://www.eurozine.com/what-is-postcolonial-thinking/.

[328] Mbembe, "Necropolitics," 13.

[329] Mbembe, "What Is Postcolonial Thinking?," n.p.

[330] Achille Mbembe, *Critique of Black Reason*, trans. Laurent Dubois (Johannesburg, South Africa: Witts University Press, 2017), 11. *C.f.* Calvin Warren's account of "onticide" in "Onticide: Afro-Pessimism, Gay Nigger #1, and Surplus Violence." *GLQ: A Journal of Lesbian and Gay Studies* 23, no. 3 (June 2017): 391–418, doi:10.1215/10642684-3818465.

The phantasm of white supremacy involves a panicked "acting out" in response to its own self-realization that spectrality is constitutive of identity over time.[331] This necropolitical terror formation involves a pathological return of the repressed acknowledgment that identity is never fully closed or self-present, but rather involves an originary exposure to alterity and death.[332] These are already uncanny territories: much like Derrida's analysis of totalitarianism in *Specters*, "as a reaction of panic-ridden fear before the ghost in general," white supremacy is an affective response to an originary and ineliminable ungroundedness (i.e. spectrality) that conditions all attempts at identity. White supremacy is a terror formation that emerges in response to the repressed acknowledgment of sovereignty's ineliminable relation to spectrality. As Warren notes: "*affect* runs both ways": the acknowledgement of the erosion of metaphysical assurances incites terror and this terror is redoubled through terrorizing mechanisms with which this metaphysical insecurity can be brought under control.[333] White supremacy defends itself against spectrality that is the originary differential ground of identity; it tries to shore up its boundaries *as spatial closure* cut off from alterity through a kind of transference of death and negativity *onto blackness*. Antiblackness is a function of a pathos of panic before the specter of *lifedeath*.[334] In this way, white supremacy aims to "master" death, but this time by proxy of the subordination and domination of blackness, which is visually marked and "extrojected" to an imagined "outside" of sovereign closure.

How is the spectral field of visibility negotiated by this reactive terror formation? This need for assertion and mastery over death has a particularly strong relation to attempts to master the visual field. Spectrality can help unfold the visual forces in this context. It can help us explain why this reassertion of power is so visually focused on the identifiable. Here is a paradox: white

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[331] Jean Laplanche and Jean-Betrand Pontalis describe Freud's concept of "acting out" in the following terms: "If past events are repressed from memory, they return in the present by expressing themselves in actions; when the subject does not remember the past, therefore, he is condemned to repeat it by acting it out." See *The Language of Psycho-Analysis*, trans. Donald Nicholson-Smith (London: Hogarth Press, 1973), 4. See also Sigmund Freud, "Remembering, Repeating, and Working-Through," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud. Vol. XII* (1911-1913), trans. James Strachey (London, UK: Vintage: Hogarth Press, 2001), 150.

[332] In "What is Postcolonial Thinking?" Mbembe argues that European colonial humanism is possessed by a kind of death drive, but this desire for its own dissolution is projected via a kind of transference onto the other (n.p.).

[333] Warren, *Ontological Terror*, 4.

[334] This is close to what Warren argues in *Ontological Terror*: "nothing… is the source of terror, violence and domination for blacks. Heideggerian anxiety transforms into antiblack violence when Dasein flees the anxiety nothing stimulates and projects it as terror onto blacks" (9). In my account however, it the logic of spectrality rather than "nothing" at the heart of my analysis, moreover, the stakes must be drawn around how one interprets this causal relation (spectrality, on my account does not *cause* antiblack violence, rather it is the denial of spectrality as the ineliminable condition of all life and identity that gives rise to this terrorizing projection of death onto blacks).

supremacy as a panicked reaction to spectrality and death, is made possible by the very spectrally it attempts to throw onto the black other. Sovereignty is constituted through spectrality or differential iterability and this means that it needs to reassert itself spatially and temporally. Images of death are one of the modes of technicization that sovereignty deploys to install itself and give itself stability. Images of death materialize sovereignty as power over death. In the analysis of the temporality of the guillotine and the camera in the last chapter I emphasized how this reassertion functions temporally when it focuses on determining the time of the other's death. In this context, the attempt to master the line between life and death, so as to assert itself as life unmarked by death, seeks a specifically visual manifestation in its field of operation. It tries to mark where life ends and where death begins, and this is a literal way of enforcing spatial segregation through visual operations. Blackness affords sovereignty a particularly visual way of marking and determining the boundary where temporal and spatial operations are connected. In a sense then, the racialization of the connection between sovereignty and images of death is *prepared for* by the deconstructive analysis of sovereignty as finite and spectral

This extension of white supremacy makes particularly obvious the relation to the attenuated forms of social death, which it marks visibly *as blackness*. Race—and specifically blackness—is not the *only* marker, but in the context of the US policing it comprises a particularly prominent visual marker of alterity, negativity, nonmeaning, and death. Blackness provides a central mechanism which determines certain populations as potentially killable. In his August 1963 sermon at Nation of Islam's Temple 7 in Harlem, Malcolm X traced this conscription of blackness through a folk etymology that links the term "negro" to the Greek *necro*, or "death," then to *necrology* and *necropolis* (literally "city of the dead") and *necrology*, and finally to the figure of the *nekros,* or "corpse" (*Figure* 21).[335] In this way, the Black Power leader underscored how white supremacy fatally entangled black corporeality with death. In these cases, there is no need for the juridical and legal structure of the death penalty, because blackness is already marked as socially and politically dead: they are, in a

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[335] Malcolm X: "Negro comes from the Greek word "necro," meaning a dead, inanimate object. Interestingly, necro derives from "necromancy," the Ancient Egyptian ritual for communicating with the dead. Many of us were taught that "negro" is Latin for black, and of course, black people were called Negroes because of this ... Negro (necro —> death) came to mean "black" because in Western culture black has always been symbolic for death (...) Thus, the Greek word *necro* (death) when translated to Latin becomes *negro* (black). Historically, in feudal Europe, black was the universal description for impurity. So slave owners, believing their African slaves were impure and socially dead, had no better word to describe them than "Negro." The term had very little, if anything at all, to do with skin color."

sense, outside of the logic of the death penalty, which following a certain Kantian rationality, marks the access to what is proper to the dignity of the human (DP1 8-9).
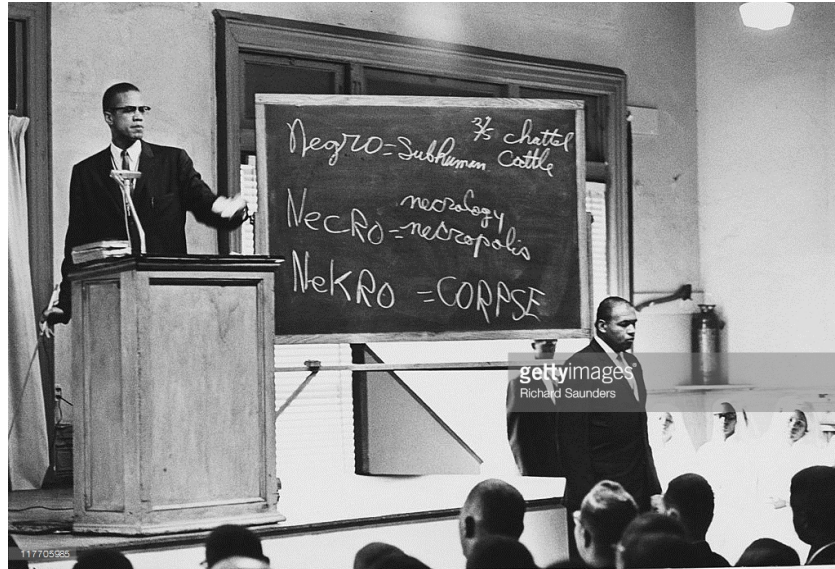
Figure 21. Richard Saunders, *Deconstructing "Negro."* August 1963. Photographic print. Photo courtesy of the AP Photo/Getty Images.

Scenes of Subjection: Hartman

How is death framed and disseminated within the necropolitical contours of white supremacist sovereignty? How are images of black death instrumentalized to determine the dispossession that structures black life? To return to Mbembe's question, which serves as the exergue of this chapter: "What place is given to life, death, and the human body (in particular the wounded or slain body)? How are they inscribed in the order of power?"[336] Mbembe poses this question, but he does not provide an answer. Saidiya Hartman's analysis of the "scene" of antiblack violence affords an account of the overdetermined function of the slain body in this account of white supremacy as an expression of ontological panic in a racially coded visual field.

In the last chapter, I examined the visible spectacle of the "seeing punish" (*voir-punir*) of the death penalty as a "new primal scene" that binds "the people" under the new regime of popular sovereignty through the operations of vision and visuality in the public staging of the execution. Drawing on Derrida's reflexive construction of the "il se voit," I argued, "with and against

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[336] Mbembe, "Necropolitics," 12.

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Foucault" (DP2 45), that sovereignty is confirmed in the instant that the people "having become the state," see the condemned die: the visibility of punishment is integral to the constitution of sovereignty. I examined the scene of Weidmann's execution to illustrate how sovereignty deployed methods of technicity to materialize and supplement the phantasm of an objective moment of death that can be mastered and controlled. Hartman opens new lines of sight in relation to the vexed question of the visibility of punishment and its role in the institution of power. In *Scenes of Subjection*—her pathbreaking examination of the interconnected workings of violence, spectatorship and witnessing, power and pleasure in the formation of black subjectivity—Hartman critically reframes the "scene" to explain the force of the spectacle of antiblack brutality, in which "black torture, dismemberment, fatality, and fracturing are reutilized and ritualized."[337] This itinerary takes as its foundational moment the spectacle of lynching, which historically played a central role in constituting and disciplining the meaning of blackness.

Hartman interrogates the function of the scene of antiblack violence in fixing the identity of the racial "other" *vis-à-vis* the gaze. Taking up feminist theorizations of scopophilia as a mechanism deployed in racial subject formation, she argues that the "scene of subjection" is the "primal scene" that transformed human life into a "fungible" object. As Jamaican-American poet and essayist Claudine Rankine argues in her Op-Ed to the *New York Times*, following the Charleston, South Carolina church massacre that left nine dead:

> We live in a country where Americans assimilate corpses in their daily comings and goings. Dead blacks are a part of normal life here. Dying in ship hulls, tossed into the Atlantic, hanging from trees, beaten, shot in churches, gunned down by the police or warehoused in prisons: Historically, there is no quotidian without the enslaved, chained or dead black body to gaze upon or to hear about or to position a self against.[338]

Hartman asserts that these quotidian spectacles of black pain are "primal," or originary, both because they structure the racial foundations of America, but also because they produce black subjectivity as a terrain of dispossession. In her analysis of *Narrative of the Life of Frederick Douglass, an American Slave,* she argues:

> The passage through the blood-stained gate is an inaugural moment in fate formation of the enslaved. In this regard, it is a primal scene. By this I mean that the terrible

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[337] Warren, *Ontological Terror*, 2.

[338] Claudia Rankine, "The Condition of Black Life Is One of Mourning," *New York Times*, June 22, 2015, https://www.nytimes.com/2015/06/22/magazine/the-condition-of-black-life-is-one-of-mourning.html.

spectacle dramatizes the origin of the subject and demonstrates that to be a slave is to be under the brutal power and authority of another.[339]

Hartman therefore refuses to recount the narrative scene in which Douglass' aunt, Hester, is beaten, which she identifies as the "original generative act" of antiblack terror that symbolizes Douglass' passage into the institution of slavery. Her strategic "redaction" calls our attention to the casualness with which scenes of the black corporeal violation are reproduced, repeated, and circulated.[340] Hartman asks how are we called upon to participate in scenes of black suffering: "Are we witnesses who confirm the truth of what happened in the face of the world-destroying capacities of pain, the distortions of torture, the sheer unrepresentability of terror, and the repression of the dominant accounts? Or are we voyeurs fascinated with exhibitions of terror and sufferance. What does the exposure of the violated body yield?"[341] Yet, as Fred Moten suggests, even Hartman's decision *not to reproduce* the account of Aunt Hester's beating is "in some sense, illusory." [342] Why? Because it is reproduced just the same, in her refusal of it *and* in every scene of subjection that follows from it, including the video of McDonald's perfunctory execution. There is a kind of ineluctability of the (re)production even in and through its denial.

Take 2: OCT 20 2014/09:57:38PM

This brings us to the second "take" of the double optic of spectrality. The two-eyed optic will guide my interrogation of the "double-consciousness"[343] of the 20 October, 2014 dash-cam video of McDonald's death.[344] I approach this second deconstruction of sovereignty through images of

[339] Hartman, *Scenes*, 3.

[340] Hartman, *Scenes*, 22. "Black redaction" belongs to a series of strategic moves in radical black aesthetics that seek to disrupt the panoptic qualities of the visual. See Sampada Aranke, "Material Matters: Black Radical Aesthetics and the Limits of Visibility," *e-flux* 79 (February 2017), n.p., https://www.e-flux.com/journal/79/94433/material-matters-black-radical-aesthetics-and-the-limits-of-visibility/.

[341] Hartman, *Scenes*, 3.

[342] See Moten, *In the Break*, 4.

[343] "Double-consciousness" was coined by W. E. B. Du Bois in his 1897 essay in the *Atlantic,* "Strivings of the Negro People," later republished in *The Souls of Black Folk* (1903) to describe the experience of inner "twoness," "second-sight," or internal conflict experienced by African-Americans as a result of their racialized oppression. See W. E. B. Du Bois, "Strivings of the Negro People," *The Atlantic*, August 1, 1897, https://www.theatlantic.com/magazine/archive/1897/08/strivings-of-the-negro-people/305446/.

[344] Lee Raiford briefly invokes the stereoscope in her study of the shifting relations between black activism and photography. She quotes Oliver Wendell Holmes' celebratory account of the stereoscope: "Every conceivable object of Nature and Art will soon scale off its surface for us. Men will hunt all curious, beautiful, grand objects, as they hunt

death, *first,* "through the colonizing gaze of the white supremacist eye" that (re)produces blackness as dispossession and death in an exchange meant to purify and prioritize white life through the spectacle of black death and *second*, through the quasi-transcendental eye that aims to expose the double and paradoxical logic of possibility and impossibility (i.e. spectrality) that structures white supremacist sovereignty.[345] The first deconstructive angle is critico-diagnostic: how are images of black death deployed by this extension of sovereign technicity to "master" and control death? This first angle aims to show the overdetermined and multiple functions fulfilled by images of the slain black body in this specific terror formation of white supremacist police power. In order to counter this phantasm, which has all too real effects for black life, one needs to first account for the ways in which quotidian technicity is deployed to reassert white supremacy in an attempt to quell its *ontological panic*. The second deconstructive angle is quasi-transcendental: this move involves showing that sovereignty's identity is *always* related to mortality, finitude and vulnerability, which it nevertheless tries to master and control through various mechanisms of sovereign technicity. By virtue of its re-contextualizability, the image dated OCT 20 2014/09:57:38PM has been counter-mobilized as a site of radical black resistance in oppositional politics that exposes sovereignty's pathological panic. By depicting the black body *as grievable*, the mobilization of images of death serves a pivotal role in national coalition building around the contemporary movement for black lives, and in the development of media militancy.

Sovereignty Technicity & Police Power

FIRST ANGLE: What function are images of police power supposed to serve, from the perspective of the state? How do they institute sovereignty? How does white supremacist sovereignty—understood as *ontological panic*—reassert itself through the necroptopower of images of death? As

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the cattle in South America, for their skins, and leave the carcasses as little worth" (12). Holmes' account offers Raiford a "compelling, if paradoxical framework for thinking about the relationship between racial ideology and visual technology" because, she asserts, this "skinning" of subjects provides an opportunity "for Black Americans to reinscribe the meaning of the black body," yet, this "skinning" remobilizes a disturbing colonial metaphorics of predation (13). See Oliver Wendell Holmes, "The Stereoscope and the Stereograph" quoted in Leigh Raiford, *Imprisoned in a Luminous Glare: Photography and the African American Freedom Struggle* (Chapel Hill, NC: The University of North Carolina Press, 2013), 16.

[345] bell hooks quoted in Raiford, *Imprisoned*, 15.

discussed in chapter 1, sovereignty involves a claim to spontaneity that excludes the question of technicity. Sovereignty represses its prosthetic dimensions. Yet, sovereignty *needs* spatiotemporal methods of inscription to install itself and to give itself stability over time. Sovereignty claims and accrues power through the manipulation and legislation of the visible field: "Whoever monopolizes visibility conquers thought itself and determines the shape of liberty," writes Mondzain. "No power without an image."[346] Sovereignty arrogates to itself the right to "unedited inspection,"; it authorizes itself to capture, accumulate, circulate, order, exploit, and grant access to images of black suffering and death. Conjugating Mondzain's concept of "optopower" with Mbembe's "necropower," the new term "necroptopower," or visual power over death, will help me theorize the co-implication or "double exposure" of visual and necropolitical cuts at work in this lethal extension of sovereign technicity.

Police bodycams and dashcams are rationalized as part of a strategic civil defense against police violence. Advocates claim that police-worn cameras are tools for accountability that will serve to temper police impunity by subjecting the police to counter-surveillance—or "sousveillance"—apparatuses. The American Civil Liberties Union (ACLU) and Campaign Zero advocate for *more cameras* in hopes that this will make the police more accountable for the use of deadly force.[347] This is correct—to an extent. In fact, it is the counter-mobilization of bystander cellphone videos that have contributed to the restoration of the capacity for witnessing historically denied to black people. Both Mbembe and Hartman note the long legal precedent of suppressing black testimony: both slaves and free Blacks were denied legal capacity to act as witnesses against whites in court in the United States. Social death establishes legal incapacity including revocation of the right to bear witness in court; from the juridical standpoint the black person was a nonperson.[348]

Yet, as we have seen, the attempt to master death is given a quickly visually identifiable field of operation and application that marks black bodies as "extrojectable." These marked bodies can be *thrown* on the "outside" from the "inside" in a gesture that attempts to expel finitude and vulnerability by assigning it *to* blackness. In this specific extension of sovereign technicity of police

[346] Marie-José Mondzain, "Iconic Space and the Rule of Lands," *Hypatia: A Journal of Feminist Philosophy* 15, no. 4: Contemporary French Women Philosophers (Autumn 2000): 64, doi:10.1111/j.1527-2001.2000.tb00350.x.

[347] Campaing Zero includes body-cams in their policy solutions to police violence. See "Campaign Zero," n.d. https://www.joincampaignzero.org/ and "Police Body Cameras," American Civil Liberties Union, n.d., https://www.aclu.org/issues/privacy-technology/surveillance-technologies/police-body-cameras.

[348] See Mbembe, *Critique of Black Reason*, 19, and Hartman, *Scenes,* 22.

power, images of suffering black bodies are one of the mechanisms through which the formation of power over black life is articulated. Police body-cam and dash-cam videos afford images from the deathly POV of the police, which are deployed to affect this transference; they are one of the mechanisms of this scopic assignation. White supremacy's panicked "acting out" is conditioned by and through images of antiblack violence, including the video of McDonald's slaying. In other words, the spectacle of black death effects the necropolitical partitioning that marks blackness for death. The process of extrojection requires material and technical practice for externalizing, delimiting, determining, and policing the *topos* of sovereignty. Sovereignty *needs* images routinized and normalized production of images of gratuitous antiblack violence to reassert its stability in the face of mortal panic, but these images, as we will see, end up exposing white supremacy to the very ontological insecurity it is trying to mastery and control.

These methods of inscription are also, as discussed in the last chapter, methods for the technical constitution of the experience of time. This specific technical extension of white supremacist police power extends itself through modes of surveillance that frame the (black) other's death in images that are *both* punctal (i.e. "instantaneous") representations of corporeal death *and* a symbolic and interminably extended form of living death (*mort vivant*). The date OCT 20 2014/09:57:38PM that flashes across the screen in the pixelated dash-cam video of McDonald's death functions both (1) as *sworn testimony* of the instant of death thrown onto an imagined outside and (2) a symbolic site for the production of social death that spectralizes time by opening the temporality of the image to the haunting of other times. The date punctures and striates time; pulling in its wake an anachronistic legacy of racial violence.[349]

Times of Death

As we have seen, due to its spectral constitution sovereignty needs modes of technicity, including images to (re)assert itself over time: sovereignty is *always* reasserting itself through modes of differential iterability. One of the ways this plays out in by attempting to master the instant (of

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[349] Like the fifteen photo-paintings of the Baader-Meinhof Group that comprise Gerhard Richter's *October 18, 1977*, this section takes the singular date of McDonald's shooting as its title. In so doing, I indicate a continuity with Ricther's concern with questions of mourning, historical trauma, and repression. For a discussion of the date in Ricther's work see Benjamin H. D. Buchloh, "A Note on Gerhard Richter's 'October 18, 1977,'" *October* 48 (1989): 89–109, doi:10.2307/778953.

death). In the last chapter we saw how sovereignty tries to "master" the divide between Life/Death by contracting death into a punctal point that is aporetically a part of time *and* outside of time.

This extension of sovereign technicity also deploys punctal images of *corporeal* death: the dash-cam video of McDonald's death represents the corporeal event of death as instantaneous. OCT 20 2014/09:57:38PM: the time stamp records the time of death in its singularity. With this specific ethos of cyborganized police, all of the police are turned into the *aide-bourreau-cum-photographer* who register the time of death by taking pictures for the state 24/7. Like the photographer's "*prise de vue*," the dash-cam video of McDonald's death gives sworn testimony that death has been delivered in a phantasmatic instant that can be mastered and controlled. McDonald is framed by the state at the moment he is put to death and this framing reasserts white supremacy's necroptopower over the (black) other's finitude by *literally* killing his time of life. This ritual performance extrojects spectrality onto the (black) other in a scene of subjection intended to confirm the partition: White Life/Black Death. In this way, sovereignty still imagines it is cut off from death. Yet, here the point is extended spatially into a line that is drawn into a circular enclosure. Black death—McDonald's and many others, which his image of death metonymizes—functions to scaffold white civic coherence by reaffirming sovereign closure. The dash-cam video frames McDoanld at the moment he is thrown over the line of "life" to "outside" of death, with which he was already marked visually *vis-à-vis* his blackness. The video "frames" this face-off with alterity in a carceral strategy of spatial delimitation.[350] In short, white supremacy tries to master death, by extrojecting punctal images that mark racial difference *as* spatial delimitation: it tries to throw death outside itself—*over there* and it takes a picture as through to affirm this relation as one of *exteriorization*. Images of black death are a necropolitical exercise that divides who is on the "inside" and who is on the "outside." "Insularity," as Derrida notes, "has always been a privileged and, by the same token, an ambiguous place, the border of all hospitalities as well as all violences."[351]

The image of McDonald's *corporeal* death also determines a second *symbolic* death: images of antiblack violence are one of the mechanisms that mark quotidian exposure to violence within

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[350] I follow Judith Butler and Domietta Torlasco, in defining the operation of "framing" as a critical, aesthetic, and political practice that determines the parcelling out of visibility and invisibility, inclusion and exclusion, which regulates and determines knowability and greiveability, as well as modes of temporality. See Domietta Torlasco, "Impossible Photographs: Images of War from Rossellini to DOCUMENTA 13," *Discourse* 40, no. 1 (Winter 2018): 110–31.

[351] Derrida, "Faxitexture," 23.

everyday black life. Images of death are a technique of race and power that frame and thus produce black life as *mort vivant*. Social death is conditioned by the proliferating archive of digital images of antiblack violence circulating—or withheld from circulating—across decentralized, sometimes "real-time" mobile output platforms that include *for-profit* police archiving services like Taser International's cloud-platform evidence.com, as well as social-media networks (what Steve Mann calls "swollag," or "gallows" inverted).[352]

The date OCT 20 2014/09:57:38PM flashes across the screen as a warning light or an indicator that pulls in its wake an anachronistic legacy of racial violence. The date is an index of the state's testimony about the time of death; it signals to the absolute singularity of the "here-and-now" of the instant of McDonald's death. But the video also makes the singular "now" of the date repeatable. It pluralizes the date. McDonald dies more than once—*in many times*—with multiple and overdetermined effects. The date is haunted by other times that are encrypted within its modality of visual capture. As Derrida suggests, the date is a "specter."[353] This tele-technological amplification of spectrality signals regressive and progressive movement: it points to the past, as a rhetorical mode of *analepsis* (a kind of virtual memory or aftershock that haunts the image) and to the future, as a kind of *prolepsis* (as a kind of anticipatory relation death in the future).[354]

First: spectral *analepsis*. The video is recursively haunted by a visual archive of state-sanctioned killing. The video effects a kind of visual cathexis that condenses within it the afterlives, or *après-coups* (to use Derrida's term) of a litany of past antiblack violence. The date points to other dates: to the 6 July 2016 dash-cam video of a Minnesota police officer abruptly firing seven shots into a car during a routine traffic stop in the Falcon Heights suburb of St. Paul, leaving Philando

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[352] See Steve Mann and Joseph Ferenbok, "New Media and the Power Politics of Sousveillance in a Surveillance-Dominated World," *Surveillance & Society* 11, no. 1–2 (July 16, 2013): 18–34, doi:10.24908/ss.v11i1/2.4456 and "ACLU Apps to Record Police Conduct," American Civil Liberties Union, n.d. https://www.aclu.org/issues/criminal-law-reform/reforming-police-practices/aclu-apps-record-police-conduct. Mann coined the term "swollag" to describe output modalities in conjunction with "sousveillance" as an input modality: "Just as the efficacy of surveillance relies on 'la potence' (potency, e.g. 'the gallows'), the efficacy of sousveillance requires a different kind of 'potency' or reciprocal concept, i.e. another force to make the undersight an effective social mechanism for political action and change. We name this force 'swollag' ('gallows' spelled backwards)" (25). "Axon Evidence," Axon, n.d. https://global.axon.com/products/evidence.

[353] See Derrida, "Shibboleth: For Paul Celan", 389-390.

[354] Interestingly, both rhetorical devices are etymologically linked to the Greek *lambanein* "take": prolēpsis, signals pro 'before' + *lambanein* 'take' and *analēpsis*, from *ana* 'up' + *lambanein* 'take'. These two temporal-rhetorical devices are before and after the take, or rather to a before and after that haunts the take as spectral trace.

