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Imaged Unaware –
Sleep, Privacy and Dignity
in Relation to Documentary Photographic Practices
Exhibited as Contemporary Art in the Information Age.

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ABSTRACT:

This thesis examines photographic images which document human adult males sleeping during the day with explicit claims to authenticity (real people framed and fixed in real life situations), and their associated social, cultural and political contexts in having been exhibited in the contemporary art world in the first decade of the twenty-first century. The areas of focus of this thesis are the expressed intentions of the photographers in their relationship to their photographed subjects and the approaches taken in capturing and sharing their photographic images of sleeping subjects. This includes the situations and methods by which the images were captured, their subsequent use in the production of photographic works to be projected within specific contemporary art world exhibition sites, and their ongoing subsequent re-exhibition and dissemination in the current global information age.

Three case studies are discussed in light of power relationships involved and the ethical implications of being witnessed and recorded, particularly in terms of dignity and respect for vulnerable individuals and issues around informed consent and autonomy - or complete lack of it, the precarious possibilities for control of self-image and informational privacy in the use of documentary images of identifiable real-life human beings in the contemporary art world, and more broadly, in the current global information age.
My sincere appreciation is extended to Associate Professor Len Bell and Dr. Gregory Miniissale in the division of Art History in the School of Humanities at the University of Auckland for their suggestions and support in the completion of my thesis.

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INTRODUCTION:

The focus of my research is the ethics of documenting information about identifiable individuals in photographic images without their awareness or consent and their use and dissemination in a contemporary art world context in the current information age.

Being asleep is to be self-enclosed and unaware of the surrounding environment. Philosopher Jean-Luc Nancy emphasises that deep sleep is completely non-social and a sleeper is not conscious even of himself and his own bodily actions.¹ People of all ages and in all cultures seek, or are found, an area of safe personal space in which to fall asleep regardless of how limited or precarious this may be – unless completely incapacitated by extreme fatigue, illness or the effects of drugs.² Attempts are usually made for some form of concealment to preserve a sense of safety and personal dignity, even if just an area with reduced light, or some demarcation of individual space regardless of how minimal such as a length of cloth wrapped around the body or laid on the ground.³ Sleep can therefore be considered to be a private state of being.

Privacy has been defined as the right to be let alone, and in almost all societies sleepers are left undisturbed even when in full view; most cultures have a tacit agreement to respect the need for concealment or to look away to protect another individual’s privacy and dignity in circumstances of vulnerability which involve being unavoidably exposed to another person’s scrutiny.⁴ Intimate details of a human being’s bodily existence, and even personal behavioural characteristics that involve reasonable expectations of being withheld from public view without explicit consent, can be considered to be information privacy. Autonomous control of such information is tightly linked to personal identity and dignity and as such is considered to be a

¹ Jean-Luc Nancy, The Fall of Sleep (Tombe de Sommeil) (New York: Fordham University Press, 2009)
fundamental and universal human right. An invitation given or permission granted which allows another person to share an individual’s most intimate details entails fundamental rights of dignity and respect including choice, consent and trust.

Art historian Jonathan Crary has written recently

Clearly sleep needs to be understood in relation to distinctions between private and public, between the individual and the collective, but always in recognition of their permeability and proximity…in the context of our own present, sleep can stand for the durability of the social, and …might be analogous to other thresholds at which society could defend or protect itself. As the most private and most vulnerable state common to all, sleep is crucially dependent on society in order to be sustained.  

To silently photograph individuals who are asleep is to capture information about them while they are unaware and at their most vulnerable. A sleeping individual relies on the respect of other members of society for personal protection and safety, and dignity. A sleeper has no capacity to control how he is viewed or what information is obtained as he is unaware of how he is being seen – no possibility of facing the camera or turning away, unable to act for the camera or to pose. Sleep is inherently non-theatrical. Sleep sociologist Simon Williams has highlighted that being asleep puts human beings in a position of being viewed in an unconscious state where control of conscious socially appropriate behaviour is suspended. Uncontrollable behaviour while asleep that is not normally displayed to others by choice can therefore be unavoidably undignified and potentially stigmatising if visually recorded and made available for public scrutiny.

A camera is a device that records information. A photograph is patterns of reflected light in front of a camera that are framed and recorded in a particular instance of time and place - whether analogue, digital, video or film. A photograph is non-selective about the information it records at the time the shot is taken within the limitations of available light and what is in front of the camera - it records the patterns of light that are there and everything that’s available to be recorded in accordance with what is revealed by reflected light. Information is framed and fixed in a photographic image in greater detail than can be detected by the moving human eye, especially in conditions of uneven or low light, allowing close scrutiny of any detail that is in discernable focus. When viewed, a photographic image is interpreted by the human brain as recognisable patterns of information. Documentary photographs specifically convey

information – real information about the world as documented intentionally with aims to preserve and share it.\(^8\) Documentary photographers, and particularly photojournalists for almost one hundred years, have purposefully sought to witness and capture human beings in situations in which they are unaware of the camera. Such photographs have intentionally carried a heightened sense of real life authenticity, and have even claimed an associated persistent belief in their objective evidential nature.

