Postface
Suhail Malik and Tirdad Zolghadr

Suhail Malik: What I find striking about both of the conferences organized in Arles—"The Human Snapshot" and "The Flood of Rights"—is that an object is being produced by the conferences themselves, in a somewhat tentative, fragile, perhaps inconsistent way, but produced nonetheless.

The object we have been trying to establish—somewhat by trying to figure out what it might be—is composed of three sets of practices, each of which is undergoing its own set of transformations: contemporary art and its legacy; human rights, at its edges; and the digital revolution in media and journalism. We might have different determinations of what that object is.

For me, "The Flood of Rights" conference gave shape and traction to this still-uncertain manifold object-under-invention: what was striking across the discussions was the centrality of the image as a primary vector for historical rights claims, political congregation, media organization and reorganization, psycho-noetic formation, and art. I was struck by how images—what they are as well as their place, time, and frame of reference—were each time taken to be not only mutating in our time, but also mutating our time. The conference gave specificity to this broad and generalizing characterization of technical, historical, and pragmatic "mutation," and the new conditions, practices, institutions, and ideas that are now emerging, as well as those that will be required in the future.

As we saw and heard at the conference, these changes are not always comfortable or satisfactory. Quite the contrary. The question is whether the new configurations can be adequately thought out and understood, and what to do with that revised understanding.

Assuming your minimal assent to these broad proposals, I wonder if we can be more exact as to what these new configurations might be and what they might mean.

Tirdad Zolghadr: I'm eager to find traction using the image as primary vector, but I need help. Especially when it comes to "The Human Snapshot" conference in 2011—even though distance usually makes the reification process easier. Perhaps my memory of "The Human Snapshot" is murky because it lies in the shadow of a double reification already. There's the book, which was praised as an incredibly handsome object, even before anyone had turned a single page. It's something that holds its own ground; it is neither a full nor a faithful representation of the conference itself. The Jackson Pollock Bar performance at "The Flood of

Rights" conference equally serves as an imposing visual emblem for "The Human Snapshot" a posteriori.[1]

Moreover, "The Human Snapshot" conference itself was subject to an entropy that allowed for so many beguiling subplots to emerge. Sandi Hilal's discussion of the impossibility of visualizing a right of return was framed somewhat oddly by Eyal Weizman's declaration of the end of testimony and a forensics of the future. This in turn resonated strangely with Ariella Azoulay's radical methodological focus on context/reception. Some unintended dialogues were art-ontological in character, and others addressed the wonderful world of Thomas Hirschhorn.

The 2013 conference comes closer to the object you refer to, even if some speakers addressed the image only with perfunctory interest. Some did venture a discussion that was blatantly ontological in its implications, even at very unexpected moments (Eric Kluitenberg on the exclusion of the nonhuman, Sohrab Mohebbi on how images have been used to wage war in Syria). Moreover, a number of speakers addressed a tacit, intrinsic promise of redemption in the image per se. Amanda Beech, David Levine, and Rony Brauman did so with measured skepticism, while others allowed for an emancipatory potential in and through a new visualization of cosmopolitanism (Rosalyn Deutsche) or in photojournalistic structures allowing for new forms of authorship (David Campbell). Still others saw redemption in overcoming the image (Hito Steyerl).

But even in the above cases, I would speak less of a specificity, and more of a momentum, at best. A gravitational pull, a swerve, of the kind you can sense when you veer round a corner on a country road. Which I guess does point to the etymological meaning of trope.

SM: Yes, what I'm trying to identify is something more like a momentum than something specific to any one speaker or a subset of them. My initial, softly placed question is whether this momentum is that of the discourse invented at these two conferences, or whether they reflect a gathering momentum in human rights practices themselves. The reflection we are undertaking presents a good occasion to draw out some overarching or general concerns that pervaded the papers and discussion, and warrants more explicit thematization. This might also allow some identification of what is specific to human-rights practices at this moment in time, as opposed to earlier moments in its

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[1] The Jackson Pollock Bar is a Freiburg based art collective that produces reenactments of panels and lectures that are historically relevant to the institutional setting in question. For the Arles conference 2012, the collective reenacted the roundtable that marked the book launch of the Human Snapshot catalogue at MoMA NY.

practical history.