Figure 22. Police body-cam video, shooting of Sylville Smith in Milwaukee. 13 August 2016. Screenshot from police video.
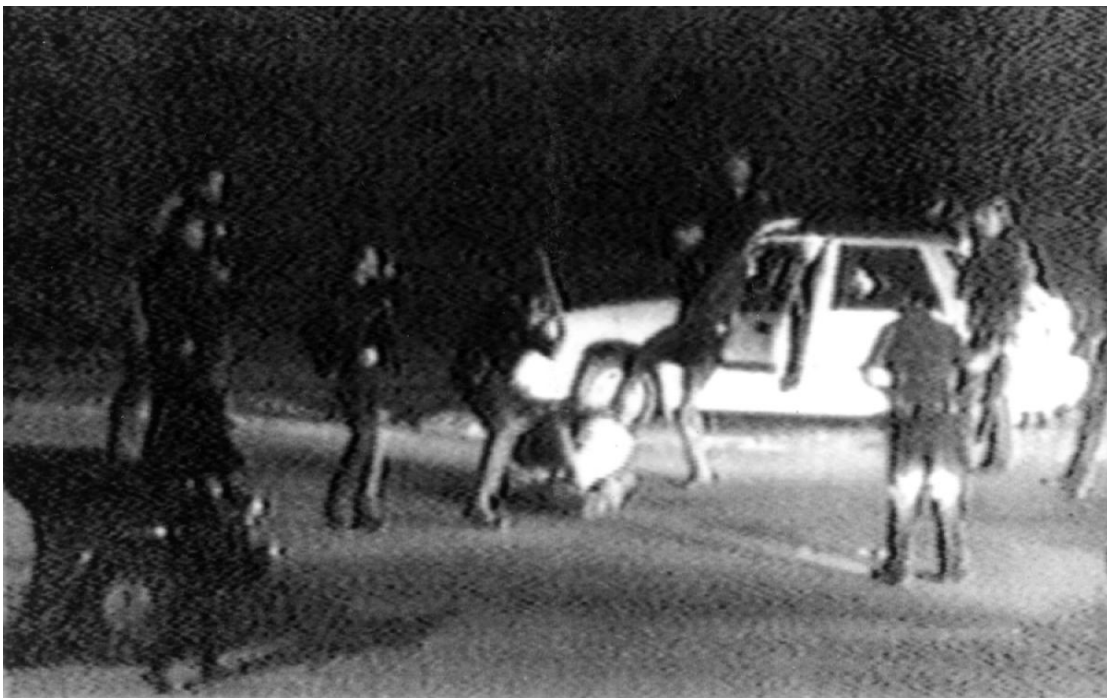
Figure 23. George Halliday, Rodney King being beaten by LAPD officers. 3 March 1991. Screenshot from video.

Castille, an unarmed black motorist dead, as his girlfriend and her young daughter watch from inside the car; to the shaky 13 August, 2016 body-cam video of the 12-second foot chase showing Sylville Smith lobbing his gun over a fence, then falling backward with his hands in the air, as a Milwaukee police officer Dominique Heaggan-Brown fires a second fatal shot into his chest (*Figure* 22). More recursively, it points back to 3 March, 1991, the day amateur cameraman George Holliday used his new Sony Handycam to record LAPD officers beating Rodney King from the balcony of his Lake View Terrace apartment (*Figure* 23) [355] and further yet, to 28 August, 1955, the day Emmett Till was abducted from his uncle's house, beaten, shot and tossed in the Tallahatchie River with a 200-pound cotton gin motor tied to his neck. The fracturing torsion of McDonald's pirouette pulls into itself an archive of images that swarm around it, adumbrating the meaning of his image of death.

The digital video keeps vigil for all these noncontemporaneous names and dates. It communicates with the virtual archive of lynching photographs that supplement the "il se voit" of sovereignty seeing-itself through the eyes of its constituency in an instant of self-reflection that is repeated each time McDonald is resurrected to roam the feeds of mobile screens.[356] As fetish, the image of death can be "kept in the pocket" like the pieces of clothing and hair removed from lynched bodies, which formed part of the political economy of the Southern lynching spectacle. It

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[355] Derrida discusses the discusses the aftermath of the Rodney King beatings in "Faxitexture," and subsequently in *Echographies* and *Copy, Archive, Signature* (46-48). On 29 April, 1992, a Ventura County jury acquitted four LAPD officers of the use of excessive force in the 1991 arrest and beating of Rodney King. In the wake of the King verdict, South Central Los Angeles erupted in six days of violence that left fifty-three dead and 2,400 injured. 5,000 were arrested and 1,000 buildings reduced to ashes. Surveying the destruction from San Bernardino prison following the suppression of the insurrection by the National Guard, incarcerated members L.A.'s two major gangs produced a conjoint plan for urban reconstruction: "Give us a hammer and nails," they wrote in a Rousseauian tenor, "and we will rebuild L.A." Responding to the failure of the American justice system to address systemic institutional abuses of power and structural racism at the level of governance and in the construction of urban space, the inmates issued a five-page list of demands including the "Blood/Crips Law Enforcement Programme," which advocated grassroots community policing and the "constant recording and immediate archiving" of all police activity by ex-gang members armed only *with video cameras.[355]* Derrida, who was teaching at USC Irvine at the time of the LA riots, voices trepidation about the "quasi-panoptic" powers of operational supervision: he worries that the constant and imminent surveillance invoked by the democratic "building plan" threatens to transform civic and political space into an "ontopolitological" totality: "what binds the political to the topological and politics to space in the present (*on, onto*) would be gathered together in the present, devoid of any shadow, beneath the gaze, exposed to an all-powerful photographic apparatus" (*Copy Archive Signature,* 46-47). See Bloods and Crips, "Bloods/Crips Proposal for LA's Face-Lift," n.d. http://gangresearch.net/GangResearch/Policy/cripsbloodsplan.html.

[356] See Metz, "Photography and Fetish," 81–90.

was common practice throughout the 1940s and 1950s to circulate photographic postcards of the ritual performance by post. These images served to supplement to the specular structure of the "original" scene, which functioned as a mode of social, racial, and economic control and as one of the mainstays of performatively reasserting white supremacist power in America. As Raiford writes: "the lynching is about visibility, about spectacularizing white supremacy and the cohering of white subjectivity through and against the spectacle of the dead black other."[357] Just as one act of lynching traveled with "sinister force down city streets and through rural farms, across roads and rivers," McDonald's killing circulates a specter of violence.[358] The desire to "see punished" (*voir punir*) is displaced through a viral culture of digital death that makes sovereign killing available on-demand. The familiar visual rhetoric of images portraying the summary execution of fleeing black men— images shot from the POV of the pursuing officer—support identification with white positionality.

Second: the date's untimely archive of virtual images belongs to the future. At the same time that the date converses with the past, it frames a future archive of potential violence. It signals a political *prolepsis* that points to the imminent possibility extermination that is the ever-present horizon of black life. As we saw in Barthes' reading of Louis Payne in the last chapter, the image evokes the structural possibility of "my own" death before my death: it unleashes mourning *before* death as a structural possibility within life. Here, however, haunting unleashes what Warren calls "ontological terror."[359] The image ensures that black life is traversed by a constant and imminent death-threat; it marks the black subject for death. As Rankine incisively notes, "the condition of Black life under white supremacy, is one of mourning." Images of black death spread virally across social media, amplifying "the daily strain of knowing that as a black person you can be killed for simply being black."[360] What Abdul R. Jan Mohamed calls the "death-bound-subject," is a subject condemned to death in the present.

McDonald's image registers a double death that corresponds with the double genitive outlined in the introduction. *First death*: the punctal, *corporeal* death represented in the iconic image. *Second death* (in chiasmus with the first): the production of *symbolic* living death of Mbembe's *mort vivant*. Images of antiblack police violence, such as McDonald's, need to be understood in the

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[357] Raiford, *Imprisoned*, 39.

[358] Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890-1940* (Chapel Hill, NC: University of North Carolina Press, 2011).

[359] Warren, *Ontological Terror*.

[360] Rankin, "The Condition of Black Life," np, my emphasis.

context of a lineage of images that present black bodies as fragmented and dismembered, as inherently exposed to physical and psychic violence. In other words, as an ongoing mechanism of capture and perdition that frames black life as potentially killable and thereby renders it *ghostly*. These images detain black life *within* the frame and effect symbolic violence *outside* the frame. In this sense, the video of McDonald's death approaches what Blanchot describes in *The Instant of My Death*. Blanchot's short, loosely autobiographical, narrative revolves around the moment a young man is brought before a firing squad during World War II and is then suddenly released by an exceptional act of sovereign decision. His (non)experience of death has the effect of dispossessing him of life. In this case, the black subject who witnesses McDonald's death is thereby condemned to death, is always about to be shot, or already virtually shot and symbolically deadened.[361] This specific extension of sovereign technicity, or "differential deployment of *technē*" (SM 169) is enmeshed in a phenomenology of violence that both confirms the instant of death and disrupts it through *analepsis* and *prolepsis*, which exploits the spectrality of time to further entrench black dispossession.[362]

McDonald is condemned to repeat the spectacle of his death with Promethean cruelty that does not simply, as Jared Sexton writes, render black bodies "subject to death in an economy of disposability," but rather, subjects them to "the interminable time of meaningless, impersonal dying."[363] McDonald is *never allowed to die*. Death rains down like malediction in a hail of bullets, time after time, and there is no escape from this visitation of arbitrary and catastrophic violence. His death survives in a compulsion to repeat the living dying experience of harassment and execution across a disseminated network of social media devices. This death cannot be contained the punctal instants that make up the Western philosophy of time. Rather, McDonald's ghost is condemned to a form of living death or *spectral dying*. Death—and this is perhaps getting close to Blanchot's intuition—is impossible. But whereas Blanchot aims to demonstrate a radical inability to lay hold of death and make it work as an affirmation of life, this deathlessness amounts to a dispossession of futurity. In McDonald's *mort vivant* image, death never arrives, but never stops arriving. Every time McDonald is resurrected to perform his death, like Bazin's matador, time is torn open, betraying the very instant that is supposed to contain it. Mbembe's theorization of the *mort vivant* provides us with

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[361] Maurice Blanchot, *The Instant of My Death*, trans. Elizabeth Rottenberg (Stanford, CA: Stanford University Press, 2008).

[362] The term "shadow archive" is Alan Sekula's phrase cited by Raiford, *Imprisoned*, 10.

[363] David Marriott, *Haunted Life: Visual Culture and Black Modernity* (New Brunswick, NJ: Rutgers University Press, 2007), 230-31, quoted in Jared Sexton, *Black Men, Black Feminism: Lucifer's Nocturne* (Irvine CA: Palgrave Macmillan, 2018), 84.

an account of how race orders the distribution of death, *not only* across the clear-cut division of black death/white life, but *also* as the production of living-dead ghostliness amplified by the disseminated structure of digital networks and media platforms. This ghostly condition of black life, as a kind of life that is lived in and as dying, is amplified by the digital culture as a kind of *death-in-life* that both frames the time of the black other's death, while simultaneously rendering that life liminal.

What space is there for a black political ontology—or hauntology—lived in the wake of this deluge of punishing images? Whereas the "calculated decision" of the death penalty dictates (and this, for Derrida, is what is most objectionable) that one will die "on such and such a day, at such and such an hour, in that calculable place, and from blows delivered by several machines, the worst of which is perhaps neither the guillotine nor the syringe, but the clock and the anonymity of clockwork" (DP1 256), the image of black death are there "to frighten, to *show men their futures.*"[364] This is their pedagogic value: *you can die at any moment*. For Derrida, the value of life is conceived *not* in terms of human dignity (both retentionist and abolitionist positions for and against the death penalty, he argues, hinge on the mobilization of a humanist concept of dignity), but rather, in terms of *having a future*. To be a living being is always to have a future, it is this openness to a fundamentally unknowable future—or *l'avenir* (to come).[365] It is this condition of having a future that images of black death seek to interrupt and hold in paralysis: "The lesson will stay with you: blackness afflicted, mutilated, a fatal way of being alive." [366] Antiblack police violence, as an institutional and necropolitical *dispostif,* functions through a double—physical and ontological—destruction of black existence that displaces the boundary between life and death and produces black life as *mort vivant*, or what French critical race theorist, Norman Ajari calls a "*forme-de-mort*" characterized by existence lived in endurance of endemic precarity *between* life and death.[367]

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[364] Marriott, *On Black Men*, 5, my emphasis.

[365] See Adam Thurschwell, "Furman and Finitude" in *Deconstructing the Death Penalty: Derrida's Seminars and the New Abolitionism*, edited by Kelly Oliver and Stephanie Straub (New York, NY: Fordham University Press, 2018) for a concise exposition of the concepts of dignity and futurity in Derrida's new death penalty abolitionism.

[366] Marriott, *On Black Men*, 5.

[367] Norman Ajari, *La dignité ou la mort: Éthique et politique de la race* (Paris, France: Éditions La Découverte, 2019), 29-30.

The first line of defense against this production of the *mort vivant* might still be to reprioritize a vitalism of black life *without* death. Consider, for example, how Black Lives Matter puts the emphasis on the materiality of black *life*. This strategic move involves a critical practice of "insisting" black life into a present shaped in the face of the ongoing threat of death.[368] However, this reframing could lead towards a political ontology of black life *without* exposure to finitude. The attempt to recover for blackness the status of Being *vis-à-vis* an access to an "authentic dying" (*sterben*) could always lead to more phantasms. Yet, because there is no end to phantasms—because the desire for identity is ineliminable—this strategic move to recover black life, *as living*, is not wrong. Indeed, it is a strategic necessary.

What can Derrida's account of spectrality hold up against this potential objection? And what exactly is the relation between Mbembe's living death (*mort vivant*) and Derrida's spectral *lifedeath* (*lavielamort*)? Both theories co-implicate life and death. Whereas Mbembe *mort vivant,* as we have seen, critically diagnoses the black experience of dying-living under white supremacy, Derrida's *lifedeath* names the spectral and iterable constitution of all identity, including the reactive terror formation that gives rise to white supremacy.[369] However, Derrida's *lifedeath* does not mark social death like Mbembe's *mort vivant*. *Lifedeath* is ineliminable, but it need not give rise to this particularly brutal— and widespread—expression of phantasmaticity. On the one hand, Mbembe's *mort vivant* provides a model for thinking through the quotidian corporeal and symbolic violence of black social life under social death. His account of necropower has helped flesh out the historical and critico-diagnostic account that specifies how race works in the "terror formation" of white supremacist police power, as a system of techniques that regulate the meaning of blackness through spatial, cultural, and visual

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[368] Sharpe, *In the Wake*, 17.

[369] Mbembe marks a paradoxical proximity between his postcolonial thought and the post-war French tradition, specifically, in terms of the thinking of alterity advanced by Levinas, as well as Foucault and Derrida. However, according to Mbembe, this proximity is paradoxical insofar as French radicalism places Nazism and the extermination camps at the center of its discourse on sovereign violence and totalitarianism, but nevertheless represses its own colonial heritage. See "Necropolitics," 12-13, and "What Is Postcolonial Thinking?," n.p. See also Ann Laura Stoler, "Colonial Aphasia: Race and Disabled Histories in France," *Public Culture* 23, no. 1 (2011): 121–56 for a discussion of the evasion of the role of racism in structuring France's polity.

mechanisms. Mbembe's necropolitical ghost is the effect of the instrumentalization of death in a present in which "interruption has become routine."[370]

On the other hand, Derrida'a account of *lifedeath* can help respond to *mort vivant* by offering critical and quasi-transcendental potential to analyze the white supremacist production of *living death*. If you "had" life *until* death (that is if life where really cut off from death), then it is hard to explain *why* life is vulnerable to begin with. Both Derrida and Mbembe agree that the *mort vivant* violates this vulnerability. Yet, *lifedeath* accounts for this vulnerability. If every life is already exposed and related to death as that which relates it to an "outside" or hetero-affection from the beginning, then we cannot ever be rid of the spectrality that conditions identity over time. We are constituted by a shared living-dying structure of spectrality we are able to appropriate this movement of the self back to itself over time. This means that our time of life is *always* traversed by alterity and death. Derrida's account of spectral *lifedeath,* thus extends Mbmebe's critic-historical account by developing its quasi-transcendental implications (and this again, is a question of Foucault and Derrida's different conceptions of the Kantian inheritance of critique). Derrida's account of the deconstruction of sovereignty gives us a quasi-transcendental accounting of the logic of spectrality at work in this historical and geopolitical terror formation. Recall that the quasi-transcendental argument seeks to show how that the conditions of possibility (i.e. spectrality) is simultaneously the conditions of *im*possibility of the purity of sovereignty and life, etc. This is the SECOND ANGLE of the infrastructural logic of spectrality.

What possible responses to these displays of ontological panic does McDonald's image of death afford? What possibilities of rupture or breakage emerge from the image—understood as a form of differential iterability? What productive disruptions and displacements are produced? What critical force can be counter-mobilized by these quotidian modes of technicization of black spectacle? As we saw in the last chapter, there is always a phantasmatic dimension of sovereignty that can be deconstructed by showing that spectrality is both necessary to sovereignty, while simultaneously rendering it unstable. This specific extension of white supremacist sovereignty needs images of black death for mastery, yet all these attempts on the part of the sovereign representatives of the contemporary police state to seek mastery over blackness and death simultaneously expose its

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[370] See Esther Peeren, "Everyday Ghosts and the Ghostly Everyday in Amos Tutuola, Ben Okri, and Achille Mbembe," in *Popular Ghosts: The Haunted Spaces of Everyday Culture* (New York, NY: Continuum, 2010), 114, for a sharp discussion of the relation between Derrida and Mbembe's concepts of haunting.

ontological panic. The critical force of the image of the slain black body comes into play in a number of ways. I will outline two. The first involves a Levinasian moment of empathy; the second a Butlerian approach to frames and framing.

Before doing so, I want to point out that this double articulation focuses on the role of a phantasm of blackness *for* white power. It is grounded in other words, in a stereoscopic model that still risks absenting the position of *blackness* within its two critical and quasi-transcendental angles, and thus rearticulating the very violence it seeks to contest. I want to further complicate this, by offering another possible slippage of the double optic in this specific empirico-historical context, another double vision or better yet, "double consciousness" to use W.E.B. Du Bois' term, that exposes how whiteness has framed and determined the onto-theological concept of sovereignty "we" have inherited from political modernity, which is rooted in the heritage of Europe's colonial projects, which is always gendered, racialized and classed, and which in different historical and geopolitical context, specifies which images of death are prohibited and which are circulated (no dead soldiers, for example, but an ongoing deluge of black deaths). If "we" are haunted by images of death, in what specific contexts, for what specific audiences, does this haunting *take place* differentially? What different effects are produced in the bodies of those who are haunted? How can a political hauntology of the image attend to these specificities?

In his important text *On Black Men*, Afropessimist theorist, David Marriott examines the psychic effects of images of dead and murdered black bodies on black spectatorship and specifically, black masculinity.[371] According to Marriot, who examines an array of images including those of Southern lynchings, images of the black death produce two splits: *between* white and black subjects, and *within* the black subjectivity. On the one hand, they serve to produce a necropolitical cut, between dead black men (and the living ones produced through identification), and their white executioners who stage spectacles of black violation as a defense against phobic anxiety about finitude, and against which white political community is performatively defined: in the case of lynching photographs, as in the case of antiblack police violence, "the camera lens is a means to fashion the self through the image of the dead black man." In other words, an image of the "we" of white political community is consolidated through black annihilation: "the act of lynching is the primal scene of racist culture in the Southern States of America," writes Marriott.[372] The law

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[371] David Marriott, *On Black Men* (Edinburgh: Edinburgh University Press, 2012).
[372] Marriott, *On Black Men*, 5-6.

operates through terror and requires black men, tortured, killed, and preserved in images that prolong death.

But what of the position of blackness? What does it mean, on the other hand, to be *a black man* looking at images of mutilated black masculinity when the black imaginary is haunted—even colonized—by white fantasy? Images of black death register the power of that mutilation on the psychic lives of black men. Marriott examines the ways in which "the transference of white fantasy to black experience continues to haunt the black imaginary.[373] White anxieties about black masculinity "slice like a knife through the eyes of petrified black men." What emerges through his interrogation of white fascination with "looking at themselves through images of black desolation, of blacks intimately dispossessed by that self-same looking," is an account of the role of images in producing the black male psyche *as divided.*[374] Lynching photographs produce identification with the dead black body. Forced to engage with this "fantasmatic legacy," the black male viewer is doubly positioned as victim and spectator looking at oneself through the eyes of another, and this doubling produces a psychic rupture.[375]

What possibilities then, in view of this psychic rupture, do images of black death offer for oppositional politics? Is there yet another possibility, grounded in black positionality, for viewing images of black death? What militant viewing practices can be generated for what Sampada Aranke in "Black Power/Black Death" calls the radical capacity of black death to mobilize political community of resistance? And what resources can the model of stereoscopic vision marshal for such an oppositional politics? What work *has* and *must* be done within radical black politics to unmake the work of sovereign capture in the political sphere?[376] What is entailed by the politico-aesthetic work of opening a space for specters of black death, in this specific context of white supremacy and how can this transform the conditions of black life? How, in other words, can these images of the slain black body become contestatory in the context of contemporary social movements?

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[373] Marriott, *On Black Men*, ix.
[374] Marriott, *On Black Men*, xiv.
[375] Marriott, *On Black Men*, 5.
[376] I owe this formulation to Krysta Lynes's insightful commentary.

Figure 24. Unidentified photographer, *Mamie Till-Mobley weeps at her son's funeral on Sept. 6, 1955, in Chicago.* 1955. Photographic print. Photo courtesy of AP Photo.

The Precariousness of Empathy

The image of antiblack brutality also generates an impulse towards revulsion. *It haunts*. It evokes horror in multiple registers, for different audiences: "We have the memories before the photos, they have the photos before the memories," says Ajari.[377] A Levinasian reading of the affective dimensions of the image suggests that in evoking vulnerability, the image issues a call to respond to the other. When McDonald's image tears open the flow of time it introduces a moment of diachronic exposure to the absolute alterity of the other. It issues an ethicopolitical and hauntological injunction: it calls for responsibility before the other's vulnerability. Can this impulse account for the strategic deployment of images of black pain by anti-lynching campaigns and the

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[377] Ajari, quoted in Attia, *The Body's Legacies Pt.2.*

movement for Black lives? In her 1895 anti-lynching tract *A Red Record: Tabulaated Statistics and Alleged Causes of Lynchings in the United States, 1892-1893-1894,* Civil Rights leader Ida B. Wells reproduced a photographic postcard of Ray Porter's lynched black body in Clanton, Alabama.[378] For Wells, photographic images of lynched bodies were a critical component of exposing the brutality of white supremacy.[379] This attempt to break white supremacy's control over black death with antilynching photography is repeated across the Black Civil Rights movement, from Wells through the contemporary movement for Black lives.

Demonstrating the protean nature of photographic meaning, Mamie Till-Mobley famously called the country's leading Black newspapers—*Chicago Defender, Ebony* and *Jet*—to take photographs of her dead son's slain body. She believed exposure to these images would invoke empathy and hold the nation accountable for the interminable mourning that conditions black life. Rejecting the mortician, for five days Till-Mobley held an open casket wake attended by tens of thousands. *Jet* ran a series of photos of Till's disfigured corpse, which fractured the "white racial frame," catalyzing the civil rights movement (*Figure* 24).[380] According to Rankine, Till-Mobley forged a new pathway for thinking about the lynched body:

> Mobley's refusal to keep private grief private allowed a body that meant nothing to the criminal-justice system to stand as evidence. By placing both herself and her son's corpse in positions of refusal relative to the etiquette of grief, she 'disidentified' with the tradition of the lynched figure left out in public view as a warning to the black community, thereby using the lynching tradition against itself. The spectacle of the black body, in her hands, publicized the injustice mapped onto her son's corpse… In refusing to look away from the flesh of our domestic murders, by insisting we look with her upon the dead, she reframed mourning as a method of acknowledgment that helped energize the civil rights movement in the 1950s and 1960s.[381]

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[378] Ida B Wells-Barnett and Jacqueline Jones Royster, "A Red Record: Tabulaated Statistics and Alleged Causes of Lynchings in the United States, 1892-1893-1894," in *Southern Horrors and Other Writings: The Anti-Lynching Campaign of Ida B. Wells, 1892-1900* (Boston, MA: Macmillan, 2016).

[379] See Leigh Raiford's study of the counter-mobilization of images of antiblack violence and their efficacy in galvanizing white public empathy and support for the Civil Rights movement, *Imprisoned,* 41-46.

[380] See Joe R. Feagin, *The White Racial Frame: Centuries of Racial Framing and Counter-Framing* (New York, NY: Routledge, 2013). See also Michael Eric Dyson, "The Legacy of Emmett Till." *Chicago Tribune.* August 10, 1991, https://www.chicagotribune.com/news/ct-xpm-1991-08-10-9103270469-story.html;

[381] Rankine, "The Condition of Black Life Is One of Mourning," n.p.

Till's beaten body in his coffin—which is more of a time exposure than snapshot (allied in De Duve's model, with mourning rather than trauma)—is mobilized to evoke empathy and to expose how the black body is utilized as an instrument of visibilization of violence already internalized within the black body. Yet, the image is made to resignify a political, social, and aesthetic challenge to depict the black body *as grievable*. Another iteration of this gesture in 2016: Diamond Reynolds uses her cellphone to broadcast via Facebook Live as her partner, Philando Castille, lay dying next to her (*Figure* 25). Turning the lens on herself, Reynolds lucidly describes the facts of the encounter in "real-time" as the officer keeps his gun trained on Castille's blood-soaked body in what would be a nearly ten-minute broadcast.[382]

Whereas for Mbembe, the "cuts and scars" of slain black bodies cause a wound that prevents "the realization of community," for Rankine, they open new critical possibilities of a militant politics of mourning.[383] Rankine suggests that black life is constituted politically by virtue of the social vulnerability of living-dying corporeal bodies, as a site at once assertive and generative. Till-Mobley's counter-mobilization of the image of black death for black viewers *within* the Black community, breaks the hegemonic frame of police power, which constructs black positionality through the spectral subjection to corporeal violation. For Rankine, as for Till-Mobley, the refusal to bury Till within the black political imagination carries an injunction to live with ghosts and with spectrality as the necessary condition of living as vulnerable, exposed to others, at risk of violence. Political responsibility that attends to black critical memory, should not on Rankine's account leaves these images on their own. What Ajari calls the "dignity" of black life, which persists outside the genealogical of human dignity within the Western political cannon, is defined in the final place, as "a capacity to stand in the interstice between death and life, that is, to be haunted by the ambiguous specters of the past."[384] In other words, black political ontology is also a political hauntology.

We can anticipate Hartman' objection to this empathetic moment: noting the "precariousness of empathy" she argues that the politics of recognition with its reliance on theories of empathetic identification require that "the white body be positioned *in the place* of the black body

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[382] See Alex Wagner, "To Live and Die on Facebook," *The Atlantic,* July 11, 2016,
  https://www.theatlantic.com/politics/archive/2016/07/to-live-and-die-on-facebook/490637/.
[383] Mbembe, *Critique of Black Reason*, 183.
[384] Ajari, *La dignité ou la mort,* 35, my translation.