In recent years the ethics of manipulating documentary photographic images after they have been taken, especially in photojournalistic contexts, has been extensively debated in view of their connotations of evidential authenticity. The ethics of altering images is not the concern of my thesis. However, the implications of documentary images conveying real-life authentic information about an identifiable individual, that is inevitably a partial and selective view and may be distorted, are examined. The production of photographs is the result of choices made about where a camera is and when, and, especially in the case of documentary images, what particular information is intentionally included within the frame at the time the image is recorded; further decisions are involved in how and to whom it is made available to being viewed and subsequently disseminated.

The focus of my research is the ethics of documenting information about identifiable individuals in photographic images without their awareness or consent and their use and dissemination in a contemporary art world context in the current information age. Ethical issues concerning rights of dignity, autonomy and consent, particularly informed consent, have been extensively discussed in many disciplines including philosophy, social sciences such as ethnology and anthropology, law and medicine in terms of intrusion, invasion or violation of privacy, particularly informational privacy. Privacy is a concept fraught with difficulty in terms of definition as it is highly context dependent – individuals, communities and societies have different expectations around what privacy means as a value and necessity in different circumstances. A reasonable expectation of privacy is however considered a fundamental human right in terms of dignity and respect for individual personality.\(^9\) The first privacy law, proposed in 1890 by Warren and Brandeis in the Harvard Law Review, concerned

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\(^8\) Michael Renov (ed.), *Theorizing Documentary* (New York & London: Routledge, 1993), 21, 25; Renov proposed that fundamental functions of documentary practice are ‘to record, reveal and preserve’.

photographs taken in a private domestic setting without consent and subsequently published for public view.\(^\text{10}\) Susan Sontag wrote forcefully in *On Photography* in the mid 1970s - ‘The camera doesn’t…possess, though it may presume, intrude, trespass, distort, exploit… all activities that…can be conducted from a distance and with some detachment.’\(^\text{11}\) The use of a camera has the capacity to invade privacy and compromise dignity.

In our current situation of global societies grappling with issues of surveillance, attention is frequently focused on recorded visual images. The documentation of individuals’ personal identifying details and activities for multiple purposes now occurs in ever more intensive, urgent and widespread circumstances. The associated rights of individuals to control the extent of information about themselves that is revealed to public scrutiny is often overlooked and is the focus of much recent debate. Individual autonomy and fundamental rights of personal dignity are precariously balanced against the public's right to know information of importance. Such information varies enormously depending on context and this has made defining privacy concerns and constraints across varying cultures and time periods very complex. Issues of power and control are involved, particularly in terms of who controls the acquisition, use and dissemination of personal information. This includes visual information about bodily appearance and revelations about unconscious and normally concealed behaviour that could be viewed as being undignified and potentially stigmatising, such as may occur during sleep when simply unaware of being seen, and other intimate private activities. Such life situations reveal information that is typically only voluntarily shared in situations of trust. Sleep is perhaps one of the few remaining areas of contemporary life in which awareness of surveillance or being potentially watched are temporarily escaped; the impact and repercussions of being scrutinised and recorded are not so readily avoided however.

The European Data Protection Supervisor for the EU, Giovanni Buttarelli issued an opinion document on Sept 11, 2015 with regard to data, dignity and technology. His statement opens with the EU Charter of Fundamental Rights Article 1. – “Human dignity is inviolable. It must be respected and protected.” This official statement stating the European Union’s current position conveys deep concern that the fundamental


issues around data production and use facing the current global digital technological world are ethical issues around dignity and the protection and control of personal information or data.  

My perspectives on the production and use of documentary photographic images and issues of informed consent and the right to concealment are undoubtedly shaped by my first-hand experience of ensuring dignity in states of vulnerability, and the ethics around the taking and use of images containing personal identifying information, during my career as a doctor in New Zealand and the Pacific, England and the United States. In caring for patients and their families there are associated explicit strict ethical constraints which prevent the taking and/or sharing of images of an identifiable individual unless formally consented to by the patient or their legal representative. The fundamental principle is ‘first do no harm’ and this includes issues of dignity, autonomy and consent to meet reasonable expectations of care and restraint in terms of being exposed or viewed. This becomes especially important when working with patients who are unconscious, asleep, sedated or anaesthetised, or mentally incapable of considered decision-making and who are therefore completely vulnerable to scrutiny. The capacity for patients to retain power and control over personal information that reflects their individual identity and self-image (and that would likely only be exposed to others by personal choice or necessity, if at all) must be respected. This is an even more essential issue if the capacity to have power and control is completely removed due to being completely unaware even of one’s own existence in the world, such as during deep sleep. Trust that others should exercise respect and not exploit or even abuse positions of power and control is fundamental to ethical aspects of human rights.

