

ETHICAL DIMENSIONS OF VISUAL COMMUNICATION THROUGH PHOTOGRAPHY

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Abstract: If regarding discursive creations we have codes, academic norms and ethical regulations that govern the author's activity, the world of images seems to be less ethically regulated and, with a few exceptions consisting of very general principles, seems to be an area without constraints. My article aims to emphasize the variety of problematic situations a photographer encounters and to provide some ethical guidelines.

Keywords: Photography ethics; deontology; manipulation; responsibility; documentary photography; photojournalism.

1. Introduction

Photography ethics can be described as a kind of applied ethics. It concerns the moral conduct of the photographer who captures candid images of public scenes, most often the shots being taken without the consent of the subjects. The reason for this lack of agreement before the shot is taken can be manifold. It may be that by requesting the agreement the entire scene in its free, natural and spontaneous development is interrupted and loses exactly what the photographer was looking for: the decisive moment. Other reasons may be that the subject is unable to give his consent (is hurt, unconscious, indiscriminate, etc.) or can become violent if knows that he/she has been photographed. This way of capturing reality in a photographic manner is characteristic of photojournalism, documentary photography and street photography.

The legislation of most democratic states allows photographers to take pictures in public places without the need for consent. There are also states in which the consent of the person or persons appearing in the image is required in order for the image to be published (Germany, for example). Of course, when the photo is used for commercial purposes the subjects have to express their consent. The image cannot be circulated without a model release. As mentioned above, photographs used for commercial reasons (advertising, fashion, etc.) are not the subject of this article.

In practice there are countless problems related to photographic ethics and some situations are very complex. This article aims to address some of the most important. In this activity which is related, on the one hand, to journalism, public information, documentation (presenting in images of social situations) and, on the other hand, to art (producing an emotion by means of a representation), we are witnessing the confrontation of antagonistic interests and rights. Thus, the freedom of expression and the interest to present reality in a journalistic, documentary or artistic manner are opposed to the right to privacy, anonymity and the interest of persons to ensure a positive image.

After regaining freedom, in our country the interest in photographic expression has grown exponentially. Also, the penetration of social platforms combined with the accessibility of photographic technique led to an explosion of images made public. The related legislation has also been amended and aligned with the standards of the European Union. Unfortunately, the general public and many photographers are not aware of all the moral values that must be respected together with the principles that should guide the activity of the photographer. Apart from some succinct and subjective considerations especially on street photography (a genre that enjoys a certain popularity) and quite technical presentations of the rights and obligations of photojournalists, in Romania there is no broad awareness of photography ethics.

A useful tool in making significant steps in the above-mentioned direction could be the Code of Ethics of the American National Press Photographers Association (NPPA, Code of Ethics). From the preamble we learn that its cardinal ethical values are those of truth, correct information on significant events, disclosure of injustices and negligences, non manipulation of reality, high quality of visual journalism and public education. To these values I would add a few others regarding street photography and documentary photography, genres that have a pronounced artistic character and a finality that places them closer to art than to mere public information: revealing the hidden beauty in everyday life, visual documentation of significant social situations, looking for the decisive moment, educating the eye.

I will present below the main provisions of this code:

1. Represent the subjects accurately and comprehensively.
2. Do not stage photos.
3. Provide the context of the scene and avoid stereotypes. Be objective, avoid biases and prejudices.
4. Have respect for subjects and treat them with dignity. Give consideration and compassion to vulnerable people and victims of tragedy. Capture moments of grief only when there is an overriding interest in informing the public.
5. When shooting subjects, do not seek to influence or alter events.
6. In the editing process, maintain the integrity of the content and context of the images. Do not manipulate the photos in any way that could mislead the viewer or misrepresent subjects.
7. Do not reward your sources or subjects.
8. Do not accept gifts, favors or compensation from those who want to influence the outcome of your work.
9. Do not sabotage the efforts of other journalists.
10. Do not harass your subordinates, colleagues or subjects and maintain the highest standards of ethical behavior in all professional interactions.

In the following I will present several problematic situations that appeal to the ethical judgment of the photographer. In all cases it is not just about capturing the image, but also about publishing and displaying it.

