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The 19th-century psychiatrist and pioneering photographer Hugh Welch Diamond (1809–86) made portraits of his female patients at the Surrey County Asylum in the UK (see right). He claimed to use these photographs for diagnosis and treatment, as he believed that his patients' mental disorders were manifested in their facial expressions. The efficacy of his photo-therapy is obscure, yet the intentions of the photographer are clear. As a fervent amateur photographer, the photographs are far from being 'medically objective', and his subjective artistic aspirations are indicated by the use of props and different backgrounds. The series of photographed women raises questions not only of medical confidentiality, consent and voyeurism, but also class and power. When Diamond continued his psychiatry practice in a private asylum in Twickenham, he no longer photographed his patients. Apparently taking portraits of poor patients in a public institution was less problematic than photographing his wealthier, private ones.

The questions around consent are complex, and again it is not always a matter of what the photograph shows, but where and when it was taken and the context in which it is received. A contemporary example can illustrate this. Say you're a young street photographer. You are driven and sharp, and you never leave home without your camera, always ready to capture a scene or take a portrait. Your talent is recognised and your series of photographs of drunkards, who merrily posed for your camera, becomes a hit. The numbered and signed photographs are sold for high prices by a gallery and they find their way into museum collections. Ethical questions arise. While consent was given at the time the photograph was taken, were you, the photographer, exploiting someone's condition? Could your subjects in their inebriated state have been fully aware of the ramifications of that consent? Would it have made a difference if one of your photographs was sold to news media only?

The same issues of consent also occur when parents take photographs of their children. The children may have agreed at the time – but were they – could they be – fully aware of what they are agreeing to and the contexts in which their image will appear? This is particularly relevant to the field of blogging, where parents publicly share the quotidian moments of their lives with the children.

One can ask, then, if there are certain kinds of subjects who should not be photographed. Should we photograph the mentally unwell, victims of crime or natural disaster, or the dead? As in comedy, are there certain themes that can never be funny? Genocide or rape, for example? There is a fine line between communicating something important

Hugh Welch Diamond, *Seated Woman With a Purse* (c.1855)

Unknown photographer, *Suicide Attempt by Ona Lee Fuller, Harlem, NY, April 1964* (1964)

and exploitation. Issues around censorship and the necessity of protecting free speech also apply. Rarely is it obvious, and each case really needs to be considered on an individual basis. This news photograph (left), for example, of a girl named Ona Lee Fuller was taken by a United Press International photographer in the 1960s, just as she leapt off the six-storey-high Salvation Army headquarters in New York City. According the caption on the back of the photograph, firefighters and police rescue units had tried to dissuade her. She landed in a net and was hospitalised. It could be argued that the photojournalist was profiting from Ona Lee Fuller's despair. Photographers regularly make a profit out of other people's misery, often risking their own lives in order to get a photograph. The lines that are drawn, the importance of the photograph and the context in which it is seen is something that each photographer must feel comfortable with.