In particular, the shift that I think many of the presentations at "The Flood of Rights" pointed to is that images are now not just vectors or mediators for human-rights claims, but have themselves become rights-bearing objects (or maybe even subjects). As much as images continue to support or convey human-rights claims and causes, is it also now the case—as I think almost all of the presentations at "The Flood of Rights" conference proposed more or less explicitly—that what is happening with and to images themselves is itself a matter of rights? Whether with respect to how images arrive, circulate, and have offscreen effects; or how image technologies change the very construction of information, journalism, and authorship; or the changing mobilization of images for or against statist coercion—in each of these cases, images play a key role because of their content, which is well-established and expected, but also because of their media transmissibility and the need for them to compete for attention in "real time.

The dimension of transmission now structures the politics of rights claims and, because of this mediatic-competitive pressure, becomes integral to that politics. Images are then not just representation of causes for human-rights appeals taking place before and outside of the image. They also have their own rights: the recording and transmitting of those causes and appeals is a *general* right that needs to be secured if *specific* rights claims are to gain attention and mobilize support. This mechanism, which was frequently mentioned at the conference, has been crucial in the dynamics of protest-through-social-media since 2011, both local to those protests and also with global extension.

I'm not sure if this condition or demand is a reiteration of a now-standard liberal case for "freedom of expression" or the "free media." It does not propose that the author or purveyor of the image has the right to show and transmit what they wish; rather, it suggests that if images do take a key role in human-rights practices, and permit a very rapid "live" transmission from the specific and local cause of human rights to a global scale, then the human-rights regime must now incorporate images within itself as a priority. Human rights are to include—and are instantiated by—not just humans as their traditional rights-bearers but also images themselves. Moreover, human rights incorporate and are instantiated by images themselves as part of the practical universality of that regime. Now intrinsic to the practical organization of human rights, images have rights of a kind.

This is, of course, a highly speculative development, but

it conveys the two questions that the presentations at "The Flood of Rights" put forward for me: Are images now constitutive for human rights claims to have any traction? And is it then necessary to include image-making and transmission as an integral, rather than merely supporting, part of the human-rights regime?

TZ: And the reason why the conjunction of images and rights is so intriguing is precisely because images can no longer do it for themselves. If an overall momentum is indeed reflected in and by the conference, it is one of, well, not scopophobia exactly, but of scopofatigue, or scoposkepticism. With the exception of one or two participants, the speakers posited their respective visual material in terms of its being overwhelmed by some context or other. Flooded, gutted, swamped. A flood of journalistic and theoretical discourse, a glut of psycho-behaviorist paradigms, a crushing digital turn that turns the image inside out and strips it of agency. (Much of which, come to think of it, may nicely tie the 2011 conference to the 2013 one.) Some spoke vividly of the need to overcome our hopes and expectations regarding the image *tutti quanti*, with Beech being the most radical in this respect.

In light of "snapshots as human-rights bearers," it is no longer about images as a menacing flood, but of images being at a disadvantage, as it were. A fundamentally embattled, defensive position. This is counterintuitive in the face of a flood-of-images kind of zeitgeist like ours. In other words, if images were to become constitutive parts of the human-rights regime, and if our colleague Thomas Keenan were to open the Image Rights Project in a new office on the Bard College campus, images could be "constitutive" in the way human subjects are in terms of their needs and demands, but not in the proactive way that language, laws, courts of law, and universities might be.

Beyond novelty, this emphasis is helpful in that it points beyond what you call the "standard liberal case for freedom of expression," which does indeed need to be transcended. Now if the "flood of images and/as a flood of rights" can be something less threatening, less dramatic than what the typical, spontaneous take on that trope would suggest, then we're onto something very peculiar. The conversation about the rights of an image becomes one that infringes on the, shall we say, inalienable dignity of the image in question. The right to a "realistic" epistemic framework, to an "adequate," discursive overlay, to an "appropriate" ethos of copyright and copyleft, and so forth.