Figure 25. Diamond Reynolds, shooting of Philando Castile in St. Anthony, Minnesota. 16 July 2016. Screenshot from Facebook live stream.

in order to make this suffering visible and intelligible."[385] This makes the appeal to white empathy over the video of McDonald's slaying structurally complicit with antiblackness. Empathetic identification relies on the libidinal economy of white pleasure, which Hartman argues, has an insatiable appetite for black pain. This very indignation focalizes attention on the excess of black suffering, reducing the victim to a screen for an empathetic projection that obscures the pleasure garnered through the depiction of excoriated black flesh.[386] The image of McDonald slaying—its framing, its content, and even its mobilization for the purposes of empathetic identification by antilynching activists like Wells, Till-Mobley and Reynolds—requests spectatorial complicity that corroborates the institution of white power over black bodies. This is why Hartman refuses to repeat scenes that continue the white (economic and libidinal) traffic in black spectacle. This is why Hannah Black issued a letter to the Whitney in 2017 demanding they remove Dana Schulz's painting of Emmett Till, *Open Casket* (2017) from the Whitney Biennial (*Figure* 26).[387] With each new video circulated we participate in the legacy of slavery's afterlives. These images, as Sharpe contends, do nothing to ameliorate suffering. Journalist Steven W Thrasher calls the image of McDonald's execution "genocidal pornography," recalling Sontag's argument argues that images of another's pain can never mobilize political action.[388]

Yet, these spectral images of high-profile shootings have spread virally, galvanizing public attention, spurring uprisings from Ferguson to Oakland, and unleashing the contemporary movement for Black lives. In so doing, they demonstrate the generative potential of black corporeality and corpses.[389] It has given rise moreover, to forms of social protest that draw attention to the temporality of black life, lived under black social death. Consider for example, the public *die-in*, as a political performance of co-dying (*comourrance*) that re-enacts the four and a half hours that Michael Brown's corpse lay face down on the hot asphalt of a Ferguson, Missouri street.

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[385] Hartman, *Scenes,* 18-19.

[386] Hartman, *Scenes*, 12.

[387] See Siddhartha Mitter and Christina Sharpe, "'What Does It Mean to Be Black and Look at This?': A Scholar Reflects on the Dana Schutz Controversy," *Hyperallergic,* March 24, 2017, https://hyperallergic.com/368012/what-does-it-mean-to-be-black-and-look-at-this-a-scholar-reflects-on-the-dana-schutz-controversy/ and "Hannah Black's Letter to the Whitney Biennial's Curators: Dana Schutz Painting 'Must Go,'" *e-Flux*, March 2017, https://conversations.e-flux.com/t/hannah-blacks-letter-to-the-whitney-biennials-curators-dana-schutz-painting-must-go/6287.

[388] Steven W. Thrasher, "Laquan McDonald: Senseless Killing Continues in Video After Video," *Guardian*, November 25, 2015, https://www.theguardian.com/us-news/2015/nov/24/laquan-mcdonald-video-release.

[389] See Aranke, "Black Power/Black Death."

Figure 26. Scott W.H. Young, Parker Bright protesting Dana Schutz's *Open Casket*, Whitney Museum. 2017. Digital photograph via Twitter @Heiscott.

This leaves me suspended between two possibilities. *First:* insofar as this image is critical to the institution white supremacy, *to look at it* is to participate in a visual legacy of antiblack violence that moves along a visible spectrum. As I argued in the introduction, the risk of "return of the worst" attends to these conjurations of the ghosts of antiblack violence. *Second: to look away*, to refuse to acknowledge these images of death subjects them to an overdetermined strata of forgetting, and it is perhaps this "this accumulation of silence," which is the worst—the most dangerous (E 22-3). Derrida's quasi-concept of spectrality attends to this double-bind. One remembers these ghosts in order to preserve their memory, "out of respect for memory, the truth, the victims, etc.," but even as we do so the worst threatens to return: "One phantom recalls another," says Derrida: the ghostly image of Laquan MacDonald's killing recalls images of lynching and their role in white supremacist sovereignty's *self-realization*. These images of death contaminate one another; they aggravate and conjure one another. Yet, we call these images back for our struggle today and, above all for the promise that binds it, for the future. Each return of the image of death, which always ensures that with each return, the ghost comes back "on a different stage, in new conditions" (E 23-4).

Frames

The emphasis on the relation between framing and vulnerability, also leads to a second way to approach the critical potential of the image of black death *vis-à-vis* Butler's account of the operation of frames and framing in the nexus of power. Borrowing from the feminist visual ethnographer Trin T. Minh Ha, what Butler calls "framing the frame," describes the way in which the nexus between power and knowledge is filtered through techniques.[390] This genealogical and critical understanding of "frames" as a power nexus, is indebted to Foucault. Butler demonstrates that there is no life and also no death without a relation to some available frame. This is not to say one cannot live or die outside of frames, but, rather, that our understanding of the uneven precarity assigned to life is governed by images. Butler positions the function of "framing" as a hegemonic and normative technique of power.

However, the iterable structure of technical images introduces a "structural risk for the identity of the frame itself."[391] The multivalent operations of police images are one of the primary mechanisms for "framing" and thus determining the meaning of race and for adjudicating which bodies are marked for living death. However, the image never returns without difference. As Butler reminds us, technical images can "be instrumentalized in radically different directions" depending on how they are "discursively framed."[392] They never repeat the "original" scene. The image of death is a site of memory, inheritance, and bequeathal. It is always a scene of repeating, never in an identical way—always slightly displaced, deferred. The conditions of reproducibility (the image's differential iterability, itinerancy, and infinite re-contextualizability) produce a critical shift that makes the limits of the frame vacillate in ways that expose the alterity "encrypted" within the frame.[393] Within this specific frame of power, the specificity of black bodies—McDonald's and all the other's that are invoked by his singular image of death—are caught up with a political call.

The dashcam video of McDonald's assassination returns to haunt and affect various subject positions differently, and this haunting is a spur to collective action. But what work must be done to remobilize the image in the context of the mediated social justice movement for black lives, both to expose the threat of police violence *for white viewers* (a threat that hardly needs confirmation for the

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[390] Butler, *Frames of War,* 8.
[391] Butler, *Frames of War,* 24
[392] Butler, *Frames of War,* 92.
[393] Butler, *Frames of War,* 75

black subject), and more importantly to theorize practices of media militancy, and build new national and transnational coalitions? How do the image's circulatory dynamic and deconstructive, interpretive framework overdetermine, disidentify, and resist their interpretation within the framework of white power in ways that are critical to how they become contestatory? This "scene of objection" exposes new possibilities of resistance.[394] Its afterlives circulate across digital platforms, formats, screens, files, torrents and burns: this new form of "digital death" circulates as a "poor image"—as a third, fourth, and fifth generation migrant, militant, and fragmented image. The video entered into evidence at the trial of Officer Jason Van Dyke in the Cook County circuit as "People's exhibit 46," circulates through time and space accruing multiple meanings: it functions in different contexts as forensic evidence; as a scene of dispossession and ongoing racial terror; as a technique of race and necroptopower that creations divisions of meaning and value; as mode of black testimony and a politics of (critical black) mourning that catalyzes a renewed understanding generative capacity of black death.[395]

This analysis shows that the images of death can always serve a dual role in the reassertion of power as well as its critique. The more sovereign power visually determines living bodies as killable—as sites of living death—the more it exposes itself to this logic of finitude. Sovereignty's compulsion to repeat images of brutalized black bodies across a multitude of screens, is at once a powerful affective technique by which it affirms its roguish and terrorizing authority that determinates black life as *mort vivant* and the symptom of its own undoing. In creating more and more panicked images of brutality white supremacist sovereignty ends up exposing its own pathology. Killing blackness—literally and symbolically through frames—will never make whiteness invulnerable to death. Instead, it lays bare its panicked pathology all the more. The dissemination of McDonald's slaying preserves the violent event and in so doing only *prolongs* white supremacy's exposure to vulnerability. Rather than mastering death, the image deepens an investment with and responsibility for the dead. The necessity of learning to live with ghosts is amplified by the *mort vivant* image. The mortality of McDonald's living dying body is a force of alterity that delivers an injunction to attend to the dead of history. Read this way, it exposes white supremacy to its own vulnerability: its *self-realization*—its *making real*, as the materializing of sovereignty through modes of

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[394] Moten, *In the Break*, 1.

[395] For Hito Steyerl defines of the "poor image" see *The Wretched of the Screen*, trans. Franco Berardi (Berlin: Sternberg Press, 2012), 31-45.

technicity by way of the subjection of blackness—ends up exposing it to its own finitude and mortality. Even as images of death reassert white supremacist sovereignty, they simultaneously expose its ontological panic before the mortality that is the ineliminable condition of *all* life.

CHAPTER 4: OPERATIVE IMAGE, DRONE WARFARE & THE SURVIVAL OF THE DEATH PENALTY

It's raining dead eyes.
— Apollinaire[396]

In the preceding chapters, I mobilized the optic of spectrality as a critical and quasi-transcendental infrastructure to read (1) death penalty photography in the analogue era and beyond and (2) dashcam recordings of antiblack police violence circulated on mobile platforms. In this final chapter, I deploy the double-sided stereo-optic to examine the relation between sovereignty, war—in the broadest possible sense—technicity, spectrality, and the "survival" of the death penalty in the context of global electronic warfare in the Greater Middle East.[397] I argue that the figure of the drone marks a new intensified extension of necroptopower, or visual power over death, and a new phase in the convergence of technologies of vision, military-industrial power, spectacle, and surveillance. I approach this chapter from two fronts. *First,* from the perspective of sovereignty. *Second*, from the perspective of images of death. Returning to the triadic axis *sovereignty-spectrality-image,* I show that spectrality is the thread that connects these two "fronts" or "angles."

I begin, on the side of sovereignty, with Derrida's enigmatic claim at the end of the first year of the death penalty seminars that the death penalty will survive its abolition. This involves a

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[396] Guillaume Apollinaire, "April Night 1915," in *Calligrammes: Poems of Peace and War (1913-1916)*, trans. Anne Hyde Greet, (Berkeley, CA: University of California Press, 2004), 203-205.

[397] In "The 'Greater Middle East' as a 'Modern' Geopolitical Imagination in American Foreign Policy," *Geopolitics* 15, no. 1 (2010): 22–38, doi:10.1080/14650040903420370, Aylın Güney and Gökcan Fulya describe the emergence of a new geopolitical vision of the 'Greater Middle East' (and later called the 'Broader Middle East and North Africa' and the 'New Middle East,' by US Secretary of State Condoleezza Rice) in the wake of the September 11 attacks. This new geopolitical vision (based on religion, rather than geography) has been deployed to justify US extra-territorial intervention in the region, which extends the traditional demarcations of the Middle East to a set of contiguously connected countries stretching from Morocco to Pakistan.

thinking of "afterlife," which I began to unravel in the last chapter, through an examination of the re-figuration of slavery and its afterlives as they are lived in black social life under black social death *vis-à-vis* the image of black death. Turning here to the second year of the death penalty seminars, I argue for a widening (and pluralization) of the concept of the death penalty that admits acts of sovereign killing, including the expanded field of late modern warfare. Drawing on David Wills' argument that the deaths perpetrated by Hellfire missiles are the "primary instance of the American attachment to the death penalty,"[398] I examine the visual dimensions of the "drone penalty" as a mode of sovereign technicity that deploys new media vision technologies. Building on Wills' discussion of the drone's spatiotemporal and racial dimensions, I argue that the drone's optical configuration can help us understand the phantasmatic dimensions of this specific historical and geopolitical configuration of "sovereign superterrestriality."[399]

Drawing on discussions in visual cultures and contemporary media practice, I consider the scopic regime of mobile, fluid, and flexible images (including remote sensing apparatuses, satellite, geolocation, electronic surveillance, mapping and object recognition systems) deployed in remote killing operations in the Greater Middle East. Specifically, I mobilize media theoretician and filmmaker Harun Farocki's concept of the "operative image," coined in the context of his discussion of automated warheads, "intelligent" image processing and weapons technologies in his 2001-2003 video installation *Eye/Machine*. I sketch a genealogy of image operations and argue that this "post-representational" regime of machine vision calls for a new understanding of the image and its labor in late modern war. Introducing a new twist in my genealogy of images of death, the "images" I examine here do not represent death as iconic content. Whereas chapter 2 focuses on the classical ontology of analogue photography and chapter 3 on the distributed circulation of digital images from police body-cams and dash-cams, this final chapter considers the "post-photographic" ethos of "virtual" and "invisible" images encoded by increasingly illegible forms of machine vision.[400] These images remain largely as data to be scanned and interpreted by mechanical eyes. They do not simply represent death iconically but are "actionable" in the expanded field of global electronic warfare.

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[398] Wills, "Drone Penalty," 175.

[399] Wills, "Drone Penalty," 182.

[400] On the notion of the "post-photographic," see Joan Fontcuberta, "A Post-Photographic Manifesto," in *Vision Anew: The Lens and Screen Arts*, eds. Adam B Bell and Charles Traub, trans. Graham Thomson (Oakland, CA: University of California Press, 2015), 254–63 and Camila Moreiras, "Joan Fontcuberta: Post-Photography and the Spectral Image of Saturation," *Journal of Spanish Cultural Studies* 18, no. 1 (January 2, 2017): 57–77, doi:10.1080/14636204.2016.1274496.

I read these polyvalent, virtualized technologies of in/visibility in the context of Derrida's thesis of the death penalty's survival. Extending Farocki's media archaeology through an analysis of "drone vision," I argue that this "contemporary form of mediatic instantaneity" represents an intensified, phantasmatically driven expression of the sovereign attempt to seek mastery and control over death and spectrality in the visible field. Farocki's interventions frame my final approach to the double optic of spectrality. In this final "take" I show that sovereignty tries to appropriate spectrality via a regime of invisible images that aim to control the cut between visibility and invisibly, activity and passivity, life and death, but in so doing, the drone's regime of invisible images exposes sovereignty's phantasmatic (but nonetheless real) attempts at mastery over global space.[401] I show that the drone, as a specific historical and geopolitical extension of sovereign technicity superimposes Derrida's two implicit engagements with Foucault in the first and second death penalty seminars, in relation to the visibility of power and the question of act and activity.

Sovereignty & the Survival of Capital Punishment; or, the Afterlives of the Death Penalty

At the end of the first year of the death penalty seminars, Derrida enigmatically claims that the death penalty will survive its abolition. During the last session, delivered on 22 March 2000, he makes the following remarks:

> Even when the death penalty will have been abolished, when it will have been purely and simply, absolutely and unconditionally, abolished on earth, it will survive; there will still be some death penalty. Other figures will be found for it; other figures will be invented for it, other turns in the condemnation to death, and it is this rhetoric beyond rhetoric that we are taking seriously here. We are taking seriously here all that is condemned, whether it be a life or a door or a window—or whatever or whoever it may be whose end would be promised, announced, prognosticated, decreed, signed like a verdict.
>   Let us harbor no illusion on this subject: even when it will have been abolished, the death penalty will survive; it will have other lives in front of it, and other lives to sink its teeth into. (DPI 283 my emphasis)

What are we to make of this difficult claim announced in the future anterior? Even though the abolition of the death penalty is at hand, still yet, it will survive, just as cruelty survives the "spectography of lethal red" (DP1 230), which Foucault associates with the pre-modern paradigm of

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[401] Wills, "Drone Penalty," 174.

sovereignty. The death penalty will have an afterlife—or *afterlives*, as Ronald Mendoza-de Jesús says.[402] Derrida is haunted by a future in which the "process of deconstruction *will and will not* lead to the end of the death penalty just as it will and will not lead to the end of blood (*le sans sang*) and to the end of cruelty with which the death penalty is always associated."[403]

A number of empirical signs do in fact point to the waning of the death penalty today. Statistical analyses presented by the Death Penalty Information Centre show that the number of new death sentences have dropped dramatically in the US in the years since Derrida's seminars (from 279 in 1999, to 39 in 2017—the fewest since 1972, the year the Supreme Court declared the death penalty statutes unconstitutional). The number of executions has similarly declined (from 98 in 1999 to 23 in 2017). A total of 19 US states have abolished the death penalty, including seven since 1999 (New Jersey and New York in 2007, New Mexico in 2009, Illinois in 2011, Connecticut in 2012, Maryland in 2013, and Delaware in 2016). Today, 2,817 inmates remain on death row in 31 retentionist states. Of these, 12 states (Arkansas, California, Colorado, Kansas, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Oregon, Pennsylvania and Wyoming) have not carried out executions for at least a decade. The governors of Colorado, Oregon, Pennsylvania, and Washington have established official moratoriums on executions. Federal authorities have not carried out executions since 2003; military authorities since 1961.[404] In addition, more than 20 American and European pharmaceutical companies have barred the sale of their drugs (including barbiturates, sedatives, and agents that can cause paralysis or heart failure) to correctional facilities, closing the last remaining open-market sources of drugs used in executions by lethal injection.[405]

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[402] Ronald Mendoza-de Jesús, "Invention of the Death Penalty: Abolitionism at Its Limits," *The Oxford Literary Review* 35, no. 2 (2013): 226, doi:10.3366/olr.2013.0071.

[403] Elizabeth Rottenberg, "Cruelty and Its Vicissitudes: Jacques Derrida and the Future of Psychoanalysis," *The Southern Journal of Philosophy* 50, Spindel Supplement (2012): 146, doi:10.1111/j.2041-6962.2012.00119.

[404] See Death Penalty Information Center, "Facts about the Death Penalty," May 17, 2018, https://deathpenaltyinfo.org/documents/FactSheet.pdf; Amnesty International, "Amnesty International Global Report: Death Sentences and Executions 2016," 2017, https://www.amnesty.org/en/what-we-do/death-penalty/. In July 2019, US attorney general William P. Barr announced the US would reverse the moratorium on capital punishment for federal inmates on death row, with five executions beginning in December 2019. This decision under the Trump administration runs counter to the broad national shift away from the death penalty. See Katie Benner, "U.S. to Resume Capital Punishment for Federal Inmates on Death Row," *The New York Times*, July 25, 2019, https://www.nytimes.com/2019/07/25/us/politics/federal-executions-death-penalty.html.

[405] Erik Eckholm, "Pfizer Blocks the Use of Its Drugs in Executions," *The New York Times*, May 13, 2016, https://www.nytimes.com/2016/05/14/us/pfizer-execution-drugs-lethal-injection.html.

These statistics, drawn from a US context, support the abolitionist claim that we are witnessing a trend towards death penalty abolition. "The death penalty is itself living on *borrowed time,*" notes Salil Shetty, Secretary General of Amnesty International, in a recent blog post.[406] According to Shetty, the fate of the death penalty is ineluctably sealed—just as Eugène Weidmann's fate was somehow sealed from the moment Jean de Koven photographed him in the garden of his Saint Cloud villa. The death of the death penalty, according to this emancipatory, Enlightenment narrative is only a matter of time.

Yet, according to Derrida, even if we put the death penalty to death, it will survive. According to Mendoza-de Jesús, the claim that the death penalty is caught up in an irreversible movement towards global abolition implicitly relies on a Christian humanist heritage. According to this "teleo-theology" (which Derrida aligns with Victor Hugo) abolition is the aim of Christian humanist history. "Within this eschatological framework" writes Mendoza-de Jesús, "the essence of traditional abolitionism comes forth most visibly *in* and *as* the desire to de-capitate capital punishment once and for all, to put to death all state-sanctioned putting to death."[407] Derrida urges us to suspend this eschatological premise of abolitionism, which relies on a progressive and teleological account of history. He is similarly suspicious of other discourses on the end. In *Specters*, for example, he argues contra Fukyumama's teleological end-of history thesis about the death of Marxism with the triumph of liberal democracy. Both discourses of ends (the final eradication of the specter of communism and the abolitionist dream of the death of the death penalty) are rooted in a refusal of spectral thematics of the return (*revenance*), sur-vie (living on), and sur-vision (seeing on).

This repetition bears something of the death drive's compulsion to repeat and to return *as revenant*. Rottenberg therefore argues that the survival of the death penalty should be understood against the backdrop of psychoanalysis and Derrida argues in the second year of the seminar that one can abolish the death penalty but one can never outlaw the desire for cruelty from which it springs. This desire will always give rise to new visible and visual forms and new technical modalities for taking life and giving death, and thus new attempts to master death and spectrality. Reading Derrida's claim against the history of psychoanalysis, Rottenberg argues that the death penalty and

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[406] For the global view on Death penalty statistics, see Amnesty International, "Death Penalty in Decline Worldwide, but a Small Number of Countries Still Execute on a Large Scale," 11 April 2017, https://www.amnesty.org.nz/death-penalty-decline-worldwide-small-number-countries-still-execute-large-scale.

[407] Mendoza-de Jesús, "Invention of the Death Penalty," 224.

its abolitionism point to "to a more originary history at the heart of the cruelty, namely, the possibility of psychical cruelty." Re-inscribing the death penalty in the "abyssal and inexhaustible question of cruelty" (DP2 186), she argues that "the end of bloody cruelty does not signal the end of cruelty but rather a shift in both the form and the *visibility* of cruelty."[408] Cruelty dissimulates itself into new topographies of bloody or non-bloody aggression, while inventing new forms of virtualized visibility. "One can put an end to murder by the blade, by the guillotine, in the classical or modern theatre of bloody war," says Derrida in conversation with Roudinesco, yet "psychical cruelty will always take its place by inventing new resources."[409] The compulsion for mastery that drives the death penalty will survive. This is not to suggest that the desire or even intent towards cruelty would count as the survival of the death penalty, but that simple abolition will not quell "the desire or the compulsion that drives the death penalty, and that presides over it sovereignly?" (DP2 7), namely, the *desire* to kill in the name of some sovereignty.

In his 2014 article "Drone Penalty," Wills argues that this desire and compulsion for mastery takes new technological form in virtual warfare in the aftermath of 9/11. According to Wills, "the extrajudicial killings that are Obama's exquisite moments of reflective decision and federal capital punishments of choice, represent, in overwhelming statistical terms, the primary instance of the American attachment to the death penalty."[410] The death penalty survives in the teletechnological "revenant-survivant" (SM 185) extension of the Unmanned Arial Vehicle (UAV) and the transcontinental drone trade. At the same time that the last decades have witnessed a generalized decline in the administration of death sentences, we have seen the tactical advance of a transcontinental drone trade that targets suspected insurgents for kill or (at least theoretically) for capture under the post-9/11 US drone program. Wills gives us statistics to back this claim: 1,343 judicial executions since 1976, compared to a staggering 4,000-4,500 killed in state-sanctioned extrajudicial drone strikes. This tendency has escalated under the current administration. According to the Bureau of Investigative Journalism and the NGO Airwars, current running totals put the death toll for US led drone strikes between 8,289-11,792, with a minimum of 5,861 confirmed strikes—more than double the reported statistics when Wills published his text. Whereas Bush

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[408] Rottenberg, "Cruelty and its Vicissitudes," 153-4, my emphasis.

[409] Jacques Derrida, "Psychoanalysis Searches the States of Its Soul: The Impossible Beyond of a Sovereign Cruelty," in *Without Alibi*, trans. Peggy Kamuf (Stanford, CA: Stanford University Press, 2002), 239.

[410] Wills, "Drone Penalty," 175.

sanctioned, on average, one drone strike every 47 days and Obama one strike every four days, under Trump, the current average is one strike per day.[411] In Yemen alone, there have been at least 328 strikes, leading to a devastating outbreak of cholera in Houthi-controlled areas of the country, while in Afghanistan, the number of strikes is approaching levels last reported during 2009-2012, despite combat operations officially ending in 2014.[412] "The military engagements unleashed in the aftermath of the 9/11 attacks have become ever deeper, more geographically dispersed and murkier," notes the Bureau of Investigative Journalism, who have just launched the project *Shadow Wars* to investigate Trump's expanded counterterrorism infrastructure.[413]

Acts of War

Derrida presented the second year of the death penalty seminar first at the École des hautes études en sciences sociales in Paris, then a second time at UC Irvine, and finally, for a third time at the New School for Social Research in New York in the days following the events of September 11, 2001. The final presentation of the seminar is thus concurrent with a series of pivotal events in global politics, including the 14 September, 2001 passing of the Authorization for Use of Military Force (AUMF) allowing President George W. Bush to authorize the deployment of the United States Armed Forces against those responsible for the attacks and any "associated forces"; the 7 October, 2001 US invasion of Afghanistan and with this, the beginning of the so-called "Global War on Terror" (GWOT); the 8 October, 2001 establishment of the Office of Homeland Security; and the 26 October, 2001 establishment of the USA PATRIOT Act, which allowed for the expansion of presidential powers, as well as significant extension of surveillance and security operations.

In his introduction to this third presentation of the seminar at the New School, Derrida reframes the discussion of the death penalty in a new network of problems including terrorism, war, and presidential power as a form of sovereign power. The question of the death penalty, he notes, is

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[411] See "Airwars," https://airwars.org/.

[412] See "Drone Warfare," The Bureau of Investigative Journalism, https://www.thebureauinvestigates.com/projects/drone-war.

[413] Abigail Fielding-Smith and Jessica Purkiss, "Shadow Wars." *The Bureau of Investigative Journalism*, June 6, 2018, https://www.thebureauinvestigates.com/blog/2018-06-06/the-bureau-launches-new-project-shadow-wars. See also, Steve Niva, "Trump's Drone Surge" Middle East Research and Information Project, Summer 2017, https://www.merip.org/mer/mer283/trumps-drone-surge and Charlie Savage and Eric Schmitt, "Trump Poised to Drop Some Limits on Drone Strikes and Commando Raids," *The New York Times*, September 21, 2017, https://www.nytimes.com/2017/09/21/us/politics/trump-drone-strikes-commando-raids-rules.html.

"indissociable from the problem of such classical concepts such as 'war,' 'state sovereignty,' etc. which should be at the center of our seminar on capital punishment." Derrida promises to return to these topics in the seminar and in discussions "even if the reference remains indirect or implicit" (DP2 xv-xvi).[414] What is the relation between the survival of the death penalty and war—in its broadest possible sense?

To better understand this sliding of the death penalty into war, we need to unfold the broader concept of the death penalty that emerges in the second year of the seminar. We act as though we share some common sense of what the "death penalty" means (just as we act as though we know what we mean when we say the word "death"). Derrida complicates this fiduciary act of ascribing to the death penalty a unitary and singular meaning. He speaks of "death penalties" in the plural (FWT 139-65), as a "nonunifiable multiplicity of concepts and questions" (DP2 20). He distinguishes different registers, including what I will call *legal putting to death*, *sovereign killing*, and *letting die*.