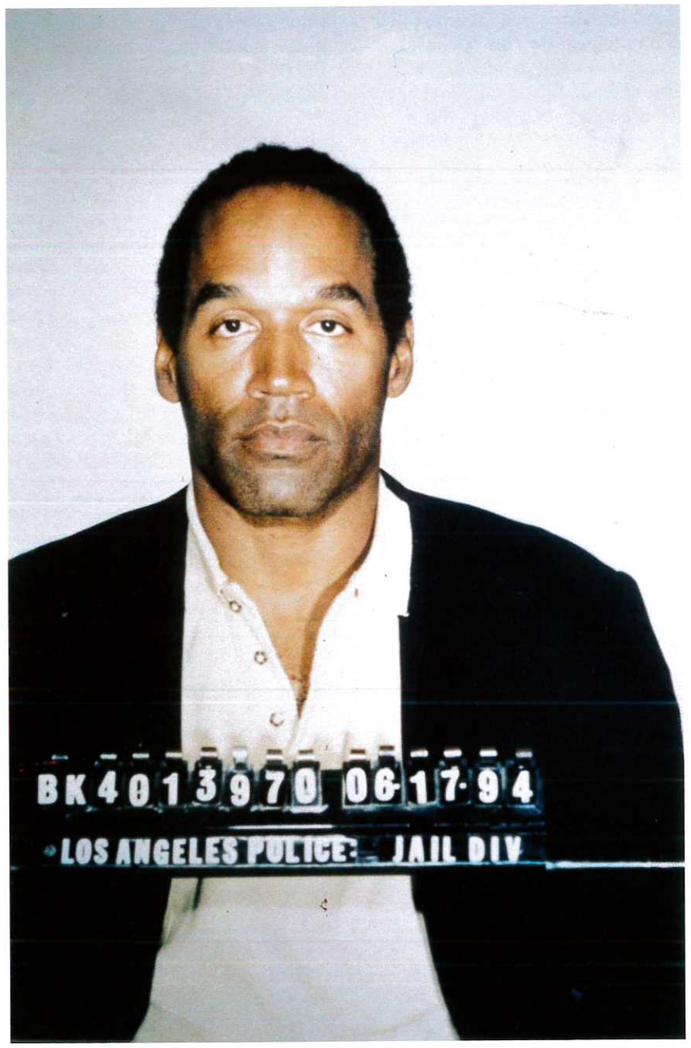
In the traditional media, there have always been ample opportunities to censor images. Even on social media, images can be censored before and after being posted. In live streaming, however, this is complicated because while text can be screened for keywords, image-based content is much harder to screen, so even when the same ethical standards apply, there may not be the opportunity to impose them in real time. For a company like Facebook, which has to determine the rules of conduct for 2 billion users, dealing with the use of controversial imagery and at the same time achieving worldwide consensus has proved to be virtually impossible, despite its army of thousands of moderators.

The same applies for subtleties around humour and satire, and issues such as gender, race and religion, and sex and nudity. Take the iconic picture of a group of Vietnamese children fleeing after a napalm attack (see pages 116–7): it was banned by Facebook due to the nudity, which was detected by algorithms. Facebook initially defended its decision stating, 'While we recognise that this photo is iconic, it's difficult to create a distinction between allowing a photograph of a nude child in one instance and not others.' It later reversed its decision due to widespread criticism from news organisations and media outlets around the globe accusing it of censorship.

Similarly, people from different backgrounds have very different, culture-bound ideas about the definition of an unethical picture. Photographs of people mistreating animals may cause indignation in Western Europe, but this may not be the case in parts of the world where animals are not accorded the same status and rights. According to Facebook, using this kind of imagery is permitted as it can contribute to awareness of animal welfare. Distinctions become even less clear when such images are displayed as works of art – as can be seen when a video piece titled *Dogs That Cannot Touch Each Other*, included in the exhibition *Art and China after 1989: Theater of the World* at the Guggenheim Museum in New York in 2017, provoked protest and was eventually removed.

More than half a century after the photograph of Ona Lee Fuller was published, it is highly unlikely that any newspaper would release an image of someone trying to commit suicide (although online the ethics codes are more hazy). Most media work in the West has to conform with a code for responsible journalism, as the way in which a suicide is represented could evoke copycat behaviour. Professional societies such as the American National Press Photographers Association (NPPA) ask their members to adhere to a code of ethics. The NPAA code says, for example, that photographers should not intentionally stage a scene, should give consideration to vulnerable subjects, should provide context, and should avoid altering images in a way that is misrepresenting of subjects and misleading to viewers. This clearly leaves ample room for grey areas. For example, Facebook will allow users to livestream attempts to self-harm because they want to be sure that friends and family members can provide support and help, and the company 'doesn't want to censor or punish people in distress who are attempting suicide'.

The large quantities of distressing images found on all social media platforms resonate with a 'blink' mentality. In digital communication, nuances become increasingly rare, which seems to encourage competitive pursuit of an ever-escalating shock factor. You notice these kinds of images quickly, which is the point. With Facebook struggling to censor imagery adequately and appropriately, one would think the answer to the question of how to avoid making and spreading unethical pictures might be found in legislation, local customs and the users' good taste. However, as noted, each of these will differ according to where you are from and your cultural values. Simple answers to questions of taste and respectability in an increasingly global culture become ever more tangled, as legal answers and guidelines fail to keep up with technology.



Police mugshot of OJ Simpson (1994)

This is a mugshot of the American footballer OJ Simpson, taken by the Los Angeles Police on Simpson's arrest in 1994 for the murder of his ex-wife, Nicole Brown Simpson and another man, Ronald Goldman. It was used in several publications reporting on the murder, including on the cover of *Time* magazine, for its 27 June 1994 edition.