SM: Scoposkepticism is a fine coining. It aptly captures the almost-required critical response to the prevalence of images in

constructing the public face of the human-rights regime. Olivia Custer makes the case that the tribulations of the human-rights images are in some ways due to such images: on the one hand, they bear the great weight of providing evidence, coupled (as though that wasn't enough) with the moral certitude of their injunction. (In her phrasing: the required moral action "goes without saying" because we can see it all so clearly in the images.) On the other hand, it is for this very reason—and, in particular, after Colin Powell's calamitous presentation of "evidence" of Iraq's WMDs at the UN in 2003—that images must now be treated with caution at best, if not outright wariness and downright suspicion. In other words, now that images are predominant power vectors in the human rights regime **and therefore agents of hegemonic force, instances of spectacularization,** we ought to be wary of them. Wary is homophonic with weary, and that is also right if it's accepted, as you say, that we are overwhelmed by images demanding our urgent attention and care. Scopofatigue, indeed.

But then, if I understand you correctly, and to again use a core distinction in Custer's argument in a slightly different way, we are in a condition in which an increasing *quantitative* pressure of images—each one trying to convince us that action is needed, placing urgent demands on us, calling for rights to be respected—is met with a *qualitative* distinction between that systemic proliferation and the implored-to subject in the adequacy of her or his attention, motivations, and responsibilities. Such a recoil allows the subject of these claims to act on the basis of a common—if not universal—morality, to come up for air from this flood of images. Campbell described the changing conditions in constructing the imperative borne by the image well, and Brauman, Levine, Steyerl, and Stiegler, each in their own way, also spoke about how that quantitative-systemic image proliferation properly requires their gasping addressee to be on the defensive if they/we are to catch their/our breath. (I take Beech to be arguing that we ought to *give up* such a critical stance toward images, as though we could in any case escape their force, accepting instead that the politics of images is occasioned only within and through their rhetorical power and, to extend her argument, perhaps even their wild quantitative overload).

Yet, as each of these speakers remarked, it's also the case that we cannot do without the image in making public claims in the human-rights regime, partly as one form of testimony, among others, and also—despite all the built-in tampering Photoshop permits—for the objectivity of that evidence; and no less because the well-shot image captures public interest in the competition of daily attention, or, as for Deutsche on Krzysztof

Wodiczko, as a respite from the perpetual image-based war. It's in this latter sense of images' current necessity to the human-rights regime (taking Kluitenberg's lead) that I was trying to make a case for them as rights-bearers in and of themselves, and not just as conveyers of rights claims happening elsewhere. If I understand your final sentences correctly, then yes: The question is what do those rights amount to? What vexations and struggles would fill the syllabus at the newly established Image Rights Project on the picturesque banks of Annandale-on-Hudson? Because, as you remark, and as Levine dramatized at the conference and in this book, it's never just the image on its own or in relation to the ethical place of the photographer that determines the rights-bearing work of the image. Rather, it is the image, always together with the infrastructure that guarantees its realism; the image with the discourses by which it gains traction (or doesn't, or, as Brauman demonstrates, gains the wrong traction; or does then doesn't, as in Powell's UN display). Not to mention the struggles over ownership, publication, and accrued profits, thanks to how and where the image appears: that is, to appreciate images as wealth generators as intrinsic to the construction and prosecution of rights claims. For sure, it's this complex, historical, and highly institutionalized articulation and condition that could constitute an image-rights regime whereby the image would itself be a rights-bearer rather than only by virtue of its content.

