

# The Right Not to Be Looked At

KEVIN COLEMAN

*University of Toronto*

## Abstract

In 1953, *Life* magazine sent its world-renowned photojournalist Margaret Bourke-White into the mountains of Mesoamerica, where her drive to take pictures collided with a poor man's desire not to be photographed. Examining this destitute man's assertion of his right to be let alone, I argue that recent theorizations of "the civil contract of photography" and "the right to look" need to be tempered with what is at once a more old fashioned defense of the right to privacy and an utterly pressing contemporary concern with electronic intrusions into our lives by governments and businesses.

**Keywords:** ethics of photography, the right to privacy, the right not to be photographed, the civil contract of photography

## Resumen

En 1953, la revista *Life* envió a su periodista y fotógrafa mundialmente reconocida, Margaret Bourke-White, a las montañas de Mesoamérica, en donde su compulsión a tomar fotografías tropezó con el deseo de un hombre humilde de no ser fotografiado. Examinando la determinación de aquel hombre que reclamó para sí el derecho a ser dejado al margen de la cámara, sostengo que las recientes teorizaciones acerca del "contrato civil de la fotografía" y del "derecho a mirar" necesitan ser moderadas con lo que constituye a la vez la tradicional defensa del derecho a la privacidad y la apremiante preocupación contemporánea por la invasión electrónica de gobiernos y negocios en nuestras vidas.

**Palabras clave:** dimensión ética del acto fotográfico, el derecho a la privacidad, el derecho a no ser fotografiado, el contrato civil de la fotografía

In the summer of 1953, *Life* magazine photographer Margaret Bourke-White was on assignment in the mountains of Mesoamerica, where her drive to take pictures collided with a poor man's desire not to be photographed. This fraught encounter indicates something of the power held by those seen through the viewfinder to negotiate how others will ultimately see or not see them. By considering the maneuvers of the photojournalist and her subject, we will be in a better position to discern just how much control a subaltern has over how they are photographically inscribed into the archive. In light of this destitute but dignified man's assertion of his right to be let alone, I will argue that recent theorizations of "the civil contract of photography" and "the right to look" need to be tempered with what is at once a more old fashioned defense of the right to privacy and an utterly pressing contemporary concern with electronic intrusions by governments, telecommunications companies, and advertisers who have converted our every phone call, keystroke, and trip downtown into an opportunity for surveillance and data collection.

While fully enfranchised and socially privileged populations have historically protested against intrusions into their personal lives, it is far more difficult to see how impoverished and marginalized populations have responded to the prying gaze of the media. And while famous photographers leave behind their memoirs and are interviewed about the ways that they went about making their signature images, accounts by those they photographed are all too rare.

Margaret Bourke-White's trip to Central America enables us to work around both of these problems, offering us different perspectives on the making of the same set of pictures. From behind the camera, we have the photographs themselves and the swaggering letters that she wrote from Honduras, as well as a long essay by Michael Arlen, a young writer for *Life* who accompanied her on the trip. From in front of the camera, we have the diary entries of the priests who she was photographing. Each perspective offers a contrasting account of her reasons for traveling through remote communities in the isthmus. By examining these reflections on working with the celebrated photographer, I will attempt to get at something other than the "artist's interior" expressed through her pictures or the fact that photography is a technology that lends itself to consumerism and political manipulation. In the case of Bourke-White, both of these analytical entry points are firmly established.<sup>1</sup> Instead, I tap a few behind- and before-the-camera accounts with a famous photographer to consider how subalterns negotiate their entry into, or absence from, the visual record.

The failed encounter that I examine in this essay demonstrates how one poor, dying old man declined to be depicted as a pushy photographer wished to depict him. Furthermore, the staging that went into making these pictures suggests the photojournalistic practices that shaped how Central America was represented



Fig. 1: In the mountains of Honduras, Margaret Bourke-White on the mule that she named “Daguerreotype.” *Courtesy of Getty Images.*

Caption from ArtNet Auctions: *Self-Portrait on Mule, Honduras, 1953. Gelatin silver print. 10 x 8 in. Stamped, inscribed, Photographer’s Life credit stamp and Life reproduction stamp verso. Description in pencil verso: “Margaret Bourke-White in tropical helmet and riding a mule through the mountains of Honduras (working with priests on a story of the Jesuits).”*

to U.S. audiences. Thinking about how one image was presumably not made and how the rest were made is in fact thinking about how a visual history of a particular present was produced for an early-Cold War U.S. public as well as how, at least in one instance, a person with very little power refused to cooperate with a much more powerful imagemaker. Throughout, I will explore the productive tension between the photographer’s “duty to show” and the photographed subject’s attempt to protect his own dignity by asserting the right to be left alone.

## Asserting One's Right Not to Be Looked At

Bourke-White is known for taking the picture that was featured in 1936 on *Life* magazine's very first cover. She was also the first female war correspondent permitted in combat zones, and she was the photographer who took the iconic image of Mohandas K. Gandhi at his spinning wheel in 1946, on the eve of India's independence. In 1953, she spent nearly two months photographing the Jesuits at work in their missions in Belize and Honduras.