1. *Legal putting to death.* This first narrow meaning refers to the juridico-political apparatus we call the death penalty, as a pure and rigorous concept in European law that requires visibility, jury and legal witnesses, as well as the "rational and calculated possibility of deciding sovereignly, of making the decision to make die … the other who is deemed responsible and guilty" (DP2 211). This common sense understanding of the meaning of the death penalty is one we isolate and presume when we refer to the death penalty. In his interview to Roudinesco, Derrida similarly argues that the death penalty must in principle, "be accessible to the public in its procedures of judgment, verdict, and execution. It must be the subject of an official announcement (proper to the execution). Where this is not the case … it is not certain that we can in all rigor, speak of the "death penalty" (FWT 154). Yet, there is an irreducible multiplicity or "dissemination" concealed behind this apparent identity and rigor.

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[414] The existing English publication of the *Death Penalty Seminars, Volume II* is a translation of the seminars as they were delivered at EHESS in Paris in 2000-2001. The promised commentaries on war and terrorism and their relation to the death penalty proper are therefore not included in the extant English publication. The New School for Social Research has no record of the seminars in their archives. For the French original with English annotations see Institute for Contemporary Publishing Archives (IMEC) *La peine de mort II* 219DDR/243/3. For Derrida's responses to 9/11, see Jacques Derrida and Giovanna Borradori, "Autoimmunity: Real and Symbolic Suicides—A Dialogue with Jacques Derrida Deconstructing Terrorism," in *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida* (Chicago, IL: University of Chicago Press, 2009). On the relation between Derrida's writings on 9/11 and the phantasmatic, mediated character of terrorism, see W.J.T. Mitchell, "Picturing Terror: Derrida's Autoimmunity," *Critical Inquiry* 33 (Winter 2007): 277-290.

2. *Sovereign killing.* The second wider meaning refers to the ways state sovereignty affirms its power by deciding who lives and who dies: "The death penalty is not a question of life or death, of the difference between living and dying or even between killing and not killing; rather it is a question of the different ways the state has of affirming its sovereignty by disposing of the life of certain subjects" (DP2 19). This sovereign arrogation of the right to command death and to assign what Butler, in *Frames of War*, calls differential "grievability" to the dead, was exemplified in the last chapter, by the everyday necrotactics of antiblack police violence that subject black social life to the constant threat of corporeal and/or social death and, as we will now see, by the extraterritorial state violence conducted under the perpetual stare of the drone's global surveillance systems.[415] Abolition of the death penalty would not end these manifold forms of disposing of some life (ostensibly to protect life), including the right of the state to kill on the front during war. "One can abolish the death penalty within a society or a nation-state," Derrida continues, "without in the least infringing on the right to kill an enemy at the front in wartime" (DP2 19).

3. *Letting die.* This pluralization of "death penalties" slides even further into the ostensibly "passive" letting die. Derrida offers the examples of AIDS and world hunger to demonstrate the survival and complication of the penalty in myriad forms of non-assistance. I provide yet another example, in *Sea of Images*, one of the curatorial projects I organized as part of this interdisciplinary study of sovereignty and images of death. In this public film program, the making/letting-die distinction is interrogated in relation to the trajectories of illegalized migration traced by the Goldsmiths-based collective Forensic Oceanography in "Left-to-Die-Boat" (2014).[416] In this counter-forensic human rights report, Lorenzo Pezzani and Charles Heller use surveillance metadata and survivor testimony to reconstruct the deadly drift of a migrant vessel off the coast of Libya. Glossing Foucault's biopolitical formulation, they argue that the sea is transformed into a deadly weapon that is constructed by mobile, militarized, maritime border regimes shaped and enabled by surveillance metadata and long-range infrared imaging systems that "*makes* flow and *lets* drown" (*Figure* 27).[417] Although the EU's lethal practices of non-assistance in the Mediterranean do not "actively" inflict destructive force, they refrain from helping those caught in the liquid trap of the

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[415] Butler, *Frames of War*, 13-15.

[416] See Appendix 2: Sea of Images.

[417] Charles Heller and Lorenzo Pezzani, "Liquid Traces: Investigating the Deaths of Migrants at the EU's Maritime Frontier," in *Forensis: The Architecture of Public Truth* (Berlin: Sternberg Press and Forensic Architecture, 2014), 671.
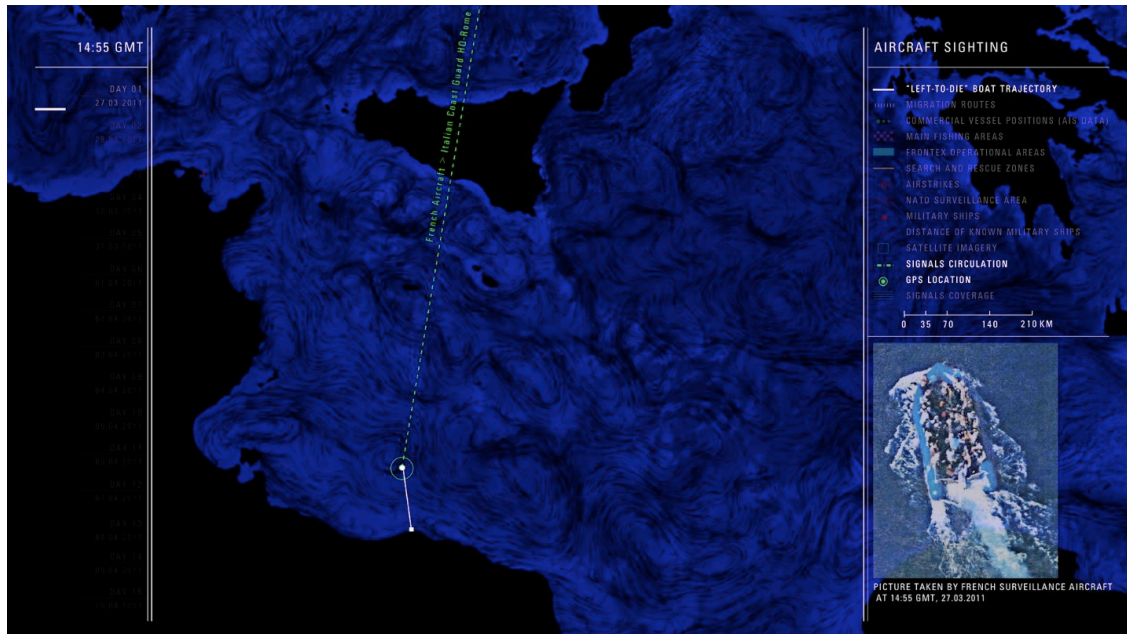
Figure 27. Forensic Oceanography, *Left-To-Die Boat*. 2014. Screenshot from vide. Photo courtesy of Forensic Oceanography.

sea, asymmetrically exposing one part of the population to mass death. This *also* constitutes a death sentence. The distinction between "condemning to death" (making die), and "condemning to die" (letting die) is not always "airtight [*étanche*]" (DP2 198).[418] The waters of the Mediterranean, which are among the most surveilled on earth, exemplify a porosity of the division between *making* and *letting*, which is at the center of Foucault's account of a shift from sovereignty to waning power over death in at the cusp of modernity with the emergence of capitalist biopolitics.[419]

While not a formal death penalty, those "condemned to die" in ten-meter polyvinyl chloride boats manufactured in China and trans-shipped by cargo container through Malta and Turkey, to the African coast of Libya for the express purpose of an immensely profitable and lethal traffic in migrants, thoroughly complicates what constitutes an "act" of killing.[420] As YoHa,

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[418] "*Étanche,*" he adds, is a term that signifies what stops the flow of liquid, "for example, tears or blood, but also water in general" (DP2 195).

[419] It is unclear how rigid Foucault assumes this division between making and letting to be. For example, in *Society Must be Defended,* he explains that killing does "not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection, and so on" (256).

[420] See Operation Commander Op SOPHIA (EEAS), "EUNAVFOR MED - Operation SOPHIA Six Monthly Report: June, 22nd to December, 31st 2015," WikiLeaks Release, February 17, 2016, https://wikileaks.org/eu-military-refugees/EEAS.

the UK-based artist group led by Matsuko Yokokoji and Graham Harwood, have shown in their multimedia installation, *Plastic Raft of Lampedusa* (2017), a "deadly logistics" of capitalist violence links markets and militaries. This global commerce is exemplified by the circulation of plastic rafts. YoHa's installation critically interrogates EU's necropolitical logistics.[421] Rejecting the spectacular forms of the representation of the so-called "migrant crisis," they examine the place of the technical object of the plastic raft within the "machinery" of global capitalist violence. Their installation traces a critique of global capitalism via the logistics of maritime shipping. The traffic in plastic boats belongs to what Wills calls "the international translations of death penalty commerce"; the "letting die" of thousands of African migrants in the Black Mediterranean is an intensified expression of "unacknowledged complicity with this national or worldwide criminality" (DP2 200), that is content to condemn to die.[422]

According to Derrida, even if the death penalty (as a "pure" and rigorous concept) were to be abolished, it would survive *vis-à-vis* all the "impure" phenomena of sovereign killing and letting die. Moreover, Derrida complicates these two "impure" phenomena, which are implicitly related to the Foucauldian distinction between "making" and "letting" die. As Fritsch argues, the second year of the seminar is concerned in this respect, "not so much with the visibility of political-legal putting to death, but with the distinction making die vs. letting die."[423] Whereas in the first year of the seminar is concerned with the visibility of punishment and its virtualization with contemporary teletechnologies, the second year is concerned with the question: "*what is an act?*" (DP2 3-4; 110-114). The survival of the death penalty needs to be understood in terms of a blurring of a number of related metaphysical oppositions of act/nonact, actuality/potentiality, actual/virtual, activity/passivity, conscious act/unconscious desire, etc., which Derrida traces to "capitalist violence":

> Where there is capital, the distinction between act and non-act, active and passive,
> actual and virtual, act and desire, activity and nonactivity, labor and nonlabor, etc. all
> of these distinctions between the act and its others lose all credibility…the law and
> the respect for the law of capital, for capitalist property, is the very place where the

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[421] See also Noel Burch and Alan Sekula's 2012 essay film *The Forgotten Space*, which examines the sea as the "forgotten space" of globalization.

[422] On the "deadly logistics" of capitalist violence that links markets and militaries through the global trade of Chinese plastic rafts, see YoHa, "Plastic Raft of Lampedusa," 2017, http://yoha.co.uk/node/1076.

[423] Matthias Fritsch, "Killing and Letting Die: Foucault and Derrida on Sovereignty and Biopower," (paper presented at the 57th Meeting of the Society for Phenomenology and Existential Philosophy, State College, PA, 18-20 October, 2018), n.p.

distinction between the actual and virtual, the active and the passive, the intentional and the non-intentional, the act and its other. (DP2 199-200).

So long as there is capitalist violence, he argues, there will be this contamination of the act and nonact.

This complication of making/letting is, according to Derrida, indissociable from the "techno-scientific" (DP2 199). The linkages between capitalist violence, the techno-scientific, and "letting die" are demonstrated in the case of the EU's practices of non-assistance in the Black Mediterranean. However, the technical modality of "taking life" extended through the drone's extended network of operators, image analysts and networked data collection also blurs the distinction between act/nonact in a number of ways, which I will draw out towards the end of this chapter. The drone—as an increasingly autonomous optical killing machine, acting on the order of a democratically elected presidential sovereign endowed with the exceptional right to grant pardon or clemency and to pursue war, even in countries where the US has not officially declared war (Yemen, Pakistan, and elsewhere), and where these killings are in violation of international humanitarian law (IHL) and the law of armed conflict (LOAC) codified by the Geneva Conventions—complicates these two general registers of *sovereign killing* and *letting die*.[424] This historically and geopolitically specific extension of sovereign technicity, with its virtual ethos of global surveillance and state-security, co-implicates this discussion of the borders of the act and action, making/letting, activity/passivity with Derrida's the earlier discussion of the visibility of punishment and its virtualization as discussed "with and against" Foucault's thesis of the despectacularization of punishment in chapter 2 (DP2 45). The question of "act" is tied up with the scopic machines of death and time, which are an integral part of the disseminated structure of capitalist globalization. The drone penalty complicates what counts as an "act" and "nonact" of late modern war, whose necropolitical spatiality is characterized by the global flow of images and capital.

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[424] For Derrida the right to pardon and clemency are two absolute and exceptional decisions, see DP2 24 and 54. For an examination of the status of US drone policy in relation to the Geneva Conventions and other international norms see Murtaza Hussain, "American Drone Assassinations May Violate International Law, Experts Say," *The Intercept*, October 29, 2015, https://theintercept.com/2015/10/29/american-drone-assassinations-may-violate-international-law-experts-say/.

Sovereignty is increasingly detached from territory and theater of war is extended and virtualized via "quasi-panoptic" networks that aim to master death from a distance.[425]

Sovereign Technicity

As discussed in chapter 1, ipsocratic sovereignty has five interlinking traits: *indivisibility*, *autonomy*, *closure*, *instantaneity*, and *spontaneity*. In the last chapter, I examined the linkages between closure, instantaneity, and sovereign technicity. Here, I am interested specifically in technicity and its relation to time. According to my argument, sovereignty projects an image of itself as pure and spontaneous. This claim to spontaneity typically excludes automaticity, mechanism, and machine-like repetition. Sovereignty denies its prosthetic and technological dimensions; it fails to give an account of power as *technē*—or sovereign technicity. Yet, I have argued that sovereignty needs spatiotemporal methods of inscription to install itself and to give itself stability over time. Sovereignty needs to reassert itself and this reassertion is tied up with the effects of prosthetic repetition; it lives off differential iterability, or modes of mechanical inscription, including images, and specifically images of death. These processes of technicization supplement sovereignty, while exposing its phantasmatic attempts at mastery and control.

I have argued throughout this dissertation for the empirico-transcendental imbrication of sovereignty and images of death. I have engaged different configurations of sovereign technicity: in chapter 2, I interrogated the relation between technics and time by way of a discussion of the phantasm of the instant of death in the ethos of analogue photography at the advent of a new form of popular or democratic sovereignty; in chapter 3, I focused on white supremacy through the specific mode of sovereign technicity of police power and how its asserts (and also undermines) its attempts at self-enclosure through images of antiblack violence circulated across mobile platforms. In this chapter, I examine a new spatiotemporal organization of global or geopolitical sovereignty. The supra-national status of the global economy makes the nation-state sovereignty an outdated

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[425] For discussions of late modern warfare and its relation to visual culture, see Mbembe, *Critique of Black Reason*, 22-23; Derek Gregory, "From a View to a Kill: Drones and Late Modern War," *Theory, Culture & Society* 288 (2011): 188–215, doi:10.1177/0263276411423027; Christine Agius, "Ordering Without Bordering: Drones, the Unbordering of Late Modern Warfare and Ontological Insecurity," *Postcolonial Studies* 20, no. 3 (2017): 370–86, doi:10.1080/13688790.2017.1378084; and Nasser Hussain, "Air Power," in *Spatiality, Sovereignty and Carl Schmitt: Geographies of the Nomos*, ed. Stephen Legg (London, UK: Routledge, 2012), 244–50.

principle of organization. As Richard Beardsworth suggests, the capitalist globalization of national economies is, at the same time, the economic-technicization of the globe.[426]

This organization of global sovereignty asserts itself through a technical extension that takes the form of global surveillance industries as well as forms of techno-temporal punishment, of which the drone—with its diffuse, networked, and increasingly virtual imaging-processing apparatuses—stands as the primary metaphor and means. The drone, as Wills argues, which "appears to be a technology that we produce, at will and of necessity, in order to wage war or wage executions, is in fact a technics that is always at work" in sovereignty, even as sovereignty presumes to be immune from prosthetic intervention.[427] A number of phantasmatic effects (recall that "phantasm" is a technical term which is not opposed to the real) emerge from this intensified organization of sovereign technicity, including the attempted mastery of world territories through global surveillance operations; of time, by way of what Wills calls the drone's "electronic instantaneism"; and of the necropolitical divide that separates who lives and who dies. According to Wills, the supervisory apparatus of the drone penalty re-poses questions about spatiotemporal and racial dimensions of the "prosthetic structure of onto-theological sovereignty."[428]

Extending this argument, I will sketch the ways in which in/visibility intersects with each of these phantasmatic dimensions before turning to my second "front"—images of death. Vision and visuality, I argue are thoroughly imbricated in each of these dimensions, even tying them together into the structure of the "seeing punish" (*voir-punir*) that aims to control visibility as much as invisibility. This attempt at mastery plays out not as an attempt to repress spectrality (chapter 2), nor as panicked reaction of white supremacy that attempts to master spectrality under proxy of the black other, who is subjected to a spectrum of spectacular and quotidian violence (chapter 3). Rather, in this capital mutation, sovereignty attempts to master the differing and deferring movement of spectrality that conditions it, by harnessing and even making a *profit* from spectrality through the exchange of lethal images. This intensified mode of sovereign technicity tries to put itself in the place of the spectre in order to appropriate its powers: sovereignty *becomes* spectral, but in so doing it ends up undermining itself.

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[426] Beardsworth, *Derrida and the Political*, 96.
[427] Wills, "Drone Penalty," 182.
[428] Wills, "Drone Penalty," 184; 180.

By extending itself technologically, sovereignty seeks both to arrogate to itself the control over life and death, as well as the control over its environment, which is now identified not with the Westphalian closure of the nation-state, but rather as the entire globe *writ large*. This takes on new dimensions that Derrida associates with the military "panopticization of the earth."[429] This mode of geopolitical sovereignty deploys increasingly dematerialized images to master global space. The drone's techniques of surveillance connect sovereignty with this gaze from above with its attempts to master space by surveying territory.

This attempt to bring the globe under control via visual mastery connects with the figure of the island as a paradigmatic trope for thinking the autonomy and closure of ipsocratic sovereignty which Derrida examines in the second year of the *Beast and the Sovereign* seminar, in the context of his discussions of Robison Crusoe's colonialism. In her discussion of the Apollo missions and surveillance technologies, Kelly Oliver argues that the famous photographs of the earth seen from space transmitted during the Cold War lunar missions gave rise to a new metaphor of the earth itself as a solitary island "floating alone in the darkness of space." The 12 December 1972, "Blue Marble" photograph shows the disk of our terraqueous planet spinning round its axis, just as Crusoe circled his island to bring its contours under his control (*Figure* 28). Not only had the world become a picture—but a picture of an *island*. The Apollo missions were supposed to unite humanity under a common globalized world, yet they did so only by staking a claim to the control of space under the flag of American imperialism. The photograph taken from Apollo 17 signifies secular mastery through spatial control.[430] This image of a globe connected through telecommunications technologies follows a familiar model and ideal of conquest through global military technologies (the first satellites were Cold War espionage technologies). As Mondzain puts it: "the one who is the master of the visible is the master of the world and organizes the control of the gaze" as well as global power relations.[431]

The drone is a powerful metaphor and mechanism for this drive to global mastery. Recalling Derrida's dystopian vision of sovereign power as an "all-powerful photographic apparatus"

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[429] Derrida, *Aporias,* 21. See also, Derrida, *Copy, Archive, Signature*, 47.
[430] Oliver, *Earth and World*, np.
[431] Mondzain, "Can Images Kill?" 20.

Figure 28. Eugene Cernan, Ron Evans and Harrison H. Schmitt, *Blue Marble - Image of the Earth from Apollo 17*. 1972. Photo courtesy of NASA.

that aims to optimize the visible into an "ontopolitological" totality, the drone tries to make itself "present" in a remote location via live video feed in order to eliminate the threat of physical violence, while maximizing the other's exposure.[432] This spatial displacement aims to master death from a distance. As Gregory puts it: "The death of distance enables death from a distance."[433] The drone operates optical space to effect ontological security and global control; its operationalization of global surveillance technologies in telepresent kill systems aims to elide space in order to deliver death without exposing sovereignty to precarity in ground war operations. As Wills notes, the drone involves a teletechnological expansion of the spatial parameters of war that troubles Schmitt's

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[432] Derrida, *Copy Archive Signature,* 46-47.
[433] Gregory, "From a View to Kill," 192.

definition of political conflict.[434] Yet, this distancing of the face-off with the enemy does not change the fundamental structure of warfare: "There is thus greater or lesser distance but never anything other than a degree of closeness."[435] This is another way of saying that the elision of distance involves another phantasmatic attempt to shore up sovereignty's ineluctable exposure to death.

This militarized panopticization of the earth "seen, inspected, surveyed, and transported by satellite images … affects time, nearly annuls it."[436] The possession of global territory relies on a logic of speed tied up with the circulation of increasingly virtualized images. In chapters 2-3, I argued for an understanding of the technical constitution of our experience of time: time is only experienced through processes of technical organization. This tele-technoscientific extension of sovereignty with its "live effect" (*un effet de direct*) of "real time" killing via satellite and GPS gives yet another manifestation of the phantasm of an anesthetizing instant organized by the guillotine and camera as scopic machines of death.[437] The drone is yet another of the ever-quickening democratic machines of death: "One is reminded," writes Wills, "of the mechanical blade of the guillotine." This post 9/11 expression of temporalization revives the old phantasm or fantasy of mastering death in a "telepresent" instant that kills time: "More dramatically than the blade, the missile strikes with lightning speed out of the sky, a rainbow meteoric arc of fire next time and the time after that, sent from executive executioner to those condemned."[438] This "electronic 'instantaneism'" effects an idealized simultaneity between the moment of exceptional decision when the executioner-cum-presidential sovereign commands the strike from the safety of Washington, the moment the button is pushed in Creech Air Force Base in Nevada (the ancestral territories of the Western Shoshone and the Southern Paiute), and the critical instant when the 500lb laser-guided air-to-ground Hellfire missile is released above Waziristan (Pakistan), Afghanistan, or Yemen etc..[439] Yet, the "infinite speed—or no time—of a "secretive black hole" contracts within it a disseminated series of *nows*— "judgment," "trial," "verdict," collection of data etc. As Wills argues, this is a "relative" rather than "absolute" instant that derives its power from its secrecy.

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[434] See Edward Fairhead, "Carl Schmitt's Politics in the Age of Drone Strikes: Examining the Schmittian Texture of Obama's Enemy," *Journal for Cultural Research* 22, no. 1 (2017): 39–54, doi:10.1080/14797585.2017.1410991.

[435] Wills, "Drone Penalty," 184.

[436] Derrida, *Aporias*, 21.

[437] For Derrida's discussion of "real time" see Derrida and Stiegler, *Echographies*, 39-40, 128-29.

[438] Wills, "Drone Penalty," 184-5.

[439] Wills, "Drone Penalty," 184. See also David Wills, "Machinery of Death or Machinic Life," *Derrida Today* 7, no.1 (2014): 2–20.

This specific geopolitical attempt to master death by contracting time into an instant is also a necropolitical caesura; the cut in time is also a technique of race and power that divides who lives and who dies. Examining the intersection of technicity, the slave trade and the "international transactions of death penalty commerce" in the age neoliberal globalization, Wills traces the "trans-Atlantic blood meridian" that stretches from Mogadishu to the Americas. Remote bombing campaigns waged in the Greater Middle East are one of the *afterlives* of the history of slavery as the history of sovereignty *qua* death penalty: "The history of capital punishment will have always intersected," he writes "in the period following the Enlightenment, with the history of slavery as a history of sovereignty."[440] Reversing the path once traversed by slave ships, the flight path of a transcontinental drone re-inscribes the death penalty in global capitalist violence linked with histories of racist expropriation.[441] The drone flies—ghost-like—*in the wake* of the slave-ship.

Each of these dimensions discussed by Wills (i.e. space, time, and race), is intertwined with visibility, such that tracing these visual dimensions allows new perspectives. By supplementing Wills' discussion of the spatiotemporal and racial dimensions of this intensified extension of sovereign technicity with an analysis of the drone's visual operations, I will show that these phantasmatic aspects of the drone's techno-temporal punishment are thoroughly intertwined with the visible field, and hence, with spectrality. The double movement of spectrality affords me with a conceptual tool to understand the drone's phantasmatic operations. As I will show, the drone penalty presents an intensified tarrying with death in the visible realm that proceeds by way of yet another attempt to master the differing and deferring movement of spectrality, which is sovereignty's condition. What happens to instantaneity and anesthesia, to cruelty, and to the theatrical "scene" of punishment (capital or otherwise), and finally, to spectrality, when cameras installed in bombs are deployed by the sovereign figure of the democratically elected president? This attempt at mastery plays not as an attempt to repress spectrality (chapter 2), nor to "extroject" it onto a radicalized other (chapter 3), but rather, through an attempt to appropriate, capitalize on, and profit from, spectrality. Having examined the relation between surveillance, technicity, war, and the survival of the death penalty

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[440] Wills, "Drone Penalty," 177; 175.

[441] For an account of the intersecting analytic categories of race and capital, see Cedric J. Robinson, *Black Marxism: The Making of the Black Radical Tradition* (Chapel Hill, NC: University of North Carolina Press, 2000) and Gargi Bhattacharyya, *Rethinking Racial Capitalism: Questions of Reproduction and Survival* (London; Lanham: Rowman & Littlefield, 2018).

from the perspective of sovereignty, I will now turn to the second "front," namely, images of death, before returning to the double optic of spectrality, which will thread these two fronts together.

A Genealogy of Visual Instrumentality

> Without any doubt, we know less and less what an image is.
> —Raymond Bellour[442]

Theorists from Jünger to Virilio have traced the co-imbrication of cinematic and military devices as potent weapons of destruction and exposure.[443] As Mbembe incisively notes: "The mobilization of airpower and the destruction of infrastructure, the strikes and wounds caused by military action, are now combined with the mass mobilization of images."[444] The expanded field of late modern warfare is characterized by teletechnological virtualization made possible by the interpenetration of military and entertainment technologies and counterinsurgency campaigns without clear geographical, temporal, or legal boundaries. Before deploying the double optic of spectrality to analyze how this intensified global extension of sovereign technicity is both instituting and deconstructing sovereignty through images of death, I will turn to Harun Farocki's theorization of the "operative image." This account will provide a framework for understanding how this specific mode of sovereign technicity attempts to master death and time *vis-à-vis* its operations on the visual field.

Operative Image / Phantom Image: Farocki

Farocki's three-part video installation *Eye/Machine I-III* (2001-3) and its subsequent 58-minute version released for German television as *War at a Distance* (2003) trace developments in surveillance and military imaging that developed out of strategizing for the first Gulf War (1990-1), when bombs with "eyes" began to document *and* enact war. German sociologist Klaus Theweleit describes these missiles deployed by US troops as "filming bombs."[445] Farocki's double-channel essay-film

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[442] Raymond Bellour, quoted in Belting, *Anthropology of Images*, 14.