2. Photographing in public places without the consent of the subjects

In our country the legislation allows taking photos in public places. The person who captures the image does not have to be a professional photographer or to justify his action by the quality he possesses or by the journalistic relevance of the subject. Persons being in public places must assume the public character of their presence and they cannot invoke the right to privacy. Contrary to popular belief, this also applies when the subjects are underage. Photographs taken in this way cannot be used for commercial purposes without a contract between the photographer and the subject of the image. However, they can be used for artistic and photojournalistic purposes even in the absence of a contract or the consent of the subject.

The ethical confines of this situation have to do with the observance of the legislation by the photographer in its spirit and not only in its letter. She or he has an obligation to act as unobtrusive as possible, not to proceed insistently and not to harass the subject. Of course, if the subject notices that he is being photographed, his behavior will cease to be spontaneous and thus one of the above rules requiring the photographer not to influence or alter events will be broken. Therefore the photographer must first of all be a good observer, a person possessing a good intuition and an ability to anticipate the direction of events. In quantum physics we talk about the "observer effect": the very act of observation disturbs the observed system. For us to see an object, the light must first touch that object and the object must reflect the light. At this quantum level, the photon interacting with the studied electron makes possible its observation, but at the same time changes its momentum and speed, thus altering the data. *Mutatis mutandis*, the same happens in photography. The observation of the photographer by the subject determines the alteration of the scene to the extent that it no longer represents life as it is, but a simulacrum, a falsified version of it.

On the other hand, people may become aware that they have been photographed and become discontent by the fact that the photos may be used, regardless of the documentary or artistic purpose of the images. The ethical behavior in this unpleasant situation (unpleasant because the images could have a visual, artistic or historical value, the rarity of these moments being commonly acknowledged) is deleting the images from the digital memory.

I mentioned before that images taken in public places can be used for artistic purposes without the explicit permission of the subjects who happen to be present in the images. But, as is well known, art can be commercially exploited. There is an art market with quotations and transactions of works. Although photography does not occupy a privileged place in the art market which favors unique works of art (the artistic status of photography is controversial and I will not discuss it here), I believe that if a profit is made by capitalizing on an image in which subjects are identifiable, they are ethically entitled to a financial compensation. This happens at their request and in conditions similar to other branches of art.

3. Photographing people in delicate situations

There are a number of situations in which the photographer participates voluntarily or owing to the force of circumstances in dramatic events such as war scenes, armed

conflicts, accidents, natural disasters, pandemics, famines, expression of intimate moments of sadness, etc. What should be the ethical behavior of the photographer in these situations? I believe that the ethical principle that must govern the action is the one postulated by Kant in his theory of duty. The photographer should act according to the Moral Law or the Categorical Imperative which demands: "Act as if the maxim of your action were to become by your will a universal law of nature" (Kant 1995, 247). The supreme value that must be first defended is human life and only after come the other values such as the freedom of expression, informing the public, creativity, documenting unique historical events, etc. So, if the photographer has to choose between trying to save a life, helping a person in a risky situation and capturing a unique moment, he must always choose the first action. Moreover, he will have to refrain from capturing shocking images when there is no significant public interest in recording the respective subject. For example, war photography is a well-established and perfectly legitimate genre. Its legitimacy lies in the need for the public to know the atrocities of war and to press governments to make efforts in order to avoid or end the conflict. Also, this genre has historical and documentary virtues. But here too there are ethical boundaries, and these are related to the refraining to present bloody images just for the sake of shocking the audience. Such kind of unnecessary images could provoke revolt and affect the families and communities of those involved. Even if one of the purposes of photography is to produce emotions and although they can inevitably be negative, any excess in this regard leads in a direction that is no longer related to photojournalism and documentary photography, but to a kind of exhibitionism, a cynical trade with the suffering of the people.

Also, photos depicting beggars, vagrants, prostitutes, etc., can be taken only if there is a public or artistic interest in depicting these subjects. This ethical criterion rules out a large part of gratuitous images posted in excess and taken only because the photographer had a privileged position, a position of power in relation to his subject. Garry Winogrand argued that all things are photographable. Indeed, anything can be photographed, but not everything should be photographed and displayed. The thin line between the domain of the photographable and that of the unphotographable is a line that must be carefully drawn by the ethical conscience of the photographer.