Two decades later, Michael J. Arlen, the reporter who accompanied her and went on to become a noted television critic for *The New Yorker* magazine, wrote an account of their trip to Central America. These were the glory days of "picture journalism" and Arlen was fresh out of Harvard. While he got his start by gathering up old pictures from the desks of *Life's* editors and reporters as he pushed "a supermarket cart" through the "gray-slab Leggo chunks of Rockefeller Center," he soon found himself, at the mere age of twenty-two, writing for the magazine's Religion Department. His job was to write background for essays and "text-blocks" to accompany the pictures. After an unexpected encounter in an elevator with *Life's* founder, Henry Robinson Luce, who supervised a stable of leading magazines—*Time*, *Life*, and *Fortune*—the young reporter suddenly found himself prowling the French Quarter of New Orleans with Margaret Bourke-White, as the two waited for their flight to British Honduras. But just before leaving New York, his colleagues warned him: "Make sure you get the captions right" and, in a challenge to his sense of himself as a professional writer, "All you ever do on a Bourke-White story is lug cameras. She has five cameras for every picture, and she shoots ten rolls of film for each frame they use." Reflecting on their admonitions, Arlen thought: "I'd have gladly carried Bourke-White herself in order to go."<sup>2</sup>

Bourke-White was, in Michael Arlen's words, "a woman who had gone far in what was then very much a man's world by energy and skill, as well as by a very definite ability at handling men." When a "great lump of a Jesuit" did not want any more pictures taken, "then she would wheedle, joke, cajole, become aggrieved, dramatic, sexy, anything at all in order to get four more pictures." With Arlen too, she softened her imperatives by putting them in the form of questions. "She was imperious at times, but (so I thought) graciously so." It was, in part, this way of commanding that enabled her to get the great shots that no one else was getting. Perhaps Arlen exaggerates for literary effect as he recounts their arrival in Honduras: when she wanted to visit a remote Jesuit mission in the mountains near the Guatemalan border and was told that it would take two weeks to get there on the backs of donkeys, Bourke-White reportedly got PanAm

to send a DC-6 with “at least a forty-day supply of Argentinian champagne” to drop them in a field of grass.

Up in the mountains, they met Fr. Timoney (Arlen changed some of the names and locations in his essay), who was waiting with mules to take them into a community that he served. That’s where a photographic encounter, between the camera-wielding Bourke-White and a dying peasant, went bad:

Clusters of small houses. Shacks really. Tin roofs. Papery wall. The children seemed scrawny and listless. Bourke-White took pictures everywhere. There was one old man, evidently dying, whom Father Timoney stopped a while to talk to. The shack was so dark inside that you could barely make out his face, which was old and gaunt and yellowed. Bourke-White wouldn’t allow us to leave. “I need more pictures,” she said. I had seen her aggressive before, but somehow not like this. A woman, the old man’s daughter, motioned to Timoney. Timoney said that we must leave or anyway stop taking pictures—the old man felt that the camera would steal his soul. Bourke-White began to cry, or something like crying. “But this is so good,” she said. “We must stay longer. We must.”<sup>3</sup>

Late that night, surrounded by crumpled up balls of paper, Bourke-White dropped “a jar or a bottle” and then complained that there was something the matter with her hand or arm.

While she may have been experiencing the first symptoms of Parkinson’s disease, to which she would eventually succumb, she was likely also affected by the dying old man’s rebuff of her intrusion into his domestic space and by the realization that she had been called out on photographing against the wishes of her subject. The next morning she was fine. They accompanied Father Timoney as he returned to visit the dying old man. In his candlelit home, Arlen looked at Bourke-White who was looking at the man lying upon his bed, “Not having cameras, or at any rate not holding, working a camera, she seemed grave and uncertain,” Arlen wrote.

Many years later, he went to visit Bourke-White, who had seen so much of the world and was now battling a degenerative disease. As they talked in her Connecticut home, Arlen remembered the old man in Central America. “That night in the village, late at night—were you afraid?” She nodded and then added, “The old man frightened me. I thought I had seen everything, but I had never seen *him* before.”<sup>4</sup>

Condensed in Arlen’s account of his trip through the jungle with one of the world’s most acclaimed photojournalists is a complete breakdown and immediate

restoration of the implicit contract that grounds all photographic encounters. The jet-setting photographer's insistence upon photographing a person who did not want to be photographed was, that is, a violation of "the civil contract of photography," which Ariella Azoulay has so trenchantly theorized. Azoulay argues that everyone who engages with photographs—producing, posing, storing, and looking at them—is a citizen in what she calls "the citizenry of photography." The citizenry of photography is not governed by a sovereign or limited by territoriality; it includes anyone who addresses others through images or who takes the position of a photo's addressee.<sup>5</sup>

Margaret Bourke-White had been rewarded for turning people into pictures. And she was extraordinarily good at it. But when the poor old man protested as she objectified him, the dashing gray-haired lenswoman could not handle it. Later, she acknowledged as much to Arlen: when she looked through the camera, she could not see *him*. She saw only an image, a shot, a vision of how he might look when printed in black and white on the pages of a magazine. He was an object for her. As he was being converted into a symbol of poverty, he was indeed losing his singularity, his soul. She was used to getting her way. When he sought to insist on his right not to be photographed, she attempted to bulldoze her way through his protestations. Fr. Timoney's translation of the man's wishes and the fact that he was in that domestic space as a witness to a nonconsensual act of photography may have been what stopped Bourke-White in her tracks. The next day, without her camera and feeling vulnerable, she saw him for the first time. In opposing her, he became for Bourke-White a subject in his own right. The decent thing to do, which she belatedly did, was to respect his wish not to be photographed, not to subject him to the gaze of the camera and the unknown spectators that it promised, to allow his death not to be turned into a picture for others. Her vision of a "good" picture in Central America had to yield, at least in this instance, to one person's vision of himself.