[443] See Ernst Jünger, *On Pain*, trans. David C. Durst (New York, NY: Teöos Press, 2008), 38-45, and Paul Virilio, *War and Cinema, War and Cinema: The Logistics of Perception*, trans. Patrick Camiller (London, UK; New York, NY: Verso, 2010). For a recent account of the long relation between cinema and US militarism, see Haidee Wasson and Lee Grieveson, eds. *Cinema's Military Industrial Complex* (Oakland, CA: University of California Press, 2018).

[444] Mbembe, *Critique of Black Reason,* 5.

[445] Quoted in Farocki, "War Always Finds a Way," 55.

juxtaposes material collected from different archives and visual databases, including industrial laboratories, civilian and military surveillance cameras, reconnaissance systems, instructional videos, military simulation and training videos, propaganda and news footage, in order to examine the production, techniques, strategic uses, and effects of images in political conflict.[446] His double-eyed image sequences move between two screens that comment on one another. On the first screen: a laser-sensor scans the sky for enemy aircraft; an infra-red camera mounted inside a missile head searches the terrain below, tracking and identifying bridges and other landmarks of military importance for aerial reconnaissance; a computer-animated recreation of a cruise missile's path flashes across the screen calculating its trajectory. On the second screen: a POV-shot from a laser-guided camera-bomb captures its descent through cross-hairs as it hurdles towards a target, detonating in a blinding flash. The image abruptly cuts to static—the connection is lost. The image dies along with its target (*Figure* 29). Farocki's image-sequences are punctuated by instructional inter-titles and voice-over commentary that give the viewer cues for decoding an emerging regime of "intelligent" image-processing techniques that includes electronic surveillance, locative media mapping, and object recognition software designed to track and destroy landscapes. In 1991, the titles inform us, "images like these from the war against Iraq were shown on television."[447]

According to Farocki, the Gulf War implemented a new policy on images—as well as a new regime of vision and visuality. The "thunder and lightning"[448] of Operation Desert Storm made public a dimension of contemporary techno-warfare, while engendering investigations from a range

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[446] The film-essay was first conceptualized by the avant-garde filmmaker Hans Richter. Proposing an alternative to conventional documentary production, the genre is not bound to objective fact, but rather allows for an open-ended investigation that accommodates a self-reflexive approach to film theory. Nora M. Alter describes the essay film as mode of audio-visual-philosophical reflection influenced by the theories and methods of Adorno, Lukács, and Benjamin. See Hans Richter, "The Film Essay: A New Type of Documentary Film," in *Essays on the Essay Film*, ed. Nora M. Alter (New York, NY: Columbia University Press, 2017) and Nora M. Alter, "Translating the Essay into Film and Installation," *Journal of Visual Culture* 6, no. 1 (2007): 44–57, doi:10.1177/1470412907075068.

[447] Farocki, *Eye/Machine I*.

[448] In his 16 January, 1991 address to US troops in the hours after the first allied bombers descended on Baghdad, General Norman Schwarzkopf III, Commander of Allied Forces in the Persian Gulf, issued the following rhetorical statement announcing the war against Iraq: "My confidence in you is total, our cause is just. Now you must be the thunder and lightning of Desert Storm." See Reuters, "War in the Gulf: The General; 'A Fire of Determination,'" *The New York Times*, January 17, 1991, http://www.nytimes.com/1991/01/17/world/war-in-the-gulf-the-general-a-fire-of-determination.html.
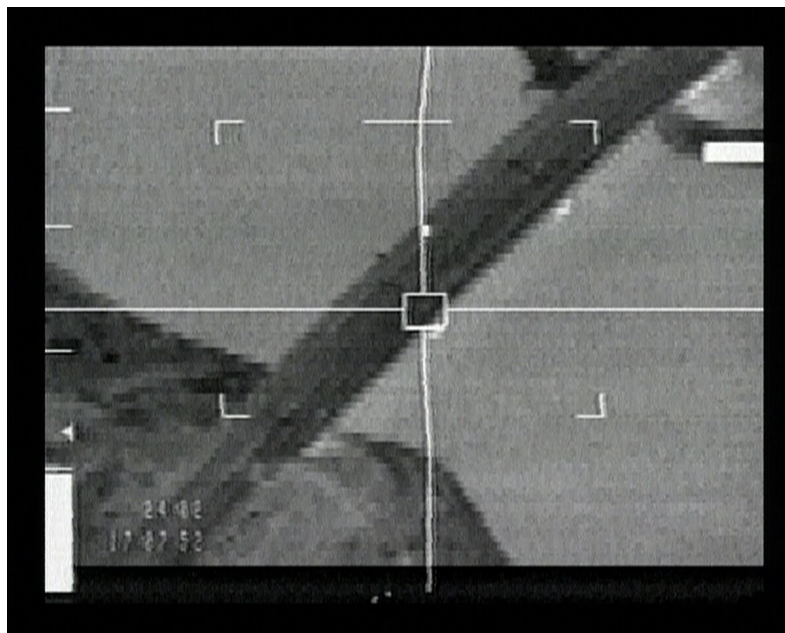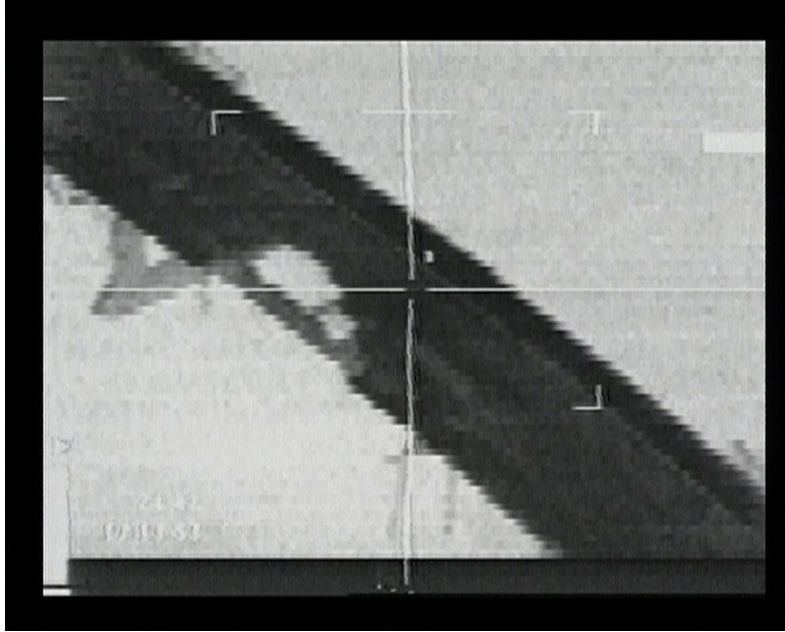
Figure 29. Harun Farocki, *Eye/Machine*. 2001. Video still. Photo courtesy of the Harun Farocki Archives.

of theorists from Baudrillard to Virilio.[449] In *War and Cinema*, for example, Virilio details a historical progression of "flying bombs" and "stratospheric rockets" that laid the ground for the Hellfire missiles of today's logistical era of war. These real-time "light-weapons" of instantaneous communication, or "seeing bombs"—to use Farocki's term—came to dominate the logic of warfare with the Gulf War, reawakening the proto-cinematic memory of Marey's chronophotographic gun along with its desire for the temporal instant. "With the advent of electronic warfare," Virilio writes, "projectiles have awakened and opened their many eyes: heat seeking missiles, infrared or laser guidance systems, warheads fitted with video-cameras that can relay what they see to pilots and to ground-controllers sitting at their consoles."[450] The French poet Guillaume Apollinaire produced a surreal and macabre body of modern war poetry between 1914 and 1916 while serving in the 38th Regiment of the French field artillery. At the heart of its hallucinatory military analogies is the image of the eye *as* an image of death. In his poem "April Night 1915," during his first months in the war zone, he described projectiles as "dead eyes": "It's raining my dear it's raining but it's raining dead eyes."[451] According to Virilio, with contemporary virtual warfare, the fusion of eye and projectile (or *eye/machine*) is complete: "Nothing now distinguishes the functions of the weapon and the eye; the projectile's image and the image's projectile form a single composite."[452]

Eye/Machine catalogues the development of this new policy on images. Farocki constructs a visual taxonomy of aerial reconnaissance. Coco Fusco compares his methodological approach to this archival detritus to that of a "forensic pathologist," carefully reconfiguring fragments in order to uncover the role of images in the exercise of power, while Hal Foster describes Farocki as a genealogist of "visual instrumentality."[453] From Farocki's taxonomy of divided images emerges a

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[449] Baudrillard famously argued that the Gulf War was *not really* a war, but an atrocity that masquerades as war. Using overwhelming airpower, the American military avoided direct combat with the Iraq army and suffered few casualties. Almost nothing was made known about Iraqi deaths; what spectators saw by way of television propaganda was a 'clean' war with weaponized images from the nose-cameras of 'smart bombs.' Baudrillard concludes that the conflict "did not take place," at least not from the point of view of the West. See Jean Baudrillard, *The Gulf War Did Not Take Place*, trans. Paul Patton (Bloomington and Indianapolis, IN: Indiana University Press, 1995).

[450] Virilio, *War and Cinema*, 109-110.

[451] Apollinaire, "April Night 1915," 203. S.I. Lockerbie suggests that this analogy might have been inspired by the fact that *pleuvoir* and *pluie* were used by the troops to refer to falling shrapnel (442).

[452] Virilio, *War and Cinema*, 104.

[453] Coco Fusco, "Regarding History," *Freize* (December 2009): 109; Hal Foster, "Vision Quest: The Cinema of Harun Farocki," *Artforum* (November 2004): 156.

new theoretical category of "operational" or "operative images."[454] According to Farocki, operative images are not meant to entertain; they are neither propaganda nor spectacle.[455] Rather, this new "cinematography by devices" fulfills a specific instrumental function in military and civilian logistics. Operative images give *machines* instructions for action. They are meant for the technicians of war: "To guide the projectile. To check whether a target was hit."[456] Farocki's installation provides explanatory instructions for this new morphology of technical images that are increasingly able to function autonomously of human intervention. The result is a kind of "cinematic-archeology" of machine operations—or "vision machines," as Virilio calls them.[457]

Farocki links operative images to an amplification of phantomaticity. In fact, he also calls operative images "phantom images" because they move through space as though by their own ghostly volition. The operative image recalls the old category of the "phantom shot," a popular form of early cinematic spectacle taken from a perspective that the human eye cannot normally occupy, for example, from the buffer of speeding trains or carriages (*Figure* 30).[458] The video feed from the seeing bomb is a "phantom-subjective" view because it gives us the perspective of the explosive projectile as it hurtles towards strategic targets (barracks, shelters, bridges, or individuals marked by government kill lists).[459] (The dated dash-cam video of McDonald's death also belongs to the category of the phantom-subjective.)

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[454] There is a great deal of incisive scholarship examining Farocki's theorization of image operations. See for example, Martin Blumenthal-Barby, "'Cinematography of Devices': Harun Farocki's Eye/Machine Trilogy," *German Studies Review* 38, no. 2 (2015): 329–51, doi:10.1353/gsr.2015.0086; Volker Pantenburg, "Working Images: Harun Farocki and the Operational Image," in *Image Operations: Visual Media and Political Conflict,* ed. Jens Eder and Charlotte Klonk (Manchester: Manchester University Press, 2017), 49-62; and Jens Eder and Charlotte Klonk's anthology of essays *Image Operations: Visual Media and Political Conflict* (Manchester: Manchester University Press, 2016).

[455] Farocki, *Eye-Machine I.*

[456] Farocki, *Eye/Machine III.*

[457] *Visibility Machines* was the name of the exhibition of works by Farocki and Paglen presented by the Center for Art, Design and Visual Culture focusing on the artists' cinematic examinations of the military industrial complex. Farocki and Paglen borrow the term from Virilio, *The Vision Machine*, trans. Julie Rose (Bloomington, IN: Indiana University Press, 2007). For a theoretical and methodological account of the emerging sub-discipline of media archaeology as an alternative to progressive developmental accounts of technology, see Jussi Parikka, *What Is Media Archaeology?* (Cambridge, UK: Polity Press, 2012). Parikka describes media archaeology as a theoretical paradigm implemented as a critical, experimental, and cross-disciplinary research method. See Thomas Elsaesser, "Simulation and the Labour of Invisibility: Harun Farocki's Life Manuals," *Animation* 12, no. 3 (2017): 214–29, doi:10.1177/1746847717740095, for an account of Farocki's contributions to media archaeology and the prehistory of digital images.

[458] Harun Farocki, "Phantom Images," *Public* 29 (2004), 12-22. For a historical account of the phantom image see Christian Hayes, "Phantom Rides," BFI Screenonline, 2013. http://www.screenonline.org.uk/film/id/1193042/.

[459] See Harun Farocki, "War Always Finds a Way," *Continent* 4, no. 4 (2015), 55 and "Phantom Images," 13.
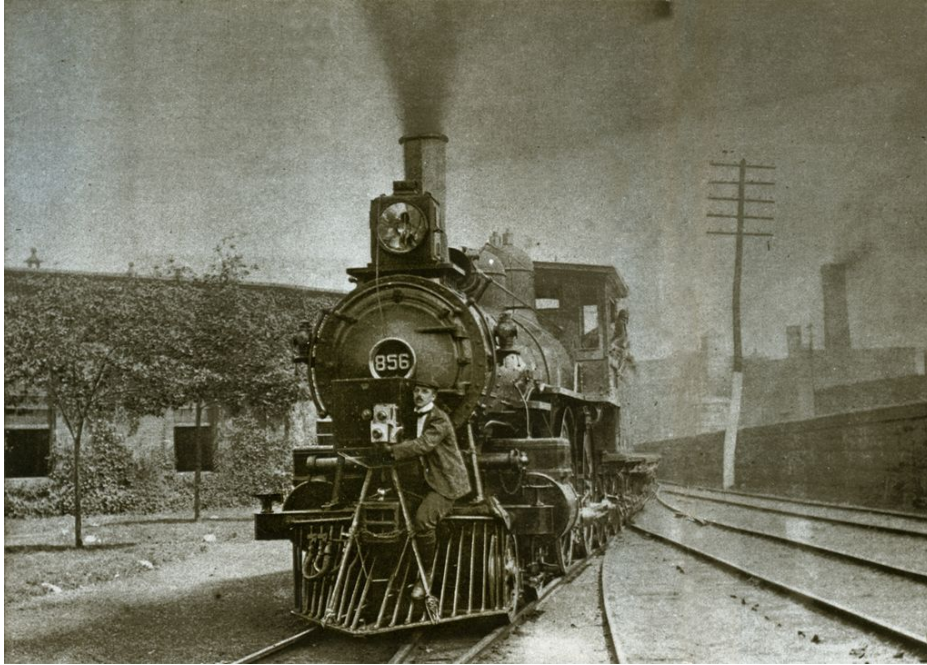
Figure 30. Unidentified photographer, *Cameraman Billy Bitzer prepares a Phantom Ride*. 1900.
Publicityfoto. Photo courtesy of Wikimedia Commons.

These images function in a manner similar to Althusserian interpellation: they call out to the person who receives it, like a command or a statement of fact.[460] Reinforcing structures of identification with the militarized state vision, the *bombs-eye-view*, identifiable from the familiar crosshairs that guide our trajectory through the visual *mise-en-scene*, asks us to identify with the suicidal flight path of the projectile. The viewer is both "*here*" in the safety of their homes and "*there*"—living the perspective of the cruise missile as it descends on Kuwait or Iraq. The viewer becomes a spectator of their own death. Absorbing them into its logic, the phantom image produces a new "bearer of the look" that provides "voyeuristic" and "fetishistic" modes of scopic control over death and punishment.[461] At the same time, the operative/phantom image amplifies the spectral

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[460] *Cf.* Wills, The drone penalty mocks this temporal relation which detains the time of the other, which from the "first hailing or greeting, is an instantaneous death sentence" (189).

[461] These are Laura Mulvey's terms. In her influential analysis of the scopophilic structures of Classical cinema, Mulvey offer two alternate possible responses to the threat of castration embodied by the female character on screen: voyeurism and fetishism. Drawing from Freud and Lacan, she argues that the gaze is pivotal in both. First possibility: the woman as icon is displayed for male gaze for voyeuristic pleasure obtained by asserting control and punishment. Second possibility: anxiety is overcome through substitution of a reassuring fetish object. See Mulvey, "Visual Pleasure and Narrative Cinema," and Louis Althusser, "Ideology and Ideological State Apparatuses," in *The Norton Anthology of Theory and Criticism*, ed. Vincent B Leitch (New York, NY: Norton & Company, 2018), 1483–1496.

effects of cinema, exposing the viewer to a repetition compulsion. Farocki recognized the irony of this mode of visual pleasure that effects our identification with the camera's drive to self-destruction: "the pleasure of sharing the point of view of a camera-bomb had a price: it was deadly."[462]

<center>Invisible Image: Paglen</center>

UK-based artist Trevor Paglen draws out the contemporary consequences of Farocki's theory of machine vision. Today's increasingly ubiquitous and sophisticated vision machines have no need of traditional "images." New methods of encryption developed after US military personnel in Iraq discovered insurgents intercepting US drone networks, inaugurated a "post-representational" regime of "invisible images" that complicate visibility with another mode of invisibility.[463] According to Paglen—whose work documents the vast and often invisible infrastructures of power in the digital world—the descendants of Farocki's operative images emulate traditional images.[464] However, this turns out to be a secondary function extended by machines to humans. Whereas Farocki's operative images were intended first for war technicians were secondarily extended to the televisual spectator, today's operative images, made *by* machines *for* machines, have to be decoded for human vision. They are for no one to see. "The computer," Paglen argues "does not need the image."[465] Like the spectre of Marx's commodity discussed by Derrida in *Specters*, the operative image is a thing without

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[462] Thomas Elsaesser and Alexander Alberro, "Farocki: A Frame for the No Longer Visible: Thomas Elsaesser in Conversation with Alexander Alberro," *e-flux* 59 (November 2014), http://www.eflux.com/journal/59/61111/farocki-a-frame-for-the-no-longer-visible-thomas-elsaesser-in-conversation-with-alexander-alberro/

[463] In 2009, US military apprehended files of an intercepted drone video feeds on the laptop of a Shiite militant. Noah Shachtman, "Insurgents Intercept Drone Video in King-Size Security Breach (Updated, with Video)," *Wired,* December 17, 2009, https://www.wired.com/2009/12/insurgents-intercept-drone-video-in-king-sized-security-breach/.

[464] For Paglen's account of the new regime of invisible images see Trevor Paglen, "Invisible Images (Your Pictures Are Looking at You)," *The New Inquiry* (blog), December 8, 2016, https://thenewinquiry.com/invisible-images-your-pictures-are-looking-at-you/; *Invisible Covert Operations and Classified Landscapes*, ed. Rebecca Solnit (New York, NY: Aperture, 2010); and "Operational Images," *e-flux* 59 (November 2014), http://www.eflux.com/journal/59/61130/operational-images/.

[465] Paglen, "Operational Images," n.p. *Cf.* Farocki, "Phantom Images." Farocki does not agree with Paglen about this "post-human operativity." He argues that "there are no pictures that do not aim at the human eye. A computer can process pictures, but it needs no pictures to verify or falsify what it reads in the images it processes" (21).
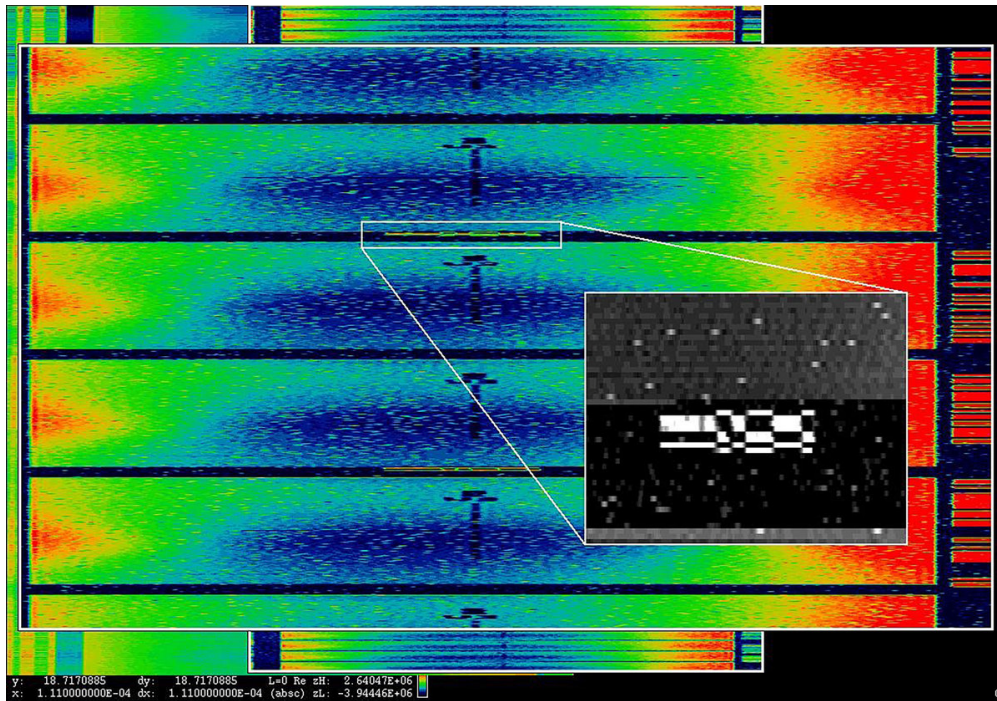
Figure 31. Laura Poitras, *ANARCHIST: Power Spectrum Display of Doppler Tracks from a Satellite (Intercepted May 27, 2009).* 2016. Pigmented inkjet print mounted on aluminum.

proper phenomenon. Like the spectre (and the vampire), the operative image is "deprived of a specular image" (SM 195).

Calling for a post-human documentary of "invisible images," German video artist and media theorist Hito Steyerl similarly argues that the spectrum of human vision has become a "minority" of what is accessible to machine vision.[466] Shrouding the operations of the National Security Agency (NSA), today's operative images are not primarily optical, but rather operate as a kind of interface that plays an active role in synchronic data exchanges that can then be converted into visualizations. US documentary filmmaker Laura Poitras' "ANARCHIST Snapshots," presented in her exhibition *Astro Noise* (2015) at the Whitney Museum of American Art, demonstrate this virtualization of images in digital warfare. The "snapshots," which were intercepted from hacked Israeli drone feeds by the UK's classified data collection program code-named "Anarchist" and then leaked by Edward Snowden to Poitras, can only be visualized as conventional "images" using decryption software that

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[466] Hito Steyerl, "Keynote Conversation: Anxious to Act," *Transmediale,* Berlin, Germany, 2016, https://transmediale.de/de/content/anxious-to-act.

filter "signal" (or information) from "noise" (or snow), resulting in a now-familiar aesthetic paradigm of the drone feed, with its abstract poetics of encryption (*Figure* 31).[467]

<div align="center">Drone Vision</div>

Extending this genealogy of visual instrumentality to the theatre of drone warfare will help explain the virtualized modes of sovereign killing as one of the "afterlives" of the death penalty. A number of visual theorists have analyzed the military drone's visual operation in regimes of violence.[468] In *The Right to Look*, Nicholas Mirzoeff traces the ways visual power is performatively embedded in image networks that have weaponized processes of data-capture, inscription, and global surveillance into a form of seizure, occupation, and absorption of the other. Following W. J. T. Mitchell's claim that power shapes the visual field, while the visual conversely executes power, Kathrin Maurer interrogates the drone's ocular operations of visual sensing and data capture.[469] What Daniel Greene calls "drone vision" encompasses not only the view captured through a drone's visual feeds, but "a globally distributed apparatus for finding, researching, fixing and killing targets."[470] Drone vision refers to the onboard payload of full-motion, high-definition, "image-intensified" daylight electro-optical cameras, infrared night-vision sensors that designate targets for deployment of 500lb laser-guided Hellfire anti-tank missiles; a disseminated network of satellites, radar systems, geolocation algorithms, data encryption servers, cellphone metadata, digital processors and data-links that

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[467] Poitras produced three feature-length documentary films in response to the post-9/11 US invasion of Iraq: *My Country, My Country* (2006), *The Oath* (2010), and *CITIZENFOUR* (2014), which details Poitras's meetings with Edward Snowden as he revealed the massive scale of the NSA's global surveillance program.

[468] The following analysis of drone vision is informed by the pioneering work of George Chamayou, Daniel Greene, Derek Gregory, Nicholas Mirzoeff, the Forensic Architecture team, as well as by more recent investigations by Tom Holert and Kathrin Maurer. See Gregoire Chamayou, *Theory of the Drone*, ed. Janet Lloyd (New York, NY: New Press, 2014); Daniel Greene, "Drone Vision," *Surveillance & Society* 13, no. 2 (2015): 233–49, doi:10.24908/ss.v13i2.5346; Derek Gregory, "Imag(in)Ing Drones," *Geographical Imaginations*, April 5, 2014. https://geographicalimaginations.com/2014/04/05/dreaming-of-drones/; Tom Holert, "Sensorship: The Seen Unseen of Drone Warfare," in *Image Operations: Visual Media and Political Conflict*, eds. Jens Eder and Charlotte Klonk (Manchester: Manchester University Press, 2017), 102-117; Kathrin Maurer, "Visual Power: The Scopic Regime of Military Drone Operations," *Media, War & Conflict* 10, no. 2 (2016): 141–51, doi:10.1177/1750635216636137; Nicholas Mirzoeff, *The Right to Look: A Counterhistory of Visuality* (Durham, NC: Duke University Press, 2011), 276–342; and Forensic Architecture, "Drone Strikes: Investigating Covert Operations Through Spatial Media," 2018, https://www.forensic-architecture.org/case/drone-strikes/.

[469] Maurer, "Visual Power" 141.

[470] Greene, "Drone Vision," 235.

remotely transmit a live-stream of "actionable" intelligence—by way of commercial Ku-Band satellite, encrypted transceivers, and a network of deep-sea fiber-optic cables—to a team of remote pilots, sensor and intelligence operators, image analysts who process global surveillance metadata using artificial-intelligence (AI) systems housed in ground operations centers located thousands of miles away in the Nevada desert; as well as the lethal modalities of surveillance, hunting, and capture that direct these operations (*Figure* 32).[471] This intensified form of sovereign technicity extends through a disseminated network of processes that support the drone's viewpoint, including a broad interface of synchronic data exchanges that can locate targets, collect, process, and store data, while generating algorithms that allow for the real-time adjustment of sensor payload systems in-flight.