Although, here, the flash seems to have made make his skin lighter (the light has also bleached the line between the white collar and his shirt), Simpson's skin appeared much darker in the version that found its way onto *Time*'s cover. It becomes clear when the cover is viewed beside the original police photograph that *Time* considerably darkened Simpson's skin and vignetted the photograph for more dramatic effect. The arrest and subsequent trial, from which he was acquitted, were loaded with racial tension, and *Time*'s treatment of the image on the cover caused an outcry. The editor of the magazine claimed 'no racial implication was intended, by *Time* or by the artist.'

It is hard to imagine the importance and reach of magazines 25 years ago. In an era before the mass-publication of photographs on the internet, their covers carried a great deal of cultural importance, and were seen by a wide audience. The misrepresentation of Simpson's skin colour was criticised for, as many believed, linking black skin with a propensity for violence. What the article inside said has become somewhat insignificant in comparison with the photograph. Although magazines still get into trouble for controversial editorial decisions around their cover images, often around issues of race (recently *Grazia*'s decision to airbrush Lupita Nyong'o's hairstyle on the cover of its 13 November 2017 issue; and the apparent darkening of Gigi Hadid's appearance on the May 2018 cover of *Vogue Italia* prompted accusations of simulating blackface), the power and presence they once wielded is hard to imagine now.

Kohei Yoshiyuki (born 1946)
***The Park* (1973)**

The Japanese photographer Kohei Yoshiyuki took this unusual series of photographs in Tokyo's Shinjuku, Yoyogi and Aoyama parks in the early 1970s, using an infrared flash during his night-time forays. At night, the parks became notorious gathering places for people to have sex, and also attracted spectators, who would watch the acts at often very close quarters, with hunter-style behaviour.

Hidden in the bushes Yoshiyuki spied on the spies, making the voyeurs, rather than the couples, the subject of his gaze. His audience, in turn, is invited to have the last look. In inviting the viewer in, however, the photographer also keeps them frustratingly removed from what everyone in the photographs is looking at. There may be a glimpse of underwear or a pulled-up shirt, but the viewer never fully sees what everyone else in the photograph does. The result is images that are a strange combination of the tender and the crude, the weird and the sexy.

Following a tradition of erotic art in Japan, most notably with woodcuts known as Shunga that were produced from the 16th century through to the 19th century, the charge of these photographs does not lie in the graphic nature of pornography but instead in voyeurism. At play here are unspoken rules of consent. One presumes that the photographer didn't ask the watchers for theirs, and it's unclear if the participants are completely complicit in being watched, or are performing or oblivious. Given this, there is something rather self-consciously creepy about the photographer's behaviour. Although he does make everyone anonymous, his motives and intentions are never quite clear.

The photographs, exhibited as a group in 1979 and published in book form in 1980, are puzzling documents illustrating significant issues in photography that are now more relevant than ever – such as privacy, voyeurism and surveillance. Moreover, they turn these issues on their heads. Who wants privacy and who doesn't, and where should the line between surveillance and voyeurism be drawn?

Unknown photographer
'A piper of the 1st Battalion Gordon Highlanders, meeting a warrior in full battle dress in East Africa, 1963' from *The British Empire in Colour* (2002)

This image, originally shot in 1963, appears in a book by Stewart Binns that accompanied a three-part television series about the British Empire, using original colour archive film. Unfortunately, it is not credited nor is any context given. The only information the viewer has is the caption, as given in the title above, which is incomplete in that it gives information only about the Scottish man and not the place or the tribe that the African man belongs to. It is left to the viewer to piece together the image based purely on what it represents and the context of it used in a book to represent the British Empire on television. The use of colour film and photography has a curious effect on the viewer who, at least until recently, was accustomed to seeing much of early and mid-20th-century history, such as the two world wars, in black and white. The effect of using colour is complex. It can perhaps appear to be more nostalgic, or perhaps even lessen the prejudice, discrimination and violence that often occurred. On the other hand it could be said that colour makes the world portrayed seem more like ours and so bring it closer.