### ***The Photographer's Duty to Show vs. The Subject's Right to Not Be Photographed***

In the United States, the right to photograph "things that are plainly visible from public spaces" is constitutionally protected.<sup>6</sup> But "when on private property, the property owner can set rules on the taking of photographs."<sup>7</sup> Since Bourke-White was not on public property and because she was photographing what was going on in the privacy of the old man's home, had she continued taking pictures that act would have been considered illegal in most countries, and certainly under current US law.

Such issues of privacy have been germane not only in the wake of sudden public awareness of the US National Security Agency's mass data collection, but from the earliest days of media. In a famous *Harvard Law Review* article published in 1890, Samuel D. Warren and Louis D. Brandeis argued for a broad legal right to privacy that was grounded in both a proprietary right to one's "inviolable personality" and one's emotional integrity. In advancing their novel argument, they drew upon the example of a Broadway comic opera prima donna named Marion Manola, who won an injunction against a photographer and her manager to prohibit the circulation of pictures of her performing on stage in tights. Warren and Brandeis reported:

[T]he complainant alleged that while she was playing in the Broadway Theatre, in a role which required her appearance in tights, she was, by means of a flash light, photographed surreptitiously and without her consent, from one of the boxes by defendant Stevens, the manager of the "Castle in the Air" company, and defendant Myers, a photographer, and prayed that the defendants might be restrained from making use of the photograph taken.<sup>8</sup>

The issue at stake was this light opera star's right to prevent the circulation of her portrait. In granting Manola the injunction, the court separated the issue of who owned the pictures of her in tights from a more important concern: the fact that she had not consented to having her picture taken in this way. Warren and Brandeis described a way to protect privacy using common law rights to intellectual and artistic property as well as concerns over the ways that media intrusions into domestic circles were perverting and "inverting the relative importance of things," such that gossip was destroying "the robustness of thought and the delicacy of feeling."<sup>9</sup>

So while the notion of privacy may be considered a particularly bourgeois notion, one that protects the wealthy and privileged while abandoning the poor and marginalized, Warren and Brandeis also saw it as a fundamental right that grated against a capitalist logic of circulation, particularly in the advertising and sale of salacious stories and images. Even in a market-driven society, they argued, "everyman has a right to keep his own sentiments, if he pleases."<sup>10</sup> This right was related to a right of property that extended to encompass domestic occurrences that were deemed private as well as the facts about those occurrences and what the two legal scholars called "the right to an inviolable personality."<sup>11</sup> Each individual, Warren and Brandeis argued, has an inalienable right to prevent publication of images and facts that they deem private.



From the days of low-tech Peeping Toms to today's high-tech video voyeurs (e.g., Dharun Ravi, who viewed and transmitted live images of his college roommate, Tyler Clementi, making out with another man), the invasion of privacy can have deadly consequences that can never be fully repaired by a potential future spectator who can reverse the intended meanings of images violently and surreptitiously made. Such a reversal is akin to promising justice to the faithful in some future life, after the pain and the misery of this life have passed. The photographed is indeed subjugated to the photographer and in some circumstances, that power dynamic can be devastating, as evidenced by Tyler Clementi's leap from the George Washington Bridge. We see here, as Warren and Brandeis saw in the earliest days of photography, that the truth of the matter depicted is not what it is at stake. The issue is rather an individual's right not to have their private matters depicted at all.<sup>12</sup>

So, in the mountains of Honduras, did Bourke-White commit a wrongful act? Yes, she infringed upon the dying man's right to privacy. He did not give her his consent to be photographed. This was an act of photographic rape, akin to what visual practitioner Michal Heiman and theorist Ariella Azoulay have called "photo rape." But no sooner does Azoulay speak explicitly of a "right not to become a picture" than she puts forward the photographer's "professional injunction formulated in universal terms as the duty to show."<sup>13</sup> Within the immediate photographic event, this "duty to show" thus tends to constitute the photographer as a new sovereign, whose decision to photograph or not rests solely with him (or in Bourke-White's case, *her*), irrespective of the wishes of his subject. After the picture has been taken, the keeper/circulator of the photograph then has the greatest power over whether or not others can see that image and how it is framed. If and when the photograph is seen, it is the spectator who has the most power to interpret the silent image.

Although it is clear that Azoulay is describing a responsibility that photo-journalists have to help others witness what is being done to individuals and groups who have been stripped of any protections that traditional citizenship might confer (such as the Palestinians in the occupied territories), the fact is that anyone who holds a camera must be held in check first by ethical codes that mitigate against infringing upon the rights others, as well as by social institutions and legal frameworks that bar the surreptitious collection of images in private spaces, and finally by the objections of those at whom the camera is aimed. In other words, Azoulay insightfully describes how a camera can help level the playing field so that noncitizens and flawed citizens can make emergency claims, indexing their exclusion and the harms that they are suffering while demanding that things be otherwise. And she, better than anyone to date, has described the violence inherent in a medium that always objectifies: the photographer *takes* a



picture and turns that which is front of the camera into a photograph. With clarity and courage, Azoulay writes: “Citizenship is typically a shield that protects on the basis of consent and the possibility of exercising it. The photographed in a disaster area is missing this shield, along with the ability to revive the hypothetical agreement between her or him and the photographer.”<sup>14</sup> For precisely this reason, the photographer’s duty to show must be balanced against the subject’s right not to be photographed, especially in the privacy of her own home. Visual journalists have imposed upon themselves ethical guidelines that set limits on their duty to create representations of others, such that treating “all subjects with respect and dignity” means that some pictures should not be taken. A decision to intrude on the private lives of others can be taken when the public has a definite need to see, a guiding principle that Bourke-White repeatedly reflected upon as she worked around authorities to take the pictures of what she felt the public needed to know.<sup>15</sup> Furthermore, in most countries, a combination of statutory laws, common law, and tort remedies have been developed in an attempt to protect citizens from infringements on their privacy. Yet neither the photojournalist’s code of ethics nor punitive laws fully protect a vulnerable subject from an unwelcome gaze. Gaunt and yellow, the old man got the priest to stop the symbolic violence perpetrated against him in his austere abode in the mountains of Honduras.