This introduces another thanatographical twist in my genealogy of images of death. Today's operative images are not images *of* the dead, in the sense of iconic representations of the corpses that these seeing bombs have left in their wake (the first sense of the double genitive laid out in the introduction). They no longer (or no longer simply) represent death as iconic content. In contrast to the images of death examined in the last chapter—where the "scene" of the execution is made available for scopic mastery—these weaponized images remain as data to be scanned and interpreted by mechanical eyes. But neither do these images aid an existential analysis of death (the second sense of the double genitive). Displacing the piercing force of Barthes' *punctum* out of the image and into the world, these images produce death as part of their operation. Whereas the last chapters examined attempts to master death by "framing" it first as instantaneous, and second, as an extended form of living death thrown onto the black other, this historically and geopolitically specific post-representational regime are virtual images that *act*—images that *kill*.[472] As media theorist Rui Matoso puts it, operative images are "proactive, *not just* superficial and passive."[473] These technologies of in/visibility *do* things in the world—they are part of a killing machine.

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[471] Mirzoeff, *The Right to Look*, 280; Derek Gregory, "Gorgon Stare," *Geographical Imaginations*, https://geographicalimaginations.com/tag/gorgon-stare/, and Greene, "Drone Vision," 236. For a visual analysis of the structure and function of the laser-guided AGM-114R Hellfire II air-to-surface missile see Forensic Architecture's video report, "The Architecture of Hellfire Romeo: Drone Strike in Miranshah, Pakistan, 2012," https://www.forensic-architecture.org/case/drone-strikes/.

[472] This regime of virtual images has been theorized as *active* by a range of thinkers including Paglen, Mondzain, and Lev Manovich. The later provides a brief history of "actionable" visual representations in "To Lie and to Act: Potemkin's Villages, Cinema and Telepresence. Notes around 'Checkpoint '95 Project,'" in *Ars Electronica* 1995, Linz, Austria.

[473] Matoso Rui, "Operative-Images / Phantom-Images: The Synthetic Perception Media in the Late Harun Farocki," in *ECREA e Edições* (Lisbon: Universitárias Lusófonas, 2016), 75, my emphasis, https://repositorio.ipl.pt/handle/10400.21/8250.

Figure 32. Unidentified photographer, MQ-9 Reaper, Armed with Gbu-12 Paveway II Laser Guided Munitions and Agm-114 Hellfire Missiles, Piloted by Col. Lex Turner Flies a Combat Mission Over Southern Afghanistan. n.d. Photograph. Photo courtesy of U.S.

Take 3: Images that Kill

What has the development of the US drone program in the aftermath of 9/11 meant for the shifting modes of visual and sovereign power? And for the structures of seeing-punish (*voir-punir*) and the virtualization of visibility we interrogated "with and against" (DP2 45) Foucault's thesis of the despectacularization of punishment in chapter 2? How do images "keep watch [*veiller*]" or "mount surveillance" over the survival of the death penalty? (DP1 283) and what does this mean for spectrality? How can this new regime of invisible images of death help us to deconstruct sovereignty?

My genealogy of visual instrumentality has set the stage for a third, double-sided "take" on the optic of spectrality—according to which sovereignty needs images to install itself, even as images deconstruct sovereignty. Farocki's double-channel installation *Eye/Machine* mobilizes a deconstructive reading of the lethal instrumentalization of images in late modern air war. Farocki's atlas of machine vision will help us assess the drone's necro-tactics—its transformations in the virtuality of war and the death penalty. This will guide my stereoscopic analysis of the drone's deployment of image operations to performatively reassert its power over death. This intensified technical extension of sovereignty needs images for security, control, and mastery, yet all these attempts on the part of the sovereign representatives of the state to seek mastery simultaneously expose sovereignty. This stereoscopic analysis of the drone's execution of necroptopower will help expose the phantasmatic (but nonetheless real) nature of these intersecting attempts at mastery. As I have argued throughout, there is always a phantasmatic dimension of sovereignty we can deconstruct by showing that spectrality is both necessary to sovereignty, while simultaneously exposing its attempts at mastery.

This critical *and* quasi-transcendental analysis will precede along two intersecting paths: the first focuses on the drone's attempt to master death and time by asserting control over the divide between the visible/invisible via this system of global "quasi-panoptics"; the second turns to the question of the act, and to the ontological oppositions of the actual/virtual, act/non-act, act/desire.[474] These two paths correspond to Derrida's two Foucauldian interventions in the first and second years of the death penalty seminar: in relation to the visibility of punishment and the time of death and the question of what constitutes an act or action. As we saw in chapter 2, in the first year of the seminar, Derrida is concerned with the visibility of legal putting to death and the

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[474] Derrida, *Copy, Archive, Signature,* 46-47.

performative power of the image of death: even where visibility is transforming and becoming "more virtual," it is nonetheless critical to the structures of witnessing and the experience of time (i.e. the phantasm of the end of finitude) it authorizes. In the second year, Derrida confronts the problem of the death penalty from another direction through the leading question: *"What is an act, in the sense of action?"* (DP2 4). Derrida turns his attention to the status of the act and its relation to non-act, desire, to virtual, which is no longer clearly opposed to the actual, etc.

These two concerns (with the visibility of punishment and the deconstruction of the metaphysical notion of activity) are co-implicated in late modern air war, with its virtual ethos of global surveillance and state-security. Examining multiple linkages between visibility, time, death, and sovereign power, I will argue that the survival of the death penalty in the drone's optic machinery of death complicates the senses of an act, or action in multiple ways. As such it can help us think through the complication of act/non-act under capitalist violence, linking Derrida's question "What does it mean to act, to act on [*passage à l'acte*]" to the discussion of the virtualized visibility in the first year of the seminar (DP2 7).[475]

Quasi-Panoptics: InVisibility & Technopunishment

In chapter 2, I examined the sovereign decision over the death penalty as a phantasmatic attempt to master death by dividing it from life in the sharp instant of decapitation "that cuts the culpable one in two [*qui couple en deux le couplable*]" (DP2 162-3). In this section, I argue that this historically and

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[475] I have added the original French *passage à l'acte*, to the English translation of "act on." The translation of the French "passage à l'acte" as "act on" (rather than "acting out," as per the conventional translation) effaces the psychoanalytic connotations of the French. The term "acting out" is used in the Standard Edition of Freud's works to translate the German *agieren*. In "Remembering, Repeating, and Working-Through" Freud argues that the subject in the grip of the Unconscious repeats and relives phantasies in the present that express themselves not in memory, but through actions: "The patient does not remember anything of what he has forgotten and repressed, but acts it out. He reproduces it not as a memory, but as an action; he repeats it, without, of course, knowing that he is repeating it" (150). This repetition compulsion (Freud's *agieren*) is translated by Jacques Lacan, Jean-Bertrand Pontalis and Jean Laplanche as "passage à l'acte," or "*mise en acte*" (Lacan later retains the English "acting-out"). Rottenberg's translation as "acting on" suggests Derrida's familiar formulations in the French utilizing the "sur" (*sur-vision* as "seeing-on," or *sur-vie* as "living-on"), but misses the dimensions of the term that root action not in conscious intention, but the unconscious in ways that undo the very distinction between *desire* and *act* that Derrida is seeking to displace in his account of the survival of the death penalty. See "Remembering, Repeating, and Working-Through," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Volume XII* (1911-1913), trans. James Strachey (London: Vintage: Hogarth Press, 2001), 150; and Jean Laplanche and J.-B Pontalis, *The Language of Psycho-Analysis*, trans. Donald Nicholson-Smith (London: Hogarth Press, 1973), 4.

geopolitically specific extension of sovereignty technicity tries to master global space and power relations through new modes of techno-panoptic control: the drone tries to determine where the cut between the visible/invisible is made, and by whom. It deploys a prosthetic network to produce a new distribution of the visible *and* invisible that performatively effects a structural asymmetry of seer/seen for the purposes of national—and ontological—security. Theorists of visual culture have argued that the drone's scopic regime has two aspects: hypervisibility and invisibility.[476] This attempt to master the divide between the visible/invisible relies on an attempt to appropriate spectrality, which as we saw in chapter 1, is the quasi-transcendental condition of possibility *and* impossibility of the field of appearance and non-appearance.[477] In other words, sovereignty exploits spectrality to control the distribution of visibility and invisibility by producing and controlling what is seen, and who can see. Yet, when the image becomes invisible, this ends up exposing sovereignty's phantasmatic dimensions.

In the first year of *The Beast and the Sovereign* seminar, Derrida says that sovereignty is marked "by the power to see, by being-able-to-see *without* being seen" (BSI 293). An essential feature or attribute of sovereign power is its "absolute erection." Drawing on Bodin's analysis of sovereign "majesty" in *The Six Books of the Republic*, Derrida says that this phallic erection translates concretely in the "all-power of the state over life-death, the right of pardon, generation, birth, sexual potency as generative a demographic power," but also as "the *height* from which the state has the power to *see everything*, to see the whole, having literally, potentially, a right of inspection over everything" (BS1 215 my emphasis). The capacity to see and survey are among the essential features of ipso-phallo-cratic sovereignty: "Today the international power of national sovereignty is also proportionate to its power to see, power to have under surveillance, to observe, take in, archive from super terrestrial height, by satellite, the whole globalized surface of the earth" (BS1 215). The drone asserts global sovereignty "by assuming the prerogative of a universal right of inspection."[478] Mbembe calls this "vertical sovereignty." He incisively notes: "The mobilization of airpower and the destruction of infrastructure, the strikes and wounds caused by military action, are now combined with the mass

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[476] See for example, Maurer, "Visual Power," 141-151.

[477] Wills, "Drone Penalty," 185.

[478] Wills, "Drone Penalty," 181.

mobilization of images."[479] Drawing on Eyal Weizman's theorization of the "politics of verticality," Mbembe contends that "vertical sovereignty" exercises power through a series of optical devices:

> Everywhere, the symbolics of the top (who is on top) is reiterated. Occupation of the skies therefore acquires a critical importance, since most of the policing is done from the air. Various other technologies are mobilized to this effect: sensors aboard unmanned air vehicles (UAVs), aerial reconnaissance jets, early warning Hawkeye planes, assault helicopters, an Earth-observation satellite, techniques of "hologrammatization."[480]

However, the drone's erectile verticality is a new technological expression of an older, non-epochal structure of sovereign visibility with its onto-theological metaphorics of the all-seeing eye of God. Just as the revolutionary police once chose the eye of justice as its hyper-vigilant emblem (which as we saw in the last chapter is extended through modes of digital blackveillance), so the "unblinking" and "lidless" eye of the drone's "persistent stare" attaches itself to this mode of sovereign technicity that seeks to irradiate all shadows.[481] The drone aims for a global hegemony of vision: "Omnivoyance," writes Virilio, is the totalitarian ambition that seeks to form "a whole image by repressing the invisible."[482]

The drone's operative techno-aesthetic network is critical in framing and determining the cut between visible/invisible. Originally designed as an intelligence, surveillance, and reconnaissance (ISR) platform, today's MQ-1 Predator and MQ-9 Reaper drones are "hunter-killer" systems outfitted with wide-area surveillance sensor systems that allow drones hovering for hours on end over Libya, Yemen, Somalia, Pakistan, and Afghanistan, to survey a four-mile radius from multiple concurrent angles. The Pentagon's Defense Advanced Research Project's Agency's (DARPA) "Gorgon Stare" (2011) and its second phase, "Autonomous Real-Time Ground Ubiquitous

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[479] Mbembe, *Critique of Black Reason,* 5.

[480] Mbembe, "Necropolitics," 29. See also *Critique of Black Reason*, 23. See also Eyal Weizman, "The Politics of Verticality," *openDemocracy*, 23 April 2002, https://www.opendemocracy.net/ecologypoliticsverticality/article_801.jsp; "Lethal Theory," *Log*, no. 7 (Winter/Spring 2006): 53–77, https://www.jstor.org/stable/41765087; and Hito Steyerl, *The Wretched of the Screen*, trans. Franco Berardi (Berlin: Sternberg Press, 2012), 23. In his analysis of the "politics of verticality," Weizmann analyzes the spatial turn of sovereignty and surveillance. He argues that sovereignty was once distributed on a planar map-like surface on which boundaries were drawn and defended. In contrast, today geopolitical sovereignty occupies vertical dimension. "Vertical sovereignty" partitions airspace from ground, and deploys these differentiated strata to multiply sites violence.

[481] Bridging legal and art history, German historian Michael Stolleis traces the metaphor of the eye through its various manifestation in emblems and icons to demonstrate how the eye attaches itself to the law. See Michael Stolleis, *The Eye of the Law: Two Essays on Legal History* (New York, NY: Birbeck Law, 2009).

[482] Virilio, *Vision Machines*, 33.

Surveillance Imaging System," or "Argus-IS" (2014) are video capture technologies comprised of a spherical array of cameras attached to a drone platform. Recursively announcing the anachronistic "survival" of Albert Londe's 12-eyed camera (*Figure* 33), Argus-IS (named after the hyper-vigilant, sleepless, hundred-eyed, giant Argus Panoptes), deploys 368 cellphone image sensors to keep real-time video watch over global territories, an airborne image processing system that handles a torrent of data, and a ground-based visual intelligence processing system called "Mind's Eye" with object and recognition capabilities, which merges images into a mosaic that reconstructs the multiple angles into a single synoptic view of the target area, while retaining the ability to hone into any of the individual image-feeds (*Figure* 34-35).[483] These machines of death exploit spectrality to reorganize and redistribute visibility *and* invisibility into a new experience of hyper-visible political space-time of globalization, or "mondialization," (*worldwideification*) to use Derrida's term.[484]

Recalling the ancient myth of Medusa—one of the winged Gorgon sisters with hair of venomous snakes and a mortifying gaze—this intensified technical extension of sovereignty's erectile power brings together the unblinking eye of constant surveillance and the lethal force of the sovereignty in a performative display of power. Appropriating the deathly power of the Gorgon's severed head (like the revolutionary headsman and our "photographer" at the scene of Weidmann's execution), whose gaze turned to stone all those who encountered it, the drone freezes the scene in time for later analysis.[485] Just as the Gorgon's stare petrified her enemies to death by turning them into stone, the drone's lethal gaze turns "insurgents" into images that trigger remote missile launches that take life or "make die" (*fait mourir*) in a cinematic *coup de grace*. Two essential features of

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[483] Defense Advanced Research Projects Agency (DARPA), "Mind's Eye," October 14, 2012.
https://web.archive.org/web/20121014043008/http://www.darpa.mil/Our_Work/I2O/Programs/Minds_Eye.aspx.

[484] Derrida, *Deconstruction Engaged*, 44. For a discussion of Derrida's use of the term "mondialization," see Victor Li, "Elliptical Interruptions: Or, Why Derrida Prefers Mondialisation to Globalization," *The New Centennial Review* 7, no. 2 (2007): 141–54.

[485] Medusa was famously slain by the mythical hero Perseus, the founder of the Mycenae dynasty, whom the gods equipped with a reflective shield, curved sword, and helm of invisibility. According to the myth, Perseus used his shield to reflect the Medusa's stupefying power back upon herself, stunning her and thus enabling him to deliver the deadly blow of decapitation. After Perseus slayed Medusa, Athena bore her severed head on her shield as an apotropaic symbol intended to invoke fear in her enemies. This connects to our reading of the guillotine in chapter 2, for the myth of the severed head of the Medusa is frequently invoked both as a metaphor for representation *and* as an emblem of the violent origins on the state. The severed head (of Pompey or Louis Capet) provokes associations with the foundations of power in visible structures of witnessing.
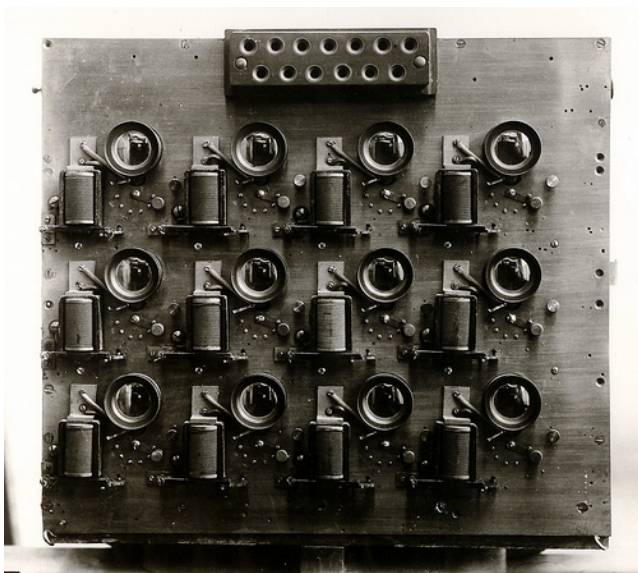
Figure 33. Unidentified photographer, *Albert Londe's Twelve-lens Camera*, 1893. Photo courtesy of Wikimedia Commons.
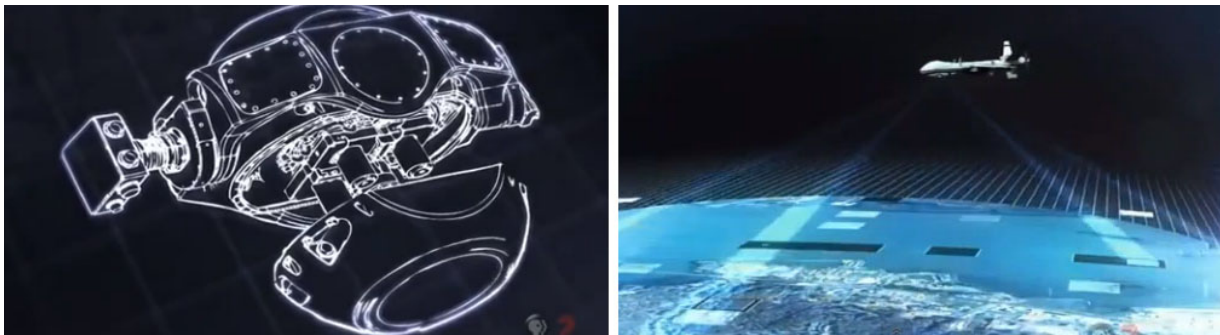

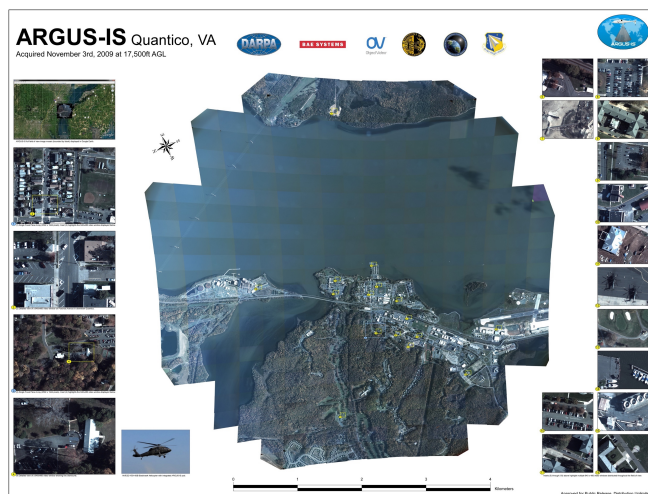*Figure* 34. Peter Yost, Argus-IS, c. 2013. Video still, Rise of the Drones, Photo courtesy of PBS Nova.

Figure 35. *ARGUS-IS,* surveying Quantico, Virginia, acquired November 3, 2009 at 17,500ft AGL, 2009.

198

sovereignty: the power over life and death and the power over the visible and invisible are superimposed in this era of "winged and armed panoptics."[486]

Again, Foucault is close at hand. In his analysis of the architectural apparatus of the prison in *Discipline and Punish*, Foucault famously speaks of "lateral invisibility" that allows the prison's overseer to see without being seen:

> In order to be exercised, this power had to be given the instrument of permanent, exhaustive, omnipresent surveillance, capable of making all visible, as long as it could itself remain invisible. It had to be like a faceless gaze that transformed the whole social body into a field of perception: thousands of eyes posted everywhere, mobile attentions on the alert.[487]

Just as invisibility guarantees the order of the prison, subjecting the incarcerated to a state of permanent visibility, so Derrida argues that sovereignty imagines itself as the *invisible* source of its own power. In *Specters*, Derrida calls this power to see without being seen the "visor-effect" (SM 5-6).[488] Invoking the sovereign figure of the ghost of Hamlet's father, who gazes at those he haunts through a helmet, he writes: "The king or the king's spectre sees without his gaze, the origin of his seeing, without his eyes being seen" (BSI 293). This dissymmetrical structure of visuality takes on new technical form in today's unilateral warfare. The drone-cum-sovereign ghost exploits spectrality and arrogates to itself the right to decide where and how the cut between visibility and invisibility is made. In so doing, it produces a structural asymmetry of *seer/seen*—this is part of its "Medusa effect."[489] The Gorgon stare and Argus-IS aim at once to totalize the world by making it visible, while at the same time making itself invisible, like the sun as the sovereign source of visibility in Plato's *Republic*.[490] Extending the structural resource of the visor, the drone's optical systems permit

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[486] Gregoire Chamayou, *Theory of the Drone*, 44.

[487] Foucault, *Discipline and Punish,* 200-201 and 214.

[488] See also Derrida, *Echographies*, 120-121. The visor effect connects to Levinas' discussion of the ring of Gyges which renders its bearer invisible, and Derrida's discussion of the eye of God in Abrhamic traditions, "the one who, in absolute transcendence, sees without my seeing. See Jacques Derrida, *The Gift of Death; and, Literature in Secret*, trans. David Wills (Chicago: University of Chicago Press, 2008).

[489] For Mirzoeff, the "Medusa effect" refers to visuality's politics of making the separation between ruler and ruled permanent. In Freud's analysis, the severed head of the Gorgon represents the threat of castration, but at the same time (because things stiffen under the Medusa's gaze), she offers an apotropaic reassurance that defends against castration. See Mirzoeff, *The Right to Look*, 211. For Freud's account of the attempt to master the anxiety of castration and decapitation through the appropriation of the Medusa's paralytic powers of representation see "Medusa's Head," in *Writings on Art and Literature* (Stanford, CA: Stanford University Press, 1997), 264–68.

[490] Plato, *Republic*, §508a.

the sovereign both to see without being seen, and to kill without the risk of being exposed to mortal combat. According to Albrecht Meydenbauer, the German inventor of photogrammetry whom Farocki quotes at the opening of *Images of the World and the Inscription of War* (1988), "the capacity to see better is the reverse side of mortal danger."[491]

The purpose of operative images is not only to record and preserve—it is not only to *make visible*—but also "to deceive, destroy, render illegible, to obfuscate vision."[492] These calculating machines produce invisibility as part of their operation; the drone invisibilizes death behind a shield of encryption that asymmetrically distributes the right to vision. While the drone arrogates to itself absolute power over the visual field, the target hunted through its visual scopes has no power to look back. Like the incarcerated of Bentham's panopticon, those living under drones are *seen-without-seeing*. This distribution of in/visibility adjudicates who lives and who dies. As Maurer notes, the drone's scopic regime "constructs a place of heightened visibility, in which one side cannot get out of the frame; this side is petrified by a gaze that predominately seeks to annihilate."[493] The bodies exposed to permanent visibility under the quotidian violence of drones—those both surveyed, surveilled, annihilated, and denied grievability and representation—are divided by a necropolitical calculus that is part of the tactical apparatus of late modern warfare.[494] The drone profits off "the military labor of invisibility," which as Thomas Elsaesser notes, includes varieties of camouflage, opacity and redaction, "official disinformation campaigns, secrecy in the form of national security … the invisibility of casualties in armed conflict" (the media redaction of collateral damage through the ban on images of the war dead returning to Dover), but also "the invisibility of the psychic wounds," which are another televirtual mode of the "inscription of war."[495]

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[491] Farocki, *Images of the World and the Inscription of War*, 1988.

[492] Nora M. Alter, "The Political Im/Perceptible: Farocki's Images of the World and the Inscription of War," in *Harun Farocki: Working on the Sightlines*, ed. Thomas Elsaesser (Amsterdam: Amsterdam University Press, 2004), 218.

[493] Maurer, "Visual Power," 147.

[494] See Jamie Allinston, "The Necropolitics of Drones," *International Political Sociology* 9, no. 2 (June 2015): 113–27, doi:10.1111/ips.12086.

[495] Elsaesser, "Simulation and the Labour of Invisibility," 222-23. See also, Amy Goodman and Michael Ratner, "Why Is President Bush Maintaining a Ban On Seeing War's Returning Casualties?" *Democracy Now!*, 2003, https://www.democracynow.org/2003/11/11/why_is_president_bush_maintaining_a. Goodman and Ratner discuss the blanket ban on media coverage of honour guard ceremonies of returning bodies of fallen US soldiers to Dover from Iraq or Afghanistan. This policy was first litigated by Secretary of Defense, Dick Cheney in the lead-up to the Gulf War, under Bush Senior Administration. Because military bases were states of exception, they were exempt from

Part of the counter-hegemonic strategy of media artists has thus been to disrupt this distribution of sovereign visibility and invisibility. For example, Josh Begley's 2017 Metadata App sends a push notifications to users' smartphone every time a US drone strike is reported in the news, while James Bridle's cross-platform project *Dronestagram* disseminates aerial images detourned from google earth of approximate locations of ongoing US airstrikes through the mobile feeds of Twitter and Instagram, alongside associated statistical information compiled by the independent UK news organization, the Bureau of Investigative Journalism.[496] These interventions aim to disrupt the dynamics of sovereign capture, by making visible and public the lethal, covert warfare waged in the Greater Middle East.

Yet, the same mobile devices used by media artists as a platform to disseminate chilling reminders of the ongoing conflicts waged distantly, further amplify the drone's appropriation of invisibility. The drone's disseminated network of technical prostheses extends through the seemingly innocuous presence of cellphones that "watch" their users collecting metadata that tracks purchases, locations, and networks of contacts, registers behavioral anomalies, and "decides" algorithmically which *devices* to target in unilateral strikes. According to the Bureau of Investigative Journalism, drone operators rarely "see" their targets in the conventional sense of the word, but rather use an on-board simulated cell tower that uses geolocation algorithms to lock onto their target's SIM card, forcing their cell phone signal to connect to it.[497] Visual surveillance (in the conventional sense of the term), has been largely replaced by new deterritorialized methods of geo-tagging, tracking, and electronic surveillance technologies that produce invisibility as part of military strategy.

Responding to this situation, Steyerl suggests that Farocki's "suicide cameras" were not in fact destroyed on impact. Rather, the cameras in Gulf war cruise missile heads exploded into billions

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first amendment protections and thus did not guarantee media access. The Obama Administration lifted the blanket ban in 2013, restoring press access to the honor guard ceremonies after consultation with the families of the dead.