This picture here – showing two warriors each elaborately dressed in the clothes of their respective clans – is a posed picture with a purposely upbeat feel presenting the two men as equals, however much we know this not to be true in the imperial gaze behind the camera. It is taken with a photojournalist's instinct for drama, here achieved by placing both men on what looks like a cliff edge and in front of a spectacular view. It is highly crafted (colour photography has not always been an easy process) with a careful eye for muted tones, turning a complex relation into an pretty, idealised image.

Post-colonial theory is an attempt to look at the wider and lasting issues of imperialism, and has done much to push thinking about representation forward, especially where stories have previously been told only from one side. How do you get the political and social complexities of nations, such as the violence of the Mau Mau Uprising (1952–84) in British-ruled Kenya, across in photographs alone? One can ask whether it is even possible.

Weegee (Arthur Fellig) (1899–1968)
Life Saving **(1940)**

Weegee was quite a character. Bold and brazen, he was a self-taught photographer of a kind that no longer exists. As a freelance news photographer active in the Lower East Side of Manhattan, New York, he was aware that he had to be the first to arrive 'on the scene'. This is why he slept in his clothes next to his portable police-band shortwave radio, ready to jump into his car – which was equipped with a self-built darkroom – as soon as a report of a murder, manslaughter or fire came through. Sometimes Weegee was there even before the police arrived. The story goes that he would then not hesitate to rearrange a corpse if doing so resulted in a better picture.

Weegee took this photo on Coney Island, New York City's summer pleasure grounds. A young man has drowned and has been taken out of the water by the rescue brigade. He is given oxygen and a doctor is with him, wearing a stethoscope to detect a heartbeat, but it does not look good. Weegee has already pushed himself forward through a crowd of bystanders as he wants to shoot the best possible picture. How did he get the attention of the distressed girl who is kneeling by her drowned boyfriend? The only explanation for her strange, automatic smile is that Weegee has called something like 'Smile for the camera!' This would certainly explain the furious looks of the crowd behind her.

Hellen van Meene (born 1972)
***Untitled (#365)* (2010)**

Sometimes we come across a photograph and we do not know what to think of it. These are often intriguing images which encourage us as viewers to think a little harder. Doubt can be an important part of the intellectual process of looking. If you do not know what to think of this picture, first try to imagine that you are being asked by a photographer to pose like this. How would that make you feel?

Within the context of this chapter, many works from the Dutch artist Hellen van Meene's oeuvre could have been selected. She has made children and adolescents one of the most important subject areas in her work and in doing so she ventures into contentious territory. After all, an adult (usually and at least superficially) has some choice whether or not she or he wants to be photographed, and over what the end result might be; an adult can also indicate limits. Children do not always know how they are expected to act in a picture, and tend to follow the instructions or wishes of the photographer, especially when that photographer radiates authority inspired by their status as a professional or celebrated artist.

Van Meene finds her young models both within her family circle and out on the street. How special must these children feel to be picked out of a crowd and photographed by a distinguished photographer? Of course, the photo will be successful aesthetically and resonate widely only if the sitter cooperates. Van Meene aims to capture an awkward phase between childhood and adolescence. But does she encourage a child to exceed her limits? And to what degree is she responsible for how we look at her images?

Volker Krämer (c.1943–1999)
***Three tiny people working on a funfair in Hassloch, Western Germany* (1977)**

Fortunately, the times when fairground folk earned their money by selling tickets to people who wanted to peek behind a curtain to see a bearded woman, an 'Elephant Man' or an 'exotic' black woman are over. People with restricted growth, however, can still be seen today in a specially designed theme park in China, and until the mid-1980s they were a fixture in West Germany, where this photograph was taken by the German photographer Volker Krämer. Until he was shot and killed in Kosovo in 1999, Krämer worked for *Stern* magazine (for whom this image was shot) for decades, often capturing ironic situations.

In this photograph, Krämer shows spectators at a funfair scrambling in front of a window to get a look at three neatly dressed people with dwarfism in their living quarters. Grandfathers, mothers, fathers and children press themselves against the window. Only the woman in the middle shows any discomfort in being looked at from two sides at the same time. Of course, it is impossible to know what people are thinking in photographs; it's always a matter of conjecture.

The photograph confronts us with ourselves, however: as a viewer, we stand in the place of the photographer, which is an uncomfortable position to be in. The eye contact we make with the three people who are on display, and with the child outside, makes us complicit. Who should feel shame? The people with dwarfism because they do not belong to a majority, or the viewers?