### “Fotos Típicos”

Bourke-White was in Central America to photograph the Jesuits. And unlike the poor man on his deathbed, these men of the collar had the clout to negotiate how they would be pictured. They were also clear about what they wanted to get out of being looked at by outsiders. On the last Thursday of August 1953, Fr. John T. Newell, S.J., wrote in the parish diary of Minas del Oro, Honduras:

Telegram from Wade that *Life* fotographer arrives tomorrow here and need six beasts. People all anxious to cooperate for *fotos tipicos*.

High Mass, procession, treat, holiday arranged for children Monday. All in hope of helpful publicity on situation and needs here. Telegram at 9 AM that Taca Alvarado had arranged for a truck to bring fotographers.<sup>16</sup>

This was a series of photographic encounters that was planned and loosely scripted. The priests—sliding between English and Spanish, between their home base in Missouri and their missions in Central America—were putting on a show

for visitors who could make their work, and the plight of rural Hondurans, visible to a wider world. This priest underscores that he will be arranging things so that they fit the expectations of *Life's* journalists and their audience. These will be "*fotos tipicos*," of "antiquated ways of making shoes, sawing boards, etc."

On Friday, Margaret Bourke-White and Michael Arlen traveled 165 miles in a pickup truck that broke down on the dirt roads from El Negrito to Minas de Oro, where they arrived bedraggled after dark, having gone up and down two mountains to finally climb a third that perched them at nearly 4,000 feet above sea level. The next day, she took "innumerable *fotos*" of the "men at work in Midence's shoe shop conversing with the Padres," of roasting coffee beans in the kitchen, and "of men in the library with the three padres in cassock as usual." Fr. Newell took pride in his roles as translator and choreographer: "Margaret Bourke-White took my suggestion and snapped the children in procession for Sept 15<sup>th</sup>—local 4<sup>th</sup> of July. She snapped many times."<sup>17</sup>

On Tuesday, the priests and the journalists rode mules up to the community of San Antonio. Bourke-White "took pictures of Padres on beasts in the plaza. Other pictures on trail with ridges and valleys in background. Several of themselves likewise."<sup>18</sup> In San Antonio, she took "pictures of Padre Juan blessing water and corn in church and of Padre Jorge leaving confession. And then more snaps of Padres with *capotes* [rain gear] on." Months later, it was one of these pictures—the only one—that would be published in *Life*. After more than a week of trekking up and down mountains, posing, hosting, and staging "typical scenes," the Jesuits in Honduras would have one widely seen photograph to show for it.<sup>19</sup> They returned to Minas del Oro after dark. "Padre Jorge's mule fell twice with him, my horse once," Fr. Newell reported.

And the beasts of burden continued to stumble. On Wednesday, Bourke-White's mule fell as they entered the village of Esquías, "giving her a dirty spill." Later that day, she promised the priests that she would send them copies of the pictures, "she took several hundred of them, she had us doing everything but milk a cow," Fr. Newell wryly noted. This priest had the idea that *Life* was dedicating an entire issue to the Jesuits and that it would be published in November 1953. The picture essay would, Fr. Newell remarked, "represent Mission activities for the American Aristocracy."<sup>20</sup> This was the early cold war and these Jesuit priests from the United States, while doggedly anti-communist and rich in social and cultural capital, were already beginning to separate themselves from the mainstream of national and class privilege that outsiders may have assumed they swam in. Setting aside the paternalism of their missionary project, they were nevertheless beginning to show some solidarity toward the poor Central Americans with whom they lived and worked. On the seventh day of hosting the journalists, Fr. Newell seemed at his wits' end: "Thursday. *Life*



Fig. 2: From House Diary, Minas del Oro, Archives of the Society of Jesus, El Progreso, Honduras.

Photographers slave-drivers. Many shots of same thing from all angles with time no consideration.<sup>21</sup>

The private reflections of one of the Jesuit priests who served as subject and chaperon for the two journalists prompted me to revisit Bourke-White's encounter with the dying old man.<sup>22</sup> When I asked the now quite elderly Michael Arlen whether Bourke-White may have dropped the bottle in her room because she felt flustered at having crossed a boundary in photographing the old man against his will, he replied:

I'm afraid that only in a better world, Narnia perhaps, would photojournalists, or journalists of any description, feel abashed at having offended their subjects. As with movie directors who need the authority, or perhaps capacity, not to notice the discomfort of all the people on the set in order to get the perfect take, so with photojournalists, at least the good ones. Alas, Maggie Bourke-White indeed had Parkinson's, which responded somewhat to the early discovery of Dopamine cures. Bourke-White would not have wasted much sympathy on the old man's desire to preserve his soul's integrity, possibly because Bourke-White herself had had to fight so hard against various kinds of superstitions, and because on her terms, by not only taking his picture, but doing it seriously, employing her best craft and so on, she was respecting him the way she could.<sup>23</sup>

So while I like to think that Bourke-White's return to see the poor man without her cameras was her way of intuitively acknowledging that he had restored his civil status within the citizenry of photography, Arlen was quick to challenge my interpretation of the events. Photojournalism, Arlen suggests, is governed largely by prosaic desires, with photographers in the field behaving as mini-sovereigns, keeping their interests—their own artistic vision, the demands of their employer, and the need that the public has to see what is going on in some far off place—squarely in front of them, whether their subjects like it or not. By this reading, there is no mutual agreement that underwrites photographic encounters and thereby neutralizes the violence that inheres in this technology of objectification. Rather than an unwritten compact between photographers, subjects, and spectators, it is photographers who must continually insist upon their right to see and picture whatever they like. By this account, if they decide to respect the wishes of the other not to be photographed, that is their prerogative. That is, for photographers, the “no” of a photographed subject is a word that they can decide to ignore.