For this very reason, and to disagree with your provocation, it seems to me that this does not really amount to or require the "dignity" of images. It's rather a systemic, infrastructural, and institutional feature of how rights claims are made manifest today, especially since digitization has made image-capture and distribution devices much more ubiquitous. To use a word that deconstruction has banished from having any affirmative sense, it's an issue of image *propriety* rather than dignity. If propriety and dignity are often directly identified with one another in the humanist tradition (culminating with something like Kantian morality), the rights-bearing image regime proposes a fracture between them. Dignity cannot be the condition for this expanded regime because the images themselves (rather than what they show or demonstrate) are eminently disposable, either literally thrown away or swept aside with a swipe on the iPad, or stored in a bunch of cardboard boxes in sterile environments. Without restoring some auratic condition for these images, which would countermand the very quantitative expansion that is proposed as the condition for the problem we are seeking to articulate, it seems to me that we cannot call on dignity as a premise for this image-rights regime.

What the image-rights regime asks is then whether we can really extend the rights regime on the basis of upholding "dignity," as is the case with animals, life in general, environments (for example, the Amazon as an "actant" in litigation), and even machines (with the encroaching reality of Artificial General Intelligence). The built-in disposability of the rights-bearing image suggests not. Or, rather, either one gives up the notion of an image-rights regime in order to preserve dignity as the virtuous condition of rights, limited then to the indispensable bearer (which is to say, extended to *any* bearer of dignity, who is then given a worth, the status of a subject); or one gives up dignity as what rights recognize and legitimize beyond legal and historical circumstance, because that is too restricted a determination of what the image-rights regime inaugurates and how it works. The hypothesis here—which is admittedly highly tenuous—favors the latter.

Generalizing this tentative claim further, in the image-rights regime quantity overcomes quality and the rights-bearer is disposable. Dignity returns, thanks only to the recoil from the insistent overdemand of the image flux as we now have it. However, to go against your plea for a "less threatening" and "less dramatic" determination of the flood of rights/images, such a recoil from quantitative determination in any case has to contend with the impending problem of how to conceive rights extending to a world that, by common estimate, will have eleven billion people in it by 2100, throwing the planet into a wholly new geopolitical configuration (coupled with the transformation of habitation and food supply wrought by climate change). How will human-rights principles be organized without reference to quantity in that future? Without, that is, an emphatic insistence on the economic determinants of human and other rights? Posing that question is not at all to dispense with dignity as a requirement for human and other sapient life or sentience (the danger of such a dispensing, practically realized, is of course at the base of the modern institutionalization of the human-rights regime); nor is it to propose that the increased numbers of people on the planet are disposable. Very much to the contrary: the question is how to constitute and organize rights better for *all* people and others, up to and including their collective and individual dignity (at whatever scale), when both the extension of what a rights-bearer might be and also the sheer number of who traditional rights-bearers are require together a practical and therefore theoretical redetermination of rights in terms other than those provided by qualitative claims of dignity, contrasted to disposability as its negative quantitative counterpart.

So, to pile one hypothesis on top of another, if the assumption of dignity is a residue of a theological-to-humanist residue of the natural rights tradition, or of rights as based on an exorbitance of justice to legal or operational propriety or disposition, then an image-rights regime would be the index of a nonanthropological, nontheological determination of rights per se—a determination of rights that is not ethical but political, economic, and mediatic; occasioned, that is, via systemic propriety and economy rather than distinct to them. Its demand would reverse the determination of rights against its now standard assumptions; rights would have to be constituted and organized in terms of quantity/number/extension rather than by seeking solace in quality/idea/singularity. The image-rights regime shows a way to comprehend the construction of a rights regime that observes quantitative universality, maxing out on the numbers rather than stipulating the even more exhausting principles of an each-time unique appeal. It proposes that human rights and their derivatives are included but are not the *necessary* reference of rights, even in their construction. Distinct to a qualitative notion of universalism with its correlative determination of the disposable as "whatever," the quantitative universalism of the image-rights regime apprehends the disposed-of to be generic—one rights claim among others in a political-mediatic economy of rights—but also infeasible as a "whatever" that could be cast aside in favor of a yet-more-singular claim.