[496] See James Bridle, "Dronestagram," 2012, https://jamesbridle.com/works/dronestagram and Josh Begley, "Dronestream," n.d. https://twitter.com/dronestream; "Metadata+," n.d. http://metadata.joshbegley.com; "After 12 Rejections, Apple Accepts App That Tracks U.S. Drone Strikes," *The Intercept*, March 28, 2017, https://theintercept.com/2017/03/28/after-12-rejections-apple-accepts-app-that-tracks-u-s-drone-strikes/.

[497] US National Security Agency's (NSA) counterinsurgency cells can intercept emails and cell phone metadata using remote signal monitoring and telecommunications infrastructures. Drones are equipped with devices known as virtual base-tower transceivers that can force a targeted person's device to lock onto the NSA's receiver without their knowledge. On the algorithmic allocation of the enemy see Susan Schuppli, "Deadly Algorithms," *Radical Philosophy* 187 (2014): 2–8.

of optical shards—small cameras with tiny lenses embedded in the cellphones that penetrate people's lives. Steyerl's haunting proposition: the suicide camera has been transformed into a plethora of "zombie cameras" that fail to die.[498] Multiplying the force of Farocki's "phantom-subjective" these living-dead (*mort-vivant*) machines "live on" or "see on" in a non-localizable network of an-iconic images that fly "through the bones of the dead and living" in a dystopian science-fiction.[499] This techno-revenance seeks restoration of the state through a multitude of ghostly eyes that return seeking retribution for the hyper-mediatized spectacle of 9/11, which was itself a *symbolic* castration or decapitation that aimed not at the head of state, but rather at its twin powers of economic and iconic imperialism.[500]

The drone as "all-powerful photographic apparatus" aims to optimize the visible into an "ontopolitological" totality through mechanisms of imminent and constant surveillance by making everything fully present and fully visible—i.e. without shadow, secret, or invisibly. And yet, SECOND ANGLE, this desire for "panoptical transparency" is always phantasmatic: the drone's attempts at "instantaneous totalization" are always "quasi-panoptic."[501] When the image becomes an image *without* image, sovereignty exposes its phantasmatic dimensions. In trying to decide what is visible and what is not—that is, in trying to exploit spectrality and to craft the divide between the two—this global extension of sovereignty undermines its own attempts at mastery. As discussed in chapter 1, spectrality is the quasi-transcendental condition of possibility and impossibility for any present phenomena;

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[498] Hito Steyerl, "Medya: Autonomy of Images," in *Astro Noise: A Survival Guide for Living Under Total Surveillance* (New York, NY: Whitney Museum of American Art, 2016), 162–79.

[499] In "Living On," Derrida gestures towards a concern with the conjunction of survival and images when he speaks of the slippage between "living-on" (*sur-vie*) and "seeing-on" (*sur-vision*) and thus to the relation between vision, visuality, and what he calls the "jurisdiction" and "problematic of framing" that conditions the urgencies of survival for those living and dying under drones (88).

[500] In "Can Images Kill?" Marie-José Mondzain argues that the attacks on the sovereign empire of the gaze catalyzed a crisis, inaugurating an iconoclastic regime of invisibility. The attackers hijacked and coordinated its opponents own "opto-powers" including the media and bystander screens, to ensure that images of the planes crashing through the twin towers were witnessed not only at "ground zero," but across the globe, multiplying the trauma without end. In response to the attacks, the Bush administration called for a "visual fast: the beginning of an invisible war, a purging of TV and film programs, no dead bodies on the screen" (21). As soon as the second Iraq war (2003), images from the heads of projectiles were hardly shown, notes Farocki. Farocki, "War Always Finds a Way," 58. *Cf.* In *The Right to Look*, Mirzoeff indicates that asymmetric warfare of drone strikes both produces and is a product a crisis of visuality: "Visuality itself has today become 'visible' at a point of intensification in which it can no longer fully contain that which it seeks to visualize" (282).

[501] Derrida, *Copy Archive Signature,* 46-47.

spectrality makes possible both the visible and the invisible as its underside. The drone's spectral optics attempt to harness, domesticate, and exploit spectrality when it tries to draw a clear-cut divide between visible/invisible. But this is always bound to backfire because spectrality—amplified by technics, the synthetic image, virtual space, etc.—always exceeds the ontological oppositions between absence and presence, visible and invisible, living and dead (DE 33). The drone always drags along its invisible underside of absence, exposing sovereignty's phantasmal visibility. How so?

When the visible image becomes invisible—when it is no longer localizable in an optical image—it haunts all of space with its lethal force. Operative images are everywhere and nowhere: like the ghost, one no longer knows exactly where they are.[502] They invade the global stage with their secreted moves (SM 189). Like its predecessor—the stereoscope—the drone's iconomics have no frame, but rather spread through all of space as a spectral presence.[503] Rather than "localizing" the dead in an instantaneous image, this virtual dissemination of images amplifies spectrality.[504] What begins then as an attempt to conjure and capitalize on spectrality to protect against death (the supra-sovereign displacement of the frontline of war was first and foremost an attempt to kill without being exposed to mortal finitude), ends up exposing sovereignty. The drone's ghostly schema demonstrates that sovereignty is, more than ever, spatially deferred and temporally disseminated.

This virtualization has consequences in respect to the account of "seeing-punish" (*voir-punir*). In his 1973 Collège de France lectures on punitive society, Foucault famously argues for the

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[502] Derrida describes a parallel haunting of space in his account of the disappearance of the dead in World Trade Center bombings in *Philosophy in a Time of Terror*.

[503] *C.f.* Buck-Morss, "Visual Empire," Buck-Morss argues that the icon has no frame—just as in Hardt and Negri's influential account of empire has no frame and the multitude that inhabits it is itself a shadowy icon on the global screen, anonymous an amorphous, not yet an alternative to iconocratic domination" (185).

[504] In her discussions of contemporary computer-mediated communication, literary theorist Katherine N. Hayles develops an account of the semiotics of virtuality that displaces the binary of presence/absence with a new dialectical dyad: pattern/randomness. This has important, but here underdeveloped, implications for the post-photographic ontologies—or hauntologies—of the image in the era of digital media and ambient computing, when AI is embedded in every aspect of our lives, through smart devices and social algorithms. How this a new form of spectrality, which Hayles calls "noise," deconstructs the doublet of pattern/randomness, and how moreover this effects the dynamics of sovereign capture, are questions I must save for a later date. See Katherine N. Hayles, "Traumas of Code," *Critical Inquiry* 33, no. 1 (Autumn 2006): 136–57, doi: 10.1086/509749 and "Virtual Bodies and Flickering Signifiers," *October* 66 (1993): 69–91, doi:10.2307/778755. See also Adrian Mackenzie, *Cutting Code: Software And Sociality* (Peter Lang, 2006). Mackenzie's account of the "agency of code" considers software, and code specifically, as a social object, process, and site of negotiations that structures and distributes human agency.

"reversal of the spectacle into surveillance."[505] Continuing our critique of Foucault's thesis of despectacularization of punishment, operative images do not eclipse, but virtualize visibility, giving rise to a new mode of the spectacle. In the second year of the seminars, Derrida recalls that "punishment, which is in the end always public, did not become invisible but only changed its *form and its place* of visibility by becoming virtual or by virtualizing itself (*en se virtualisant*)" (DP2 20, my emphasis). As we saw in chapter 2, Derrida is implicitly taking aim at Foucault's historical thesis of an epochal shift, on the "threshold of modernity," from the paradigm of sovereignty exercised through spectacular displays of power over death to a biopolitics concerned with the institutional management of life.[506]

While Foucault concludes from Bentham's principle "that power should be visible and unverifiable," that ours is not a society of spectacle, but of surveillance and disciplinary power, the desire to kill in the name of some sovereignty survives in the structure of today's global warfare, which capitalizes on the virtualization of the spectacle. While Derrida recognizes the "relative legitimacy" of Foucault's analysis "according to certain limited criteria," he argues for a more nuanced shift to more virtual forms of visibility. The drone exemplifies a shift in distribution of the visible (and therefore of the invisible) that extends the virtual field of the spectacular with decisive consequences for the discussion of sovereignty's attempts to master death and time (FWT 12).

Electronic Instantaneism, Soft-Montage & the Differential Image

Sovereignty attempts to assert itself on the global scene both by controlling visibility and also by making invisible: by making things disappear. This account of the virtualization of visibility links to the deconstruction of time and the temporal instant in chapter 2. The attempt to control the visibility of war, is also an attempt to control the time of war. The death penalty involves an attempt to deploy machines of death to foreclose on the future by mastering the divide between life and death in a clear-cut instant. We have seen that this instant is always phantasmatic: life is always contaminated by death, such that no sovereign "mastery" over death or time is possible. The drone penalty similarly asserts mastery over finitude by killing time. As Wills argues, the drone's "electronic

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[505] Michel Foucault, *The Punitive Society: Lectures at the College De France, 1972-1973,* ed. Bernard E Harcourt, trans. Graham Burchell (New York, NY: Palgrave Macmillan, 2015), 23.

[506] Foucault, *History of Sexuality, Vol. 1,* 143.

instantaneism" is a phantasmatic idealization that secrets the spatiotemporal relay of successive instants between for example, Nevada and Mogadishu (but also, between the non-linear, mushrooming spectral effect of zombie cameras), directed towards the critical instant of the "surgical" strike.[507] As Wills rightly argues, the drone's instantaneism conceals a relay of a successive series of "nows." However, the drone's temporalizing function can be further complicated through a reading of its machinic phenomenology, which links to my discussion of stereoscopy.

Farocki's double-channel installation will help us expose the phantasmatic dimensions of the drone's attempts to master death through "real-time" global image processing operations. *Eye/Machine* deploys a double—or stereoscopic—method of montage to deconstruct the operation of instrumental images. As discussed above, Farocki employs two simultaneous screens in a single viewing space: two image streams crisscross one another, aligning at moments and drifting apart at others. These double-channel projections multiply reversals of spatial and temporal orientation: we see an aerial view next to a subterranean view; a representational image next to the machine's abstracted perspective of data analysis (*Figure* 36). At times, the images double one another with a slight temporal delay. Farocki refers to his practice of using of divided images as "soft montage." Whereas Sergei Eisenstein's revolutionary theory of dialectical montage is characterized by the "strict opposition" of sharp conflictual cuts, Farocki's soft montage involves a series of shifting and mobile relations between simultaneous projections.[508] As opposed to Soviet formalism, soft montage allows us to see two things *at once*, introducing an interpretive flexibility: "One image doesn't take the place of the previous one," Farocki notes, "but *supplements* it."[509] Each image is cryptically haunted by others. The supplementary force of Farocki's montage further advances a hauntological analysis of technicity and time.[510]

What is critical here for the deconstruction of sovereignty through images of death, is that this method of montage duplicates the internal structure of the operational image itself, which can

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[507] Wills, "Drone Penalty," 185.

[508] See Kaja Silverman and Harun Farocki, *Speaking about Godard* (New York, NY: New York Univ. Press, 1998) and Sergei Eisenstein, "A Dialectic Approach to Film Form," in *Film Form: Essays in Film Theory*, ed. and trans. Jay Leyda (London, UK: Harcourt, 1949), 45-63.

[509] Harun Farocki and Rembert Hüser, "Nine Minutes in the Yard: A Conversation with Harun Farocki," in *Harun Farocki: Working on the Sightlines*, ed. Thomas Elsaesser (Amsterdam: Amsterdam University Press, 2004), 302, my emphasis.

[510] For a recent analysis of the relevance of Marxist analysis for today's hypervirtualized global economy see Christian Fuchs, *Reading Marx in the Information Age: A Media and Communication Studies Perspective on Capital, Volume 1* (New York, NY: Routledge, Taylor & Francis Group, 2016).
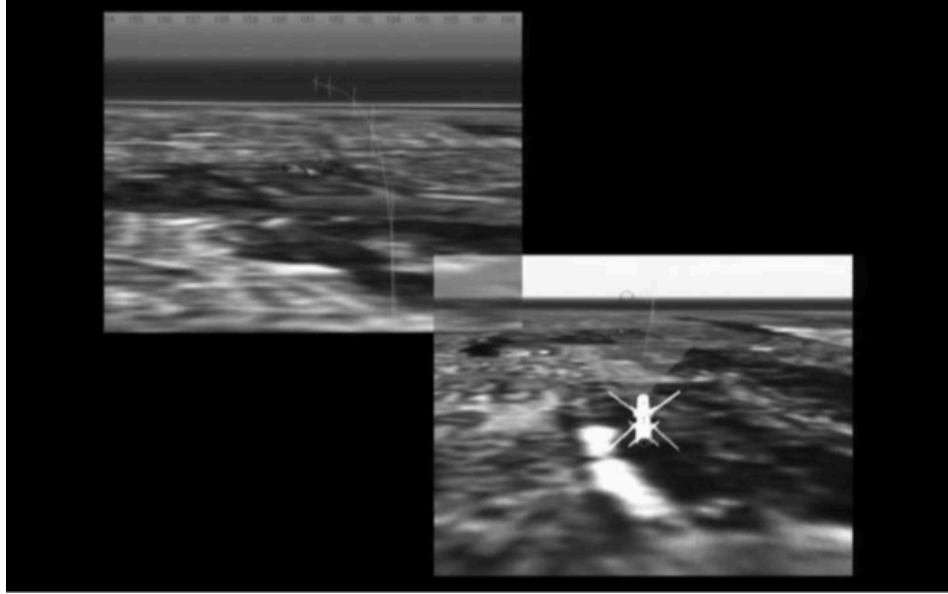
Figure 36. Harun Farocki. *Eye/Machine III*, 2003. Video still. Photo courtesy of the Harun Farocki Archives.

only perform its task as a *bifurcated image*. Farocki's double-channel installation performatively demonstrates the image-processing techniques used by intelligent machines. The operational image's software is programmed to collect ongoing sensory information during flight. It is engaged in a speculative process that compares available spatiotemporal coordinates of a landscape to prior image-data stored by the computer. In *Eye/Machine III*, the inter-titles describe this comparative functionality: "The missile search-head reads the images. Image processing *presents* itself. Route markers are stored, roads, crossings, bridges, power lines. Lines are highlighted in color to check whether they are part of a stored image." He continues: "The key to 'intelligent weapons' is image processing. Images of the terrain it is to traverse are stored in a rocket. During its flight, it photographs the terrain below and compares the two images, the goal image and the actual image, as it were."[511]

In an illuminating footnote, Volker Pantenburg aligns this double structure with Aud Sissel Hoel and Frank Lindseth's concept of the "differential image," which differs and defers from itself.[512] The operational image is linked to what is present before the lens, but what is happening in

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[511] Farocki quoted in Blumenthal-Barby, "Cinematography of Devices," 332, my emphasis.

[512] Aud Sissel Hoel and Frank Lindseth, "Differential Interventions: Images as Operative Tools," *The New Everyday: The Operative Image* (2014): http://mediacommons.futureofthebook.org/tne/pieces/differential-interventions-images-operative-tools-2. See also Thomas Elsaesser and Alexander Alberro, "Farocki: A Frame for the No Longer Visible:

the present, is being compared to past images (retentions) and future projections (protensions) that orient and direct its operations. By dint of their intelligent-processing mechanisms, operative images carry within them the memory of past data and coordinates. These images still consist of repeatability: what the machine experiences in the present can be recalled (repeated) and this differential iterability or coming back to itself characteristic of all identity over time, motivates future actions. However—and this is the phantasmatic dimension—the drone tries to calculate this difference and in principle *resolve it*, using the old theorems of stereoscopic photogrammetry: "the ballistic trajectory coincides with the target aircraft at a certain point in time and space, the deadly result was achieved by means of *stereoscopic superimposition*, in real-time, of the two flight images on the screen."[513] The "resolving power" of its *ideal* lens aims to exorcise the distance and delay of spectrality by operating the time of the other's death, but in doing so, it gives rise to phantasms.[514]

This analysis the time of war demonstrates that the presently visible image is always complicated by non-presence. Alluding to the stereoscopic vision that forms the central analogy of the optic of spectrality, Farocki's phased iterations demonstrate how machines produce the appearance of presence, or what Alan Sekula, in his essay on Edward Steichen's World War I photography, calls "being-there."[515] Writing two decades before Farocki's theorization of the operative image, Sekula elucidates the convergence of communications technologies and long-range artillery that made possible "bombardment—as well as image recording—at a great distance." Steichen's photographs prescribed a new model of forensic vision that image analysts deployed to locate and destroy military targets. According to Sekula, "the value of these aerial images as cues for military action depended on their ability to testify to a *present* state of affairs."[516] With these techniques of photogrammetry and aerial reconnaissance, Barthes' *having-been-there* cedes to the

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Thomas Elsaesser in Conversation with Alexander Alberro," *e-flux* 59 (November 2014). Alberro similarly contends that Farocki didn't think "according to a logic of binarism and opposition but rather in terms of a logic of difference" (np).

[513] Virilio, *War and Cinema,* 90, my emphasis. Photogrammetry is the science of obtaining reliable surface measurements by means of aerial photography. It was introduced in 1851 and refined as a system of aerial mapping under Steichen's direction of the Geological Survey and Army Air Forces during World War I.

[514] "Resolving power" is a technical term that describes the capacity of an instrument to resolve two points which are close together—that is, to make them appear as a single point, as per the mechanisms of stereoscopy.

[515] Alan Sekula, "The Instrumental Image: Steichen at War," in *Photography Against the Grain*, (Halifax, NS: Press of the Nova Scotia College of Art and Design, 1984), 35.

[516] Sekula, "The Instrumental Image," 60.

demand of *being-there*. Presupposing an epistemological transparency, these technical images claimed to be devoid of rhetorical value, artifice, and interpretation. In a marginal comment—an aside to his central effort to define the instrumental image's tactical function—Sekula proposes that "the dream of 'instantaneous' recording, transmission, and repressive response, the premonition of video surveillance emerges from this necessity."[517] Yet, by folding the past and the future back into itself, the operative image involves an irreducible spectrality in the very middle of it. The present is never a simple present. *Being-there* is always a "*plupresent*" (*plus-que-présént*)—a present more-than-present that deconstructs the actuality of the same time (*meme-temps*)."[518] *Plupresent* names a re-inscription of presence as an effect of spectrality, or trace structure, which is here reposed as a mechanistic "photogrammatology."

I intimated in chapter 1 that the drone is a giant transcontinental spatiotemporal stereoscope: the history of war photography could be traced as the history of stereoscopy stretching between Gardiner's images of the Antietam dead on the fault-line of the Civil War (which was both torn asunder and sutured by collodion) and our deconstruction of the drone's operative images. This "stereohistoriography" would always be anachronistic: I suggested in chapter 1, that stereoscopy was displaced by photography in the nineteenth century, because it was considered *too deconstructive,* but in fact its methods were appropriated and instrumentalized in aerial reconnaissance, which temporalized its spatial operations (*Figure* 37). The drone reproduces the binocular disparity that nineteenth-century physiology rooted in the observer's body, by taking two images at a temporal interval, which are then reconciled spatially in three-dimensional images used to map the terrain of war. The drone pushes this further still by introducing the future into its calculations.

In short, Farocki's critical genealogy of machine vision demonstrates *first,* that the drone's operationalization of global surveillance technologies in telepresent kill systems aims to master death from a distance without exposing sovereignty to precarity in ground war operations. The drone operates optical space to effect ontological security and global control. This is another manifestation of the phantasmatic desire to shore up sovereignty's ineluctable exposure to death. Yet, Farocki's installation performatively demonstrates that the operative image is always a disjointed

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[517] Sekula, "The Instrumental Image," 35. See also Manovich, "To Lie and to Act," 1-16.

[518] Derrida discusses the term "pluspresent" in his essay on Philippe Sollers. "This total, differentiated, equivocal present, which must not be reduced to the simple present it violently throws into question; this structured, bottomless present" is there called the "plusprsent [*plus-que-présént*]." See Jacques Derrida, "The Double Bottom of the Pluspresent," in *Dissemination*, trans. Barbara Johnson (Chicago, IL: University of Chicago Press, 1981), 309-311.
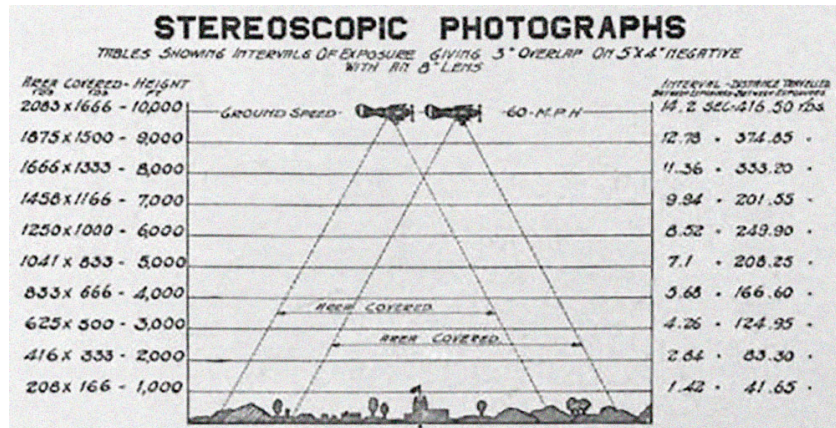
Figure 37. Unidentified artist, Stereoscopic photographs. Etching. from Herbert E. Ives, Airplane Photography. Philadelphia, PA: J. B. Lippincott Company (1920).

now. Time is "out of joint," as Derrida says, quoting Hamlet, while space is displaced (SM 1). *Being-present* is "a deranged, dislocated, off its hinges disproportionate time" that exposes a phantasmatic dimensions of this desire for (tele)presence *without* distance or delay.

This re-apparition of the phantasmatic faith in instantaneity, rearticulates the aporia of time. In chapter 2, I considered the guillotine's anaesthetizing instant in relation to Aristotle's account of the aporia of time in *Physics* IV.[519] Recall that for Aristotle, time both is and is not. When time is considered in terms of its divisibility, it is considered in terms of now (the sequential series of *nows* for example, unleashed by Obama's sovereign moment of decision, in silence and without giving reasons, and redirected in reverse, across the vast expanse of the middle passage where it converges in the phantasmatic blink of the Hellfire missile's lethal strike). Yet the very *now* of time which gives time being also robs time of being, because each *now* is always (as Farocki's double-eyed installation demonstrates) already past or future. Time is aporetic and cannot be mastered in an ideal instant. The drone attempts to calculate and master the time of war through its operational regime of in/visible images, but in its folding of past, present, and future imaging technologies together, it ends up exposing a disjointed and aporetic account of time.

Automaticity, Act & Audiovisual Capitalism

This discussion of the drone's virtual in/visibility connects to Derrida's questioning, in the second year of the death penalty seminar, of the act and nonact, which Derrida links to capitalist violence.

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[519] See *Physics*, IV 218a.

As discussed above, the survival of the death penalty needs to be understood in terms of a blurring of a number of related metaphysical oppositions of act/nonact, actuality/potentiality, actual/virtual, activity/passivity, conscious act/unconscious desire, etc. The drone complicates the notion of the act and related distinctions of virtual/actual; making/letting die, in a number of ways.

First, as we have just seen, the drone's machinic phenomenology operates via differential images that are *plupresent.* This form of spectral presence complicates the Aristotelean distinction between potentiality (δύναμις, *dynamis*) and actuality (ἐνέργεια, *energeia*), as well as the related distinctions of the actual/virtual and passivity/activity.[520] The omnipresent threat of the lingering drone reasserts sovereignty by holding death in reserve as a potency to be actualized at any given moment. The drone's operative images can always *enact*; they bear within themselves the seal of death. These ghostly machines of virtualization further complicate the passive/active distinction; the drone's passive targeting is already an act. The death penalty survives in the post-digital age of "audiovisual capitalism" in virtual images that affirm sovereignty by having at their disposal the life of certain foreign subjects (the enemy insurgent and civilian) who are already potentially killed. By capitalizing on the hyper-virtualization, the drone extracts *surplus data* from a distributed sensory system, such that even where there is no "act" of killing everywhere there is a disseminated structure that might go into action at any moment (DP2 200). This potential power cannot be opposed, in perfect rigor, to the "act" of killing. The deadly logic of the drone's spectral optics is already functioning and "in place," such that even if Obama (the focus of Wills' discussion) or Trump, were denied the exception from the law that forbids killing—even if they stopped dropping bombs—the drone penalty would survive in the virtual machinery of audiovisual-capitalist violence.[521] (Recall that the techno-scientific structure that supports this spectral presence is a product of an enormously profitable military-capitalist-entertainment complex.)

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[520] See Aristotle, *Physics* 184a 9–192b 5.

[521] Derrida uses the term "telefaxilogical capitalism" in "Faxitexture," 30. "Audiovisual capitalism" is Steyerl's term. In *Wretched of the Earth* she argues that the politics of representation, with its emphasis on the question of who is represented, has been displaced by a new regimes comprised of the deitrius of audiovisual production. The accelerated circulation of "poor images" is a sign of "capitalist deterritorialzation," which adapts dematerialized images to "the semioticization of capital" (40-41). *Cf.* Jodi Dean's theory of "communicative capitalism" as a specific form of late capitalism in which democratic values of access inclusion and participation manifest in the material form of global, networked telecommunication technologies, which have led to a deluge of screens and spectacles that fail to deliver their emancipatory promise, but rather, foreclose on the political. See Jodi Dean, "Communicative Capitalism: Circulation and the Foreclosure of Politics," *Cultural Politics* 1, no. 1 (March 1, 2005): 51–74, doi:10.2752/174321905778054845.

Second, this spectral present further blurs the Foucauldian distinction between making and letting die. Alongside AIDS or world hunger (two examples cited by Derrida), or the EU's practice of non-assistance in the Mediterranean, the operative image problematizes the edges of where an act begins and where it ends. The drone disseminates the act through a spectral nervous system for which the categorical opposition of activity (making) and passivity (letting) is inadequate (DP22 197).