### **For a Higher Purpose: Photographing, against the Wishes of an Authority**

By 1953, Bourke-White was a veteran at coaxing her subjects into cooperating to give her the pictures that she wanted. In doing so, she visualized a scene before being able to actually photograph it. The camera was a tool that she used in remaking the world, arranging objects to fit her notions of how things were, or were expected to be by the readers of her books and the magazines to which

she contributed. In making distinctive pictures, Bourke-White laid claim to a certain way of seeing the world.

Producing these pictures required a strong sense of self. It was her vision and her way of depicting a given reality that would have to win out over powerful industrialists, megalomaniacal heads of state, sexists, and even poor people who wanted to shield their dignity from prying eyes. In reflecting on her collaboration with Erskine Caldwell in *You Have Seen Their Faces* (1937), Bourke-White noted: "Often people were too apathetic to be even curious about why we wanted pictures of them. Sometimes we found doors closed in our faces, closed because the occupants were too terrified to even find out why strangers had come to see them, or barred against us because of the fierce pride of people who had known better days and could not bear the humiliation of having their present degradation exposed to the camera."

Bourke-White believed in the redemptive power of photography. Like others of her generation, she felt that by showing social ills, the public would be moved to back reforms to ameliorate the conditions that contributed to poverty and exclusion. But denouncing this as a naively liberal approach that merely strengthens the system that oppresses the population that the documentary photographer is putatively concerned about, as John Tagg has done, is to recuse spectators from their obligation to look and to attempt to do something to prevent a harm that is unnecessary and preventable. Bourke-White's crusading and paternalistic liberalism undoubtedly shaped her vision of the pictures that she wanted to take, and this she was not embarrassed to admit: "Occasionally we found a sympathetic, intelligent understanding of the fact that pictures of their miserable living conditions might help promote corrective measures."<sup>24</sup>

But too often the "sympathetic, intelligent understanding" was lacking in her subjects. In those cases, she had to impose her will, sometimes by playing one group of subjects off on another. In photographing chain gangs in the Jim Crow South, Bourke-White reported that the prisoners wanted their abjection documented but that the prison guards did not want the public to see this forced labor.

The prisoners called out "Go ahead lady. Take our pictures. Show everybody what it's like." While their guards were of an opposite opinion. The captain threatened to shoot off our tires. The next several days were spent in minor political maneuvers of one kind or another until at last, fortified with a document we went back to our gang, only to find that the captain could not read. After reading and rereading our letter aloud with such dramatic eloquence that the captain did not dare to doubt us we were allowed to go ahead, and the chain gang was mine for several photographic hours.<sup>25</sup>

In narrating these encounters, Bourke-White consistently casts herself as the intrepid, modern hero overcoming opposition from benighted others who know no better than to resist the benefits of civilization and one of its foremost graphic artists. Through her chain gang story, she attempts to make clear that she is on the side of good. She tricked a local wrongdoer who did not want pictures taken and thereby helped the prisoners make visible the injustice that they were suffering.

This encounter offers confirmation for the explanatory framework that visual culture theorist Nicholas Mirzoeff has developed around what he calls “the right to look.” Against the overseer’s claim to sovereign visuality—a way of naming, classifying, and making seem natural the distribution of places and roles in any given social order—Bourke-White asserted her right to problematize this form of exploitation in the segregated South by objectifying it through her photographs.<sup>26</sup> Bourke-White was, to translate this encounter into Mirzoeff’s terms, attempting to enact her privileges as an agent of visuality: “The ability to assemble a visualization manifests the authority of the visualizer.”<sup>27</sup> But in contrast to Bourke-White in her documentation of the chain gangs, the dying old man in Honduras was not asserting his right to look. He was, rather, asserting his right not to be photographed and his right not to be looked at. Or, at the very least, in the privacy of his own home, he quite rightly felt that he should be able to determine when and if he was photographed. In other words, I am suggesting that “the right to existence” that Mirzoeff claims grounds the right to look simultaneously grounds an individual and community’s right not to be looked at.

### *A Mule Named “Daguerreotype”*

Bourke-White seems to have had a thing for ascetic men, celibates who renounced many worldly pleasures to embody a utopian ideal. Perhaps they challenged her intellectually and emotionally, while also making her feel safe. The way that these unattached men channeled their energy in pursuit of a singular goal was not unlike her tireless pursuit of artistically rendered newsworthy photographs.