TZ: Scopofatigue; both wary and weary. Judging by the efficacy of your puns, I think you're more of a deconstructivist than you'd care to admit. (Forgive me for pointing out that propriety, property, and the proper is another deconstruction classic.) For all the object-oriented thinking that is unmistakably bleeding into this conversation, it seems that good old post-structuralism continues to haunt us here. This can only be a good thing, as long as the conversation doesn't become a pedantic *Generationskonflikt* such as the one unilaterally waged by Hal Foster against Azoulay and Keenan's *trahison des clercs*, their ostensible "universalism," at the launch of *The Human Snapshot* book in New York in April 2013.[2]

It's a little tragic that Foster was snarky over homonyms that day. The reinvention of the term universalism within the latter-day field of human rights has moved far beyond the bad object of a half century ago. And since I have no intention of snarking around for no reason, I'm wary (not weary) of testing my

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[2] The presentations and discussion can be viewed at: http://www.moma.org/visit/calendar/events/17885.

own interdisciplinary limits here. I've tried, as far as a contemporary-art curator realistically can, to take interdisciplinary cajoling with human rights very seriously. More seriously than the way it's usually deployed in contemporary art. (Forensics!) Working with and through human rights in Arles, New York, and Al-Quds Bard College, Abu Dis, has been nothing less than Copernican in its impact on my curatorial practice. But for every moment of cross-pollination, there must have been ten blunt reminders of the stark differences that divide the fields. The homonyms at play are *faux amis*—they represent deeply different wagers. (This is not good or bad, it just is.)

When you say that dignity cannot be the condition for this expanded regime, I duly pump my fist in the air, but am not entirely sure how dignity plays into this within the context of recent human-rights debates. My above-introduction of the term, I confess, was prompted by personal experience. Most of my high school education was in German, where the term for dignity is *Würde*. I can actually remember the classroom discussion that was my introduction to the human-rights conundrum at large. It was about the first sentence of the German constitution, *Die Würde eines Menschen ist unantastbar* ("The dignity of a human being is untouchable"). Why, we were asked, isn't it the human who is untouchable but the dignity thereof? Aside from Kant quotations on the blackboard, I cannot remember the pedagogical upshot here, but I do know Würde is an etymological cousin of "worth." A trait that can and usually will differ—quantitatively—as untouchable as that worth may ultimately be. Dignity, by contrast, harks back to the Proto-Indo-European verb *dek*: "to be suitable," which is related to "decent." I suppose Würde does come closer to your argument. Less of a theologico-moral and more of an economico-quantitative affair.

And when it comes to maxing out on the numbers, you're taking my own feeble suggestion to its own logical—and daunting—conclusion. And yet, since I have only just rediscovered quality as a category within contemporary art, thanks to the likes of Claire Bishop, Maria Lind, and others, your proposal catches me off-balance. The issue of quality dovetails with that of universalism in curating, in that both of these categories are revealed to having been operative all along. So it is not so much that they have been reintroduced as that they are being reemphasized.

Perhaps quantity operating along the above lines within the arts would constitute a way out of some persistent dilemmas. For example, the problem of a renewed valorization of quality also dovetails with the problem of universalism in that, well, just imagine the Euro-American critic unleashed. Spewing unchecked

aesthetic judgment across the world. Post-structuralism may have been a foil—one that, in the worst case, would conveniently hide ongoing aesthetic judgments from view, leaving them all the more unchecked—but at the very least, it did control the damage. At least the heaving Euro-Americans had to choose their words carefully.

I am, to say the least, eager to learn how well the aforementioned economic determinants would potentially work as foil or damage control, or as a new paradigm entirely. I will admit that they already do hint, for all their intimidations, at exit routes that seem refreshing. Today, images are often mobilized because they substitute and sublimate the need for tougher demands, for human rights discussions and financial market discussions, and so on. Whether the issue is "Latin American art" or "the Palestinian plight," images are known to run the risk of being stopgap panaceas that can supplant the issues rather than render them more transparent. And anchoring an image firmly within, as you yourself put it, a "determination of rights actually occasioned via systemic propriety rather than distinct to them," may well be a way forward here. Perhaps an artist can help with that. Or an investment banker.