The drone belongs to the long technological history of "mechanized instruments of execution" from the guillotine through lethal injection designed to "produce and guarantee" anonymity for the executioner "who doesn't himself kill, not in his own name, who functions like a functionary or like an automatic machine without name and without vengeful initiative" (DP2 139). Traditionally, these machines of death are presumed to be passive and mechanistic: "without intentional, active, actual, and voluntary conscience" (DP2 199). In *Paper Machine,* Derrida explains the machine's repetition is destined "to reproduce impassively, imperceptibly, without organ or organicity, received commands. In a state of *anesthesia*, it would obey or command a calculable program without affect or auto-affection, like an indifferent automaton."[522] The machine is without desire, intention and *spontaneity.*

This presumption of mechanistic passivity is complicated by these optical war machines. As we saw in our genealogy of visual instrumentality, those condemned to death in unilateral strikes are killed via a disseminated network of virtual images that are theorized as active, autonomous, and automatic, and which are themselves deemed responsible for a "ritualized violence" that distributes the right to life "in a terribly unequal way," by making die an incalculable number of living beings (DP2 199). Operative images *act* and *kill* ostensibly without human intervention. They have commerce *amongst themselves*: they exchange data, speculate on algorithms, and give one another instructions for action. Moving and seeing freely, deciding autonomously, of their own will, these "techno-scientifico-capitalist mechanisms" for the distribution of death put themselves *spontaneously* into motion—or at least they appear to do so. They appear to act autonomously *and* automatically when they execute a death penalty for which they have served as judicial apparatus, public structure of witnessing and enactment, and official executioner. In other words, operative machines are supposed to be the "actors" "doing" the killing.

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[522] Derrida, *Paper Machine*, 72.

Yet, the drone's posthuman agency is a foil for our own *"laissez faire"* passivity (DP2 199).[523] The drone provides a reassuring alibi that justifies our good conscience: the drone makes die, but we simply let die in the name of global security. When we say that machine's operativity is responsible for killing in a principled and rational way, we displace our own implication in an enormous legacy of capitalist violence. Derrida writes:

> All over the world, close to us, far from us, human machines condemn to die, condemn to bringing life to an end, shorten life or cut it short, bring the age of death closer, machines that *we allow to operate*, machines that violate the right to life, the right to life of men and women, and that we allow to operate — where is the share of passivity and activity, the share that belongs to the act, the share that belongs to intentional activity, which, through some philosophical passivity in the service of an alibi or *denegation,* we alone associate with responsibility and guilt, and therefore crime? (DP2 199 my emphasis)

Just as Kant (who did not "act" but who maintained philosophical support for the death penalty) is as responsible as Robespierre (who ordered the execution of thousands by guillotine), so responsibility for "surgical strikes" that sear through flesh every other day in famine-struck Yemen, extends to all those who allow these machines to operate.

At stake in this deconstruction of the act, is the question of responsibility. Our "dénégation" (this translates Freud's *Verneinung*) is always already a doubled negation, or a negation of negation: we use the drone's "automatic autonomy" to deny our own culpability, but this denial is also simultaneously, a disguised confirmation of an unconscious desire or wish for its survival (SM 192).[524] Our "passivity" is already a form of activity that cannot be acquitted of these acts of war.

This final "take" of the double optic of spectrality has interrogated tactical systems of surveillance and real-time image processing deployed in the predatory "shadow theatre" (BS2 259) of US led drone strikes in the Greater Middle East. I have critiqued the phantasmatic (but nonetheless real) survival of the death penalty in view of transformations in post-photographic teletechnologies. This analysis has opened a critical dialogue between the question of the specter and the spectral as it

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[523] Derrida, *Paper Machine*, 72, my emphasis.
[524] See Jacques Derrida, "How to Avoid Speaking: Denials," in *Derrida and Negative Theology*, ed. Harold G Coward and Toby Foshay (Albany, NY: State University of New York Press, 1992), 73–142. Freud's Verneinung describes a process according to which the "content of a repressed image" makes its way in consciousness "on condition that it can be negated." See Sigmund Freud, "Negation," in *The Standard Edition of the Complete Psychological Works, Vol 10*, trans. James Strachey (London, UK: Hogarth Press, 1973), 235.

crosses those of sovereignty, punishment (capital or otherwise), war, technicity, and time, and the virtual operativity of the computer-generated image of death, which exceeds the ontological oppositions between visibility and invisibility, presence and absence, virtual and the actual. The spectral logic at work drone warfare attempts to conjure and harness spectrality through the drone's spatiotemporal modes of techno-punishment. However, these attempts at global mastery expose sovereignty's phantasmatic attempts to master time and finitude by taking life.

I have supplemented Wills' reading of the drone penalty with an explication of how in/visibility is key to understanding the survival of the death penalty in the drone penalty. The deconstructive optic of spectrality has helped clarify a critique of the ways operative images function *at once* (1) within the erectile patrimony of sovereignty as an attempt to harness and appropriate spectrality in this global extension of sovereignty and (2) as a quasi-transcendental of sovereignty's phantasmal visibility. This "at once" introduces a disjointed time. This discussion of the virtual image guided by Farocki's notion of the operative image, has revealed how images of death are both a technicity that is part of sovereignty's institution, and a resource for the deconstruction of sovereignty. In other words, the very operations of sovereign technicity that should ensure ontological security by seeking control the global space-time of the visible field through techno-temporal modes of punishment end up exposing sovereignty's phantomatic weakness. The drone supports a constellation of phantasmatic illusions: that one can control death from a distance; that we can kill without danger; that some lives are more valuable than others; that there is an objective instant that separates life and death; that the one who controls visibility also controls political power over world territories; that making/letting, activity/passivity, act and non-act.

Just as the *voir punir* in the instantaneously instant of the guillotine, was spaced out as it travels through the visual structure of witnessing necessary to institute sovereign power, so the sovereign instant of decision passes through a virtual network of in/visible images that both shores up sovereignty while exposing its spectral structure. However, the problem I have contended with here (and I offer this as a kind of in/conclusion) is that this network of *mort vivant* zombie cameras only seems to gain in power by voraciously re-appropriating this spectrality and death. If for Marx, "capital is dead labor, that, vampire-like, only lives by sucking living labour," this extension of supra-

sovereign technicity seems to assimilate spectrality.[525] The question then, is if and how this political hauntology of images of death could reach some unassimilable limit?[526] If operative images are everywhere, past as well as future, tearing apart and killing time, even as they claim to resolve the temporal flow of now moments in a spatiotemporal synthesis that aims more than ever to effect a resolution of the two eyes of our spectral optic (here multiplied into an incalculable number of perspectival sensory points) into a single totalized image. Yet, this stability and pervasiveness is precisely the image ipsocratic sovereignty wants to protect of itself. In other words, I have demonstrated the critical diagnostic *and* quasi-transcendental efficacy of spectrality, but still yet, a future without phantasms—without capitalism and cruelty—is nowhere to be found.

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[525] See Karl Marx, *Capital: A Critique of Political Economy, Volume 1*, trans. Ben Fowkes (Harmondsworth, 1976), 342. For an analysis of Marx's vampire metaphor see Mark Neocleous, "The Political Economy of the Dead: Marx's Vampires," *History of Political Thought* 24, no. 4 (Winter 2003): 668–84, https://www.jstor.org/stable/26220011.

[526] For a discussion of digestion and carnophallogocentrism see Derrida's interview to Daniel Birnbaum, and Anders Olsson, "An Interview with Jacques Derrida on the Limits of Digestion." *e-flux* 2 (January 2009).

AFTERWORD: SOVEREIGN FUTURES

The account of spectrality developed across this dissertation has helped me deconstruct the historically specific concept of sovereignty, which imagines itself as pure life, cut off from death. This concept of "ipsocratic" sovereignty, which Derrida associates with psychic mastery over death, is governed by a double logic: sovereignty is made possible by the alterity of death and time—or spectrality—which it nonetheless attempts to repress and control when it "takes life," by executing *death penalties* (in the plural) with the "numerous apparatuses for legally putting to death that men have ingeniously invented, throughout the history of humanity as history of techniques, techniques for policing and making war, military techniques," which are also techniques of visibility and time (DP1 2). Yet, these scopic machines of death also amplify death and finitude in ways that expose sovereignty's phantasmatic dimensions.

These multifarious attempt to "master" death and time gave rise to a number of subsidiary phantasms: of an objective limit that separates the living from the dead and the concomitant fantasy that one can administer and manipulate this limit by delivering a death penalty; the terrorizing phantasm that projects death onto blackness, which can then be brought under control in an exchange meant to purify and prioritize white life through the visual spectacle of black death; and finally, the phantasm that sovereignty can control the divide between the visible and the invisible by delivering death across the telepresent kill systems. Insofar as it is co-constitutive of sovereignty— we will never be done with this desire for identity, and thus with phantasms. I have demonstrated this historical ineluctability of the phantasm, all the while still allowing its deconstruction to take place.

The images of death examined here have raised questions about the status and power of images and their responsibility in perpetuating and destabilizing violence across a series of shifting paradigms under which vision and visuality are organized and deployed. My readings of the visible field of the death penalty and in the era of analogue photography; *mort vivant* digital death-worlds of antiblack violence; and the post-digital effusion of operational images deployed in an increasingly virtualized global warfare, have drawn out different linkages between political power and the visible field. These three cinematic "takes" of the stereo-aporetico-scopic "infrastructure" of spectrality framed a deconstructive method of analysis, which is both critical (insofar as it aims to elucidate a

desire for life without death and the many historical, geopolitical and technological forms of tarrying with death this desire takes), and quasi-transcendental (insofar as it exposes sovereignty's weaknesses and phantasmatic dimensions).

Taking Life has sought to demonstrate how, in each of these visual provocations drawn from different historical and geopolitical archives, images of death are constitutive of sovereignty's possibility and impossibility. This study of the deconstruction of sovereignty through images of death has also inadvertently become a study of stereoscopy—both as deconstructive "method" and a history of the technological organization of space and time. If for Baudrillard photographic images are "not coefficients, but effectors of ideology," the medium of stereoscopy, as Laura Burd Schaivo points out, always effected *two* ideologies simultaneously: images of death (broadly construed here to encompass multifarious, yet historically determinate technical organizations of imaging processes and techniques) are integral to the institution of political power; they materialize and thus reassert sovereignty over time, all the while simultaneously rendering it perilous by exposing the finitude and spectrality that images of death were mobilized to occlude and "master" through their technical machinations. [527] The quasi-transcendental force of deconstruction shows that this double and spectral logic is always at work through processes of technicization in multiple contexts, because of the differential or spectral constitution of all identity over time. Together these three "takes" of the optic of spectrality sketch a provisional political hauntology of images that accounts for both the critical operation of images in the consolidation of power and their quasi-transcendental exposure of sovereignty's phantasmaticity.

These engagements by no means exhaust the efficacy of the optic. There will always be new empirico-transcendental contexts for its deployment. As we saw in chapter 1, there are always a plurality of ghosts. *Taking Life* has conjured only a few of sovereignty's ghosts (of state killing, illegalized migration, warfare, slavery and its afterlives) that haunt our present as much as our political futures. This selection has already been a critical act of inheritance: "Whoever inherits chooses one spirit over another" (E 26). But the optic can be deployed in other contexts; it could, in other words, invoke other ghosts with their specific historical and geopolitical injunctions. I have made a decision to be responsible for some ghosts and not others: "the worst" may be *this occlusion,*

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[527] Baudrillard quoted in Schaivo, 121.

rather than the inevitable complications of the returns I have mobilized here in the name of justice for the dead that have "kept company" with photography since its advent.[528]

From these counter-histories of visuality emerges an understanding of sovereignty that is ineluctably exposed to death. We will never be done with finitude. Our relation to death can never be done away with, regardless of the machines we deploy to master and kill time. No matter how we attempt to appropriate this fundamentally unmasterable limit, it will always return within life. When Derrida insists we learn to live with ghosts without exorcism or expulsion he invites us to find modes of living without foreclosing on the persistence alterity and vulnerability—the mortal exposure to finitude—that are always a part of life. Spectrality brings into focus the finitude of temporal life, amidst the ineliminability of phantasms. We can neither master nor determine death, yet as Derrida writes: "The affirmation of life doesn't occur without the thought of death, without the most vigilant, responsible, and even bewailed or obsessive attention to this end that does not happen."[529] In this regard, philosophy and images of death articulate twin project of learning to live, where living is always taken up by ghosts as an inheritance turned towards the *future*.

[528] Sontag, "Looking at War," np.

[529] Derrida, *Paper Machine*, 158.

Figure 38. Felipa Cesar and Louis Henderson, *Sunstone*. 2017. Film still. Photo courtesy of the artists.

Sea of Images

A program of short films exploring the visual geopolitics of oceans.

Slought is pleased to announce *Sea of Images*, a program of short films that investigates the visual geopolitics of oceans, on Thursday, September 14th from 6:30-8pm.[530] The program features works by artists and researchers including Forensic Oceanography, Emilija Škarnulytė, Ayesha Hameed, Filipa César and Louis Henderson that consider the connections between visual technologies of maritime surveillance, borders and migration, historical memory and witnessing. Organized in

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[530] Gwynne Fulton and Ilona Jurkonyte, "Sea of Images: Forensic Oceanography, Emilija Škarnulytė, Ayesha Hameed, Filipa César and Louis Henderson," Slought, September 14, 2017, https://slought.org/resources/mediatheque_sea_of_images.

conjunction with the Concordia-Penn Graduate Student Conference "Counterpublics," this program will launch Slought's new Mediatheque space. Organizer Gwynne Fulton will introduce the films, and the screening will be followed by a public discussion.

The sea has been variously theorized as a blank space outside of time and history and a "terra nullius," or a commons that facilitates movement, but belongs to no one. Roland Barthes once described the ocean as a semiological void that "bears no message."[531] This program brings together experimental media practices that critically intervene in these interpretations by reframing the spatial order of the sea as a historical construct produced and mediated by imaging technologies.

The works presented in this program explore connections between optical apparatuses of surveillance, history and memory, violence and visibility, suggesting a series of overlapping questions: What is the forensic status of images? How have technologies of surveillance—from modern navigation and cartography through networked satellites and aperture radio—produced the sea, rather than merely representing it? How have they been deployed by mobile practices of maritime governance to police offshore borders? And how can they be repurposed to bear witness to the ocean's subaltern stories? This program considers the sea as a material witness to an archive of diasporic memory that spans from the Black Atlantic to the Mediterranean. Defying traditional forms of temporality and historiography, these works develop new strategies of visual engagement from opacity and fugitivity to abstraction and op-art that help us interpret what Forensic Oceanography has called "liquid traces" of these counter-public histories. Deploying image practice as an archeological and forensic method, they articulate a submarine resistance to the dominant visual order of sovereignty at sea.

Films:

Forensic Oceanography, *Liquid Traces: Left-to-Die-Boat*, 2015, 19 min
Left-to-Die-Boat utilizes rerouted data from government remote-sensing and surveillance technologies to visualize, with precision, the deathly trajectories of migration in the Central Mediterranean Sea. This forensic reconstruction demonstrates the complex and overlapping jurisdictions at sea that allow EU states to evade responsibility for rescuing people in distress.

Emilija Škarnulytė, *Sirenomelia*, 2017, 6 min

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[531] Roland Barthes, *Mythologies*, trans. Annette Lavers (London, UK: Penguin, 1972), 112.

An oneiric, post-documentary work named after a rare congenital deformity called Mermaid Syndrome, that traces a mermaid's explorations of a classified cold-war era 25,000m2 decommissioned NATO submarine base in Arctic Norway.

Ayesha Hameed, *A Rough History (of the Destruction of Fingerprints)*, 2015, 9 min
A Rough History looks at the coalescence of skin and data in the collection in the EURODAC system and in the migrant practice of the destruction of fingerprints. It examines the life and circulation of the fingerprint in a speculative history that travels from maritime border checks to early gestures in film.

Filipa César and Louis Henderson, *Sunstone*, 2017 (work in progress), 30 min
An archeological "Op-Film" that circumnavigates a disorienting *dérive* of optical technologies of cartography, navigation and surveillance, from the material production of Fresnel lighthouse lenses to the invention of global navigation satellite systems (GNSS)—the tool that announces the obsolescence of the lighthouse.

Figure 39. Brett Story, *The Prison in Twelve Landscapes*, 2016. Film still. Photo courtesy of the artist.

The Prison in Twelve Landscapes: Brett Story

A film program about the hidden geographies of the contemporary prison-industrial complex.

Slought is pleased to announce *The Prison in Twelve Landscapes*, a film program about the hidden geographies of the contemporary prison-industrial complex, on Tuesday, December 12, 2017 from 6:30-8:30pm in the Mediatheque.[532] The program, organized with students in the Department of History of Art at the University of Pennsylvania and co-presented with the Reentry Think Tank, will begin with a screening of the film, followed by a discussion with director Brett Story, Reentry Think Tank fellow Jym Baker, and Toorjo (TJ) Ghose, a scholar of mass incarceration and social work.

In the United States there are more than two million people in prison, up from only 300,000 forty years ago. Yet prisons have never felt more far away or more out of sight. Prisons exist

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[532] Gwynne Fulton, Fred Schmidt-Arenales, and Department of History of Art at the University of Pennsylvania, "The Prison in Twelve Landscapes: Brett Story," Slought Foundation, September 29, 2018, https://slought.org/resources/prison_in_twelve_landscapes.

primarily out of sight: not only are they frequently constructed away from population centers, but journalists, filmmakers and researchers are increasingly denied access to the world inside their walls. *The Prison in Twelve Landscapes* harnesses the power of cinema in order to highlight the invisible presence of the prison. The film pinpoints moments, spaces, and individuals which reveal how deeply the prison industrial complex is braided into the relationships, economies and landscapes all around us.

From a California mountainside where female prisoners fight the region's raging wildfires, to a congregation of formerly incarcerated chess players in Manhattan who spent their time behind bars mastering the game, to an Appalachian coal town betting its future on the promise of prison jobs — the film stages scenes where prisons do work and affect lives. Moreover, it poses new questions about the necessity and desirability of that work. When we start to examine the prison system through spaces that are not prisons, we begin to see how much more entangled it is with jobs, with resource extraction, with economic development, with race and with poverty than it is with crime.

Brett Story is a writer and independent non-fiction filmmaker based out of Toronto and New York. Her first feature-length film, the award-winning *Land of Destiny* (2010), screened internationally. Her journalism and film criticism have appeared in such outlets as CBC Radio, the Nation Magazine, and the Toronto Review of Books. She was the recipient of the Documentary Organization of Canada Institute's 2014 New Visions Award, is an alumna of the Berlinale Talents Doc Station (2014) and was a nominee for the 2015 Ontario Premier's Awards for Excellence in the Arts.

TJ Ghose's work focuses on structural interventions in the areas of incarceration, substance use, homelessness and HIV. He is currently collaborating with the Department of Health and Mental Hygiene, The World Bank, and the UN on initiatives to end AIDS, addressing social drivers of risk in marginalized communities. Ghose has served as Chair of the MSW governance committee and the Racism and Social Change sequence at Penn.

Jym Baker is an artist, advocate mentor, talk show radio host, and a professional listener. He is currently pursuing a degree in social work at the Community College of Philadelphia through their PACE program and will be starting at West Chester University in spring 2018. He is a mentor at the Carceral Community Center and has been a fellow at the Reentry Think Tank since fall of 2016.

Figure 40. Tom Laffay, Untitled. Photo courtesy of the artist.

#NiUnMuertoMas / #NotOneMoreDeath

A screening series about the Colombian armed conflict and its aftermath.

Slought is pleased to announce *#NiUnMuertoMas / #NotOneMoreDeath*, a screening series that investigates the Colombian armed conflict from the perspective of targeted killings of social leaders, on view in the Mediatheque from Friday, September 21 through Friday, September 28, 2018.[533] The program includes documentary and narrative films by Jorge Mario Betancourt, Yesid Campos, Edison Sánchez, Juan José Lozano and Hollman Morris, Margarita Martínez and Miguel Salazar, that consider the silencing of community leaders and human rights activists fighting for social justice in Colombia. The screening series is presented as part of Slought's ongoing Photographies of Conflict exhibition series in conjunction with the film program *They're Killing Us*.

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[533] Gwynne Fulton and Alejandro Jaramillo, "#NiUnMuertoMas," Slought Foundation, September 21, 2018. https://slought.org/resources/niunmuertomas.

The war in Colombia is officially over, yet it has continued by other means since the 2016 Peace Agreement with the Revolutionary Armed Forces of Colombia (FARC). The NGO *Somos Defensores* reports a significant increase in lethal attacks against social leaders in Colombia: at least 311 human rights defenders, indigenous rights leaders, land restitution and anti-corruption activists have been killed in Colombia since the Peace Agreement. One every two days. Colombia is facing a humanitarian crisis. Many fear that this will only escalate as right-wing president Ivan Duque, critic of the landmark peace accord, takes power. Yet, this kind of organized violence is not new. Attacks against social leaders has long been a historical reality in Colombia.

The Colombian conflict is the longest-standing armed conflict in the Western hemisphere. Its range of actors, along with the causes said to fuel it, vary in number and complexity. One aspect remains salient to all those who study it: since the 1960s, the armed insurgency has been closely correlated with Cold War politics. Marxist-inspired rebel groups emerged in Colombia at a time that CIA-backed Operation Condor (1968–1989) was hunting down what Washington regarded as political dissidents with communist ideals, as well as any manifestation of anti-establishment community organizing, across Latin America. Social leaders, as much as journalists, have since been the subject of targeted killings. Violence towards community leaders is not an exception, but the rule. This screening series elucidates the long historical antecedents that inform the current crisis, including the role of the State in legitimizing paramilitary violence. The films included in the series form part of a larger discussion about the practice of silencing community voices, the free press, and grassroot movements that have set out to fight for change in Colombia. Countering hegemonic State-sanctioned media narratives, these films negotiate questions about witnessing and testimony, reconciliation and resistance, as well as the economic and political motivations that fuel the killing of Colombia's community leaders.

Films:

Impunity, Juan José Lozano and Hollman Morris, 2009
An examination of the largest trial against Paramilitary armies accused of killing thousands of Colombians. The legal process, designed to attain "peace and justice," comes to an abrupt halt when the political and economic interests in the paramilitary war are uncovered. Are the victims' families doomed to stay victims forever, or are they able to fight impunity?

Resistencia en Paz / Resistance in Peace, Edison Sánchez, 2017

On 2 May 2002, 119 civilians were killed in Bojayá, an Afro-Colombian community in the jungle of Chocó, after seeking refuge in the local church. One of the survivors or the massacre reconstructs his chance escape in the crossfire between the FARC and the AUC. The documentary portrays the current political and social division of Colombia through a community that has chosen forgiveness.

Yover, Edison Sánchez, 2018
As the first gentle rays of sun shine through the forest, Yover gets up to start his day. He has a busy schedule ahead on his delivery bike. His route, though his home town, Bojayá, takes him past wooden huts and colourful clothes hung on washing lines. Yover portrays daily life in a village that has regained its courage and lust for life after one of the worst tragedies of the Colombian conflict.

Voces del secuestro / Voices of Kidnapping, Ryan McKenna, 2017
For twenty years, the program Voces del secuestro has allowed family members to send radio messages that they hope will reach their loved ones kidnapped in the Amazon jungle. This experimental documentary pairs these radio messages with abstract portraits of the Colombian landscape. Produced by Becca Blackwood.

Robatierra / Stolen Land, Margarita Martínez and Miguel Salazar, 2010
In a land where people have known nothing but war, a tightly knit and fiercely proud people, the Nasa, fight for the land stolen from their ancestors while fending off the violence encroaching on their nation. Their charismatic leader Lucho Acosta is an imposing tactician descended from Indian warriors. He knows from experience that violence only breeds more violence. Facing nearly insurmountable odds, Lucho's beliefs are tested to their very core. The future of the Nasa hangs in the balance.

No Hubo Tiempo para la Tristeza / There Was No time to Mourn, Jorge Mario Betancourt, 2013
No Hubo Tiempo para la Tristeza is produced by Colombia's National Center for Historic Memory. It details the findings of their exhaustive report *¡Basta ya! Colombia: Memorias de guerra y dignidad (Enough is Enough! Colombia)*, about the causes and consequences of the war, particularly in regard to processes of reparation and reconciliation for victims. It gathers testimonies of citizens—from La Chorrera, Bojayá, San Carlos, the banks of the Carare River, Valle Encantado, and Medellín—that tell us that the atrocities they witnessed cannot be repeated.

Figure 41. Tom Laffay, Emily Wright, and Daniel Bustos. *Nos están matando*, 2018. Film still. Photo courtesy of the artists.

Nos están matando / They're Killing Us

A documentary screening and conversation about the targeting killing of community leaders and human rights activists fighting for change in Colombia.

Slought is pleased to announce *Nos están matando / They're Killing Us*, documentary film program and public conversation about the systematic murder of social leaders in Colombia, on Saturday September 29, 2018 from 6:30-8:30pm.[534] The film screening will be followed by a discussion with filmmakers Emily Wright, Tom Laffay, and Daniel Bustos Echeverry; Afro-descendent social leader Héctor Marino Carabalí Charuppi, founder of the community self-protection group La Guardia Cimarrona in the department of Cauca; and visual anthropologist and documentary filmmaker Alejandro Jaramillo. The program is presented as part of Slought's ongoing *Photographies of Conflict*

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[534] Fulton and Jaramillo, "Nos Están Matando," September 29, 2018, https://slought.org/resources/nos_estan_matando.

226

exhibition series, and is co-presented with CAMRA (Collective for Advancing Multimodal Research Arts) at the University of Pennsylvania.

As the world focuses on the demobilisation of the FARC rebel group, another war is being waged in Colombia against social leaders—the very people who are key to building peace and shaping the Colombia's future. Since the signing of the peace deal in 2016, more than 300 human rights and land defenders have been murdered across the country. Activists are being targeted with impunity in the interests of territorial control, extractive mining, and illicit crop cultivation as State and paramilitary groups struggle for power in the void left by the FARC. *Nos están matando / They're Killing Us*, is the cry of social movements across the country in the wake of this violence.

They're Killing Us takes us to the department of Cauca, which bears a disproportionate share of this violence. The film follows two threatened social leaders: Feliciano Valencia, leader of the Nasa Indigenous community in their fight to reclaim ancestral territory, and Héctor Marino, an Afro-descendant community leader working to establish la Guardia Cimarrona, a community self-protection group in Colombia's conflict-ridden Cauca region. From bulletproof SUVs to territory raids backed by state security forces, from marches with indigenous groups to funeral processions through the mountains of Cauca, the film takes viewers into the deadly side of Colombia's peace process. The focus on the personal sacrifices made by these two men in their struggles to advocate for community rights gives us a view from behind the headlines and statistics that shows what is really at stake when peace is promised, but not delivered.

Héctor Marino Carabalí Charrupi is an Afro-colombian social leader and human rights activist. He is the co-founder of the Victims' Rights organization Asociación Renacer Siglo XXI in Northern Cauca, and the Committee of Human Rights of the Municipality of Buenos Aires. He is a national delegate for Marcha Patriótica, a political party seeking a negotiated end to the armed conflict and reparation for victims of human rights abuses, and a national spokesperson for the National Ethnic Coordination for Peace (CENPAZ). He is a key figure in founding the Cimarron Guard in Cauca, an unarmed, community self-protection group, inspired by ancestral practices.

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