Hence in taking pictures of Jesuits, Bourke-White found a group of subjects with which she was very much at home. Working in Central America, the U.S.-born priests were harbingers of progress in strange lands, missionaries expanding the frontiers of civilization and a properly regulated Catholicism into the backward parts of the globe. They styled themselves as exotic to locals and adventurous to their compatriots back home. The Jesuits could turn a Latin phrase, and Bourke-White could saddle mules with six cameras—two Nikons, two Contax S’s (a 35mm SLR), one Baby Linhof, and an Auto-Rolleiflex—and twelve



lenses—including a Zeiss Tessar f4.5-13.5cm, a Zeiss Biotar f1.5, a Tele-Xenar, and six Nikkors.<sup>28</sup> They lugged all of this equipment through the mountains of Honduras. “The Jesuit story also took me to Honduras,” Bourke-White wrote in her notebook, “where I traveled with the Fathers through swamps and rivers in the jungle in little boats.” She continued, “In the Republic of Honduras, which is mountainous, the Fathers would travel to remote villages on mules. On some of the trips I took with them, we would have to light the mule’s way through rain at night and over cliffs by hand-held flashlights.”<sup>29</sup>

In frisky letters to her new Jesuit friends back in the United States, it was the mule that came to stand for Honduras and its people. She wrote:

Definitely the best way to appreciate late Paleozoic formations is from the back of a mule. The mule is very good at following the dip and strike of the formations if you can keep him going, but like the granite, most of the mules around here haven’t moved since pre-Permian times.

The references to geological time that studded her long letter from Honduras were part of an ongoing joke between Bourke-White and a group of priests with whom she had become quite close. During the months that she was photographing the Jesuits, she befriended many of them, including the seismologist Father Daniel Linehan, S.J., with whom she corresponded regularly for many years after she photographed him at work on the Kennebec River in Maine. In long letters to Linehan, Bourke-White narrated her trip through Honduras on the back of a mule that she dubbed “Daguerreotype.” Bourke-White wrote like she photographed. She wrote and rewrote her letters and prose until they said exactly what she wanted to say. Sometimes she crossed out the bit that she did not like, other times she went on repeatedly rephrasing the same idea.

It would not be fair to the Scientific Section of the Golden Shirt Society to leave the impression that Daguerreotype always stood still. In between whistle stops--usually of his own choosing--he moved along quite smoothly, bounding up the anticlines, clattering past the schists and feusters, and skirting so close to the andesitic tuffs that your vip was always looking out for her knee caps. There was one astonishing moment yesterday when he slithered down a syncline, bringing all the heccias down with him, turned sharp right, and in a neat slickerslide, swept your 1st vip right off her back--by means of an orange tree.



She wrote and subsequently crossed out the following variation on the same ideas:

*Father John Murphy (an exact replica of movie actor John Wayne) who watched this episode testifies from the top of the next cliff, proclaims that Daguerreotype did this on purpose in his indecent need 3 blades of appetizing grass. Your 1st vip landed gracefully on her rolliflex which was strapped to her left side. She will not go to the hospital, but her rolliflex will.*<sup>30</sup>

In each of these takes and retakes, she reworks the same binaries of civilization and barbarism: she made precise pictures of a primeval people stuck in geological time. In her story of the feisty offspring of a donkey and a horse, the dying old man was blotted out. She was the quixotic protagonist on an unworthy steed, one that broke her camera.

Bourke-White's trip to photograph the Jesuits in Honduras was itself a commodifiable image, first appearing in October 1954 in a *Life* spread entitled "The Jesuits in America" and soon after in a book, *A Report on the Jesuits*.<sup>31</sup> In his 1972 essay in *The Atlantic*, Michael Arlen elegantly retold the story of her encounter with the dying old man. In 2011, the photo of Margaret Bourke-White on the back of a mule in Honduras was unsuccessfully auctioned at ArtNet for between \$2,000-\$3,000; apparently, no bidder was willing to pay that much for an "original" that is inherently reproducible. Furthermore, though it was listed as a self-portrait, it was actually Arlen who took the picture. On not getting credit for the photo, he kidded her:

Most people, however, at least have the good taste to agree that the composition and shading effects are quite remarkable.

"Odd for Bourke-White," they say. "Not really her style at all. Something deeper... more perceptive...quality of the lighting... almost catches, you might say, the decisive moment..."

Oh well, Steiglitz waited years for recognition, too.<sup>32</sup>

After days of travelling by chartered airplane, car, truck, mule, canoe, and motor boat by moonlight, schlepping hundreds of pounds of camera equipment from New York through Honduras and Belize, and inconveniencing countless people, the only picture from Honduras to make it into the *Life* story on the Jesuits was of three priests in their raingear on the backs of mules. This was not among Bourke-White's best shots from the trip, but it is the one that made it into print. She and her editors likely chose it because of its significance to her