4. Image manipulation

If in the time of analog photography the techniques of intervention on images were much more limited today, in the age of digital photography and artificial intelligence, the possibilities are virtually endless. The problem of photo manipulation is closely related to the theme of truth in photography. As in the case of deceptive advertisements that "stand somewhere between the use of truth and falsehood, but is none of them" (Haranguş 2007, 97), photographic images too can be manipulated to present scenes that do not conform to reality, deceiving the viewer. The degree of intervention on the image is directly proportional to the distortion of the captured reality and this has major ethical implications in photography. As can be seen from the code of ethics presented above, not only staging the scenes, but also manipulating the photographs to mislead the viewer are serious violations of professional ethics.

In general, it is considered that a minimal image processing, in the sense of rendering the scene as it was perceived by the photographer, is not an ethics violation and is accepted as retouching (namely corrections of contrast, saturation, distortion and optical aberrations caused by the lens). By contrast, operations such as addition or deletion of elements in the image, digital composition of scenes, application of filters that dramatically change the colors, major and elaborate interventions on the original image are ethical violations that can have serious consequences in perceiving the truth and understanding the rendered situations.

Among the best known ethical cases is the one of the photographer Souvid Datta who digitally introduced in one of his images a character taken from a photo taken by Mary Ellen Mark. The character stolen from the prestigious photographer adds a good dose of drama to the scene and the image is accompanied by a description that refers to this character. We are dealing here with visual plagiarism. However, the plagiarist photographer is one who over time has won international awards and grants.

Of course, in the case of computer graphics, artistic collages and digitally made compositions, the rule of image manipulation no longer applies. But here, on the one hand, we're not dealing with the photographic genres I was mentioning before (photojournalism, documentary photography, street photography), and on the other hand the viewer knows from the beginning that the respective images do not represent reproductions of reality as it is available to the eye.

A special chapter deserves to be dedicated to image framing, which implies staging the scenes and presenting the resulting photos as if they were candid shots. This is an easy way to distort the reality and instead present a fake version of it. In this case, the unethical behavior consists in violating a stylistic convention established between the photographer and the viewer. When looking at a documentary or journalistic photo, the viewer takes for granted the fact that it represents a piece of reality. The convention stipulates that the photographer is a simple observer, he does not exert any influence on the subject. His only decision concerns only the moment of shooting and the composition of the image.

5. Titles and explanations accompanying photos, meant to mislead

In many cases photos are accompanied by titles and explanations that contextualize the image and facilitates its understanding. Thus, the interpretation of the picture takes into account not only the image itself, but all these textual elements in order to build the meaning. "Titles contribute to holding the meaning of pictures, to limiting the potential range of interpretations or responses on the part of the audience or reader" (Wells 2004, 43). Of course, presentation of false data regarding the moment when the image was taken, the place, the subjects or the action will lead to an erroneous understanding of what is going on. As Peter Howe states, "...the meaning of an image can be manipulated through use in a false context, or no context at all" (apud. Hill 2011).

Most violations of this ethical desideratum are found in the tabloid press which has a special interest in dramatizing situations, but many such deviations can be found in respectable publications. Thus, in her article, *The ethics of caption writing in photojournalism*, Kari Hill analyzes a series of photographs published in prestigious publications such as Time magazine (Hill 2011).

The ethical responsibility for the accuracy of the titles and explanations accompanying the pictures lies not only with the photographer, but also with the editors, editors-in-chief, curators and exhibition organizers. However, the photographer is the one who has to clarify the circumstances in which the image was taken and to warn about any misuse or misunderstanding.

6. Conclusions

I did not intend here to exhaust all the ethical dilemmas in photography. By the very nature of their activity, photographers place themselves in numerous ethical relationships with authorities, editors, public, their subjects, etc. As long as the photographer is aware of the values that should guide her/him (goodness, honesty, compassion, altruism, courage, truth, beauty) and knows or at least intuits the principles that arise from them, she/he has already taken a significant step. The world of images in which we live, with the democratization of the camera by its incorporation into one of the most common mobile objects we possess, also comes with its temptations and deceptions. The image has become a currency but it is vital for the health of our society to have a good cover, or better a cover in good.

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II. LINGUISTICS AND COMMUNICATION