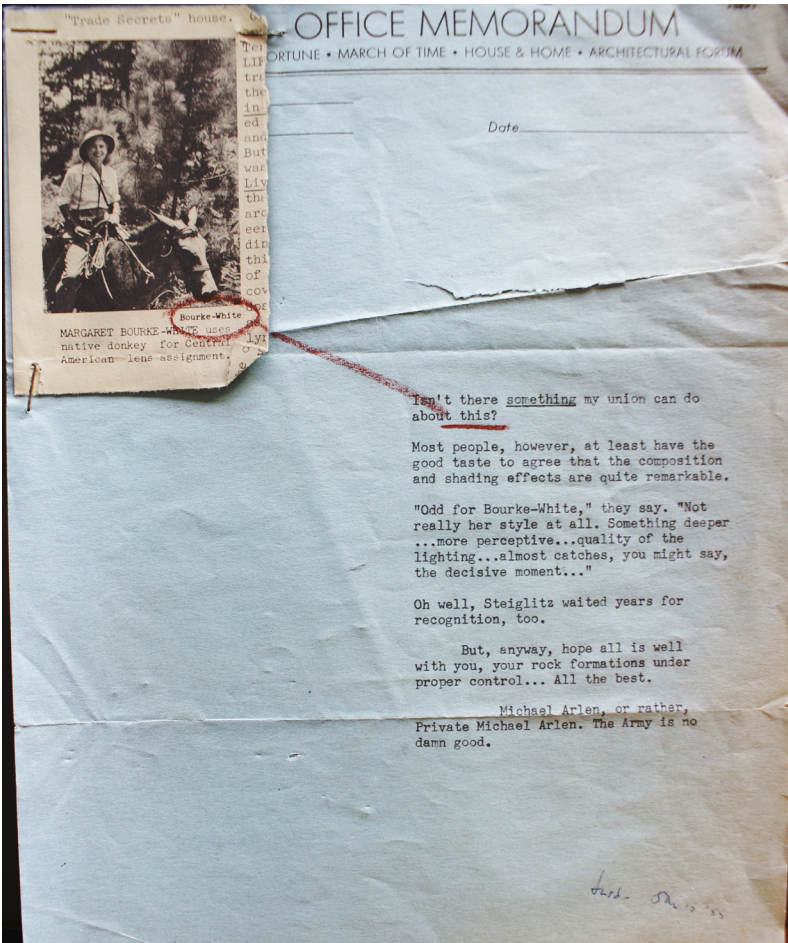


Fig. 3: Letter from Michael Arlen to Margaret Bourke-White, 1955. Courtesy of Syracuse University.

and to her new Jesuit friends. Bourke-White went to Central America to take pictures of the Jesuits. This introduced a fundamental ambiguity into her mission. She was in Honduras to visually narrate the work of “civilizers” and that entailed figuring the “primitive” as the backdrop, the human material that the US Jesuits were remolding.

Arlen remembered the dying old man; Bourke-White, the mules. From what I can tell, there is only one picture that could be from the unpleasant photographic encounter that imprinted on Arlen’s memory. On one of her contact sheets from that trip, there is a photograph that was taken from behind a man lying prostrate on his bed, inside a dimly lit room.<sup>33</sup>



Fig. 4: *Life*, October 11, 1954. "SUDDEN RAIN catches three Jesuits on 30-mile mule trip to outpost in Republic of Honduras. Important Jesuit contribution has been teaching Indians how to fatten hogs and sell them by pound instead of by the head."

*Courtesy of the Toronto Public Library.*

### ***The Right Not to Be Photographed***

In 2013, the *San Jose Mercury News* reported that Mark Zuckerberg and Priscilla Chan purchased the four residential properties next to and behind their home in a tony neighborhood in Palo Alto, California.<sup>34</sup> They wanted to protect their privacy and could pay more than \$30 million for that peace of mind while relaxing in their crash pad. They were asserting their right not to be looked at while in the privacy of their yard and home.

I take the Zuckerberg and Chan example from Glenn Greenwald, the journalist who led the way in exposing the National Security Agency's vast program of electronic surveillance.<sup>35</sup> Those who remain indifferent to the collection of detailed information of their phone, texting, and internet activities tend to assume that if they have nothing to hide, then they need not worry about the government and Silicon Valley companies accessing records of their private communication. But these same people also choose not to share their passwords; they put locks on their bedroom and bathroom doors; and they make decisions about what to disclose to even their closest family members. In other words, all of us implicitly understand that to be ourselves, sometimes we need to be left alone. We

need some private spaces where we can just be, confident that we are not being looked at by another. In our own homes and in our communities—religious, local, professional, gendered, and intentional—we want the freedom to decide who can know what about us, as well as who can look at us and when. Hence before asserting the right to look, countervisuality must first put forward a claim to autonomy that starts with defending one's right not to be looked at. That was how the dying old man in Honduras repaired the breach in the civil contract of photography. He drove the powerful photographer out of his home. He restored his civil status as a citizen in the citizenry of photography. And although we know about this instance of a subaltern's attempt to keep an aspect of his life and death from being inscribed into the archive, there have no doubt been many others that were not recorded. Insofar as such assertions of the right to be let alone have not left even a single archival trace, they have fully succeeded.

## Notes

- 1 The literature celebrating Bourke-White's genius is vast. One might start with Margaret Bourke-White, *Portrait of Myself* (New York: Simon and Schuster, 1963); Vicki Goldberg, *Margaret Bourke-White: A Biography* (New York: Harper and Row, 1986); and Sean Quimby, *Margaret Bourke-White: Moments in History* (Madrid: La Fábrica, 2013). For entry into the critical literature on her work, the best place to begin is with James Agee's unsparing critique of Bourke-White's travels through "the back roads of the deep south bribing, cajoling, and sometimes browbeating her way in to photograph Negroes, share-croppers and tenant farmers," James Agee and Walker Evans, *Let Us Now Praise Famous Men* (New York: Houghton Mifflin Company, 2001), p. 399. This set the tone for the contrast that is repeatedly drawn between her approach to documentary photography and that of Walker Evans; see, for example, Carol Shloss, "The Privilege of Perception", *Virginia Quarterly Review*, 56: 4 (1980), pp. 596–611, and John Tagg, *The Disciplinary Frame: Photographic Truths and the Capture of Meaning* (Minneapolis: University of Minnesota Press, 2009), especially chapter 3.
- 2 Michael J. Arlen, "Green Days and Photojournalism, and the Old Man in the Room," *The Atlantic Monthly*, 230:2 (August 1972), pp. 58-66. Arlen's account of Bourke-White as exacting of herself and others is by no means unique; for more on this, see Tagg *The Disciplinary Frame*, p. 108. And nor was her overbearing manner a characteristic of which she herself was unaware; as Tagg notes, she was "the first to raise the difficult questions of intrusion and exploitation," p. 172.
- 3 Arlen, "Green Days and Photojournalism, and the Old Man in the Room."
- 4 Ibid.
- 5 Ariella Azoulay, *The Civil Contract of Photography* (New York: Zone Books, 2008).
- 6 "Photographers," American Civil Liberties Union, accessed August 1, 2015, <https://www.aclu.org/know-your-rights/photographers>.
- 7 Ibid.
- 8 Samuel D. Warren and Louis D. Brandeis, "The Right to Privacy," *Harvard Law Review*, 4:5 (1890), p. 195.



- 9 Ibid., p. 196.
- 10 They are quoting here from J. Yates, in *Millar v. Taylor* (1769), see Warren and Brandeis, “The Right to Privacy,” n. 2, p. 198.
- 11 Ibid., p. 211.
- 12 Ibid., p. 218.
- 13 Azoulay, *Civil Contract*, p. 351 and p. 353.
- 14 Ibid., p. 352.
- 15 “NPPA Code of Ethics,” National Press Photographers Association, accessed August 1, 2015, [https://nppa.org/code\\_of\\_ethics](https://nppa.org/code_of_ethics). See also, Margaret Bourke-White’s discussion of what she called “special pleaders” and her argument that “the function of the photographer [is] to show the truth,” in “Lenses Behind the News, Draft,” November 14, 1938, Box 67, Margaret Bourke-White Papers, Special Collections Research Center, Syracuse University Libraries.
- 16 John T. Newell, “House Diary. Minas de Oro,” August 27, 1953, Archives of the Society of Jesus, El Progreso, Honduras.
- 17 Newell, “House Diary. Minas de Oro,” August 28, 1953.
- 18 Ibid., September 1, 1953.
- 19 While that was the only photo from Honduras that was published in the *Life*’s “The Jesuits in America” essay, many of Bourke-White’s pictures were subsequently used in other places, including in the *Jesuit Bulletin*, which was published monthly from St. Louis, Missouri. Beyond the *Life* spread, Bourke-White lent her photographs and an essay to John LaFarge, S.J., who produced a dull but lavishly illustrated tract on Jesuit activities around the world, see John LaFarge, *A Report on the American Jesuits* (New York: Farrar, Straus and Cudahy, 1956).
- 20 Newell, “House Diary. Minas de Oro,” September 2, 1953.
- 21 Ibid., September 3, 1953.
- 22 Cross-checking Arlen’s account with the Jesuit diaries, it becomes clear that this encounter most likely took place in San Antonio, Yoro, Honduras; see Newell, “House Diary. Minas de Oro,” September 1, 1953, and Michael J. Arlen, (personal communication), September 24, 2014.
- 23 Michael J. Arlen, “The Tunnel-Vision of Photojournalists,” (personal communication), September 25, 2014. Arlen’s observation is consistent with the findings of Catherine A. Lutz and Jane L. Collins, who interviewed photographers at *National Geographic* and concluded: “Because to some extent they view their work as part of a humanistic scientific endeavor, *National Geographic* photographers expressed few qualms about their right to photograph whatever they chose in third-world settings,” *Reading National Geographic* (Chicago: University Of Chicago Press, 1993), p. 69.
- 24 Bourke-White, “Several Summers Ago,” n.d. Box 57. Margaret Bourke-White Papers. It’s also worth noting that in 1944, the House Un-American Activities Committee cited her thirteen times for working during the 1930s with groups associated with “foreign ideologies.” In the early 1950s, William Randolph Hearst’s newspapers smeared Bourke-White as a communist; see Robert E. Snyder, “Margaret Bourke-White and the Communist Witch Hunt,” *Journal of American Studies*, 19:1 (1985), pp. 7-10.
- 25 Ibid.
- 26 On oversight, see Nicholas Mirzoeff, *The Right to Look: A Counterhistory of Visuality* (Durham: Duke University Press, 2011), pp. 10-11.
- 27 Ibid., p. 474.

- 28 Bourke-White, "United States Customs Form," August 17, 1953, Box 50, Margaret Bourke-White Papers.
- 29 Bourke-White, "A Report on the American Jesuits," n.d., Box 64, Margaret Bourke-White Papers.
- 30 Bourke-White, "A Report on the American Jesuits."
- 31 "The Jesuits in America," *Life*, October 11, 1954. LaFarge, *A Report on the American Jesuits*.
- 32 Michael J. Arlen, "Note from Michael Arlen to Margaret Bourke-White," January 15, 1955, Box 64, Margaret Bourke-White Papers.
- 33 Bourke-White, photographs, "The American Jesuits: Contact Sheets," Box 88, Margaret Bourke-White Papers.
- 34 Brandon Bailey, "Mark Zuckerberg Buys Four Houses near His Palo Alto Home." *Mercury News*, October 11, 2013. [http://www.mercurynews.com/business/ci\\_24285169/mark-zuckerberg-buys-four-houses-near-his-palo-alto-home](http://www.mercurynews.com/business/ci_24285169/mark-zuckerberg-buys-four-houses-near-his-palo-alto-home).
- 35 Glenn Greenwald, "Why Privacy Matters," TedTalk, October 2014, accessed August 1, 2015, [http://www.ted.com/talks/glenn\\_greenwald\\_why\\_privacy\\_matters/transcript?language=en](http://www.ted.com/talks/glenn_greenwald_why_privacy_matters/transcript?language=en).

Copyright of Estudios Interdisciplinarios de America Latina y el Caribe is the property of Instituto Sverdlin de Historia y Cultura de America Latina and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.