Half a century ago, legal scholar William Prosser discerned four types of harmful activities that necessitate the protection of personal privacy: intrusion upon an individual’s seclusion or solitude; public disclosure of embarrassing private facts about an individual; publicity that places an individual in a false light in the public eye; and appropriation of an individual’s name or likeness for someone else’s advantage. The


current information age of new technologies that has arisen since then has necessitated further focus on how to address new aspects of privacy violation. This includes information collection, information processing, information dissemination, and invasion. Privacy issues surrounding information processing include aggregation of data when various pieces of information are combined, identification of an individual through links to particular factual information, lack of security in terms of protection of collected and stored information from improper access, and exclusion of the data subject from decisions made about how personal information is used or control over its dissemination. Personal privacy is threatened if information about an individual is disseminated that involves disclosures that might affect the way others judge him or her, or if information that is shared without consent reveals an individual’s nudity, grief, or bodily function. If identifying information is distorted it may present an individual in false light with loss of dignity and reputation. Privacy is further threatened if the accessibility of publicly displayed personal information is amplified, such as through being shared on the Internet, or if it is appropriated i.e. the use of data subjects’ identities and personal information to serve others’ aims and interests. Invasion or intrusion concerns the actions of others that directly disturb an individual’s privacy and sense of well-being and identity.  

Philosopher Paul Fairfield has written that privacy serves two fundamental purposes in contemporary democratic societies – firstly, it is the site of individual autonomy, self-expression, and intimacy, and secondly protects the social space of individuals in society.

[A] right of privacy protects persons both from other individuals and from aggressive majorities who may have little regard for individual inviolability. It provides public recognition that while citizens are members of a political body, they are also separate persons. The self is a contingent – even fragile – construction whose being and identity are not without political conditions of possibility, among which is a domain of privacy. The second role that privacy serves is to regulate social space in the interests of peace and civility. Privacy rights award legal form to tacit yet broadly shared understandings of the manner in which social relations are rendered civil by means of social and personal space. Privacy...plays a fundamentally civilizing role in our public involvements by regulating the moral distance between persons.

Issues around the control of visual images have utterly changed in the past few decades due to the invention of digital imaging, use of the Internet, and the setting-up of enormous image-banking organisations such as Getty Images. In the past ten years the ways photographic images are used and viewed in vast billions in all spheres of global life has utterly changed, particularly in light of the development of Web 2.0 from

14 Ibid, 103.

2006. This internet development has deliberately facilitated very easy image storing, sharing and searching capabilities with world-wide reach, including inclusion of images on social messaging sites such as blogs and social media platforms. The ubiquitous use of ever more sophisticated camera phones with previously unheard of image-sharing capabilities and the rise of social media sites has resulted in image-sharing on an enormous scale across all societal, cultural and international boundaries; the release by numerous organisations and individuals of previously private images held in archives for public view online; social media networking sites - such as Instagram and YouTube, which readily enable easy sharing of images, self-representation and exchange of personal responses and comments; and internet search engines such as Google which make vast numbers of individual specific images findable with a few clicks of a keyboard. 

Control of a specific context in which images are viewed has extensively collapsed. These developments have major implications regarding the ways images are used in all cultural spheres, including the global contemporary art world.

The fundamental right to be unseen by choice and the potential untoward implications and impacts for real living and identifiable people documented in photographs while unaware has caused concern since photography was invented. The advent of hugely popular and widely used Kodak cameras from the late 1880s enabled surreptitious photography of everyday activities in private and public settings by amateurs and professionals alike. This activity, which perhaps largely reflected curiosity and the urge to capture fascinating and otherwise unobserved aspects of human behaviour, was soon identified as a public nuisance and the press in many countries published articles highlighting the deplorable and unethical photographing of respectable people without their consent. Photographs of anonymous poor subjects, captured unaware in ethnographic detail or posed in order to best reveal their plight, were far less likely to be censored and were generally viewed as desirable in terms of documenting living and working conditions of the ‘Other’ in need of alleviating social action and reform. In the 1880s in New York a reporter Jacob Riis famously revealed dire social conditions of impoverished workers, including a famous candid photograph of overcrowded sleeping conditions of lodgers in a tenement achieved through the use of early crude

16 Video-sharing website YouTube was launched in February 2005; Instagram was launched for public use in October 2010 – more than 60 million photographs are now shared each day.

flash equipment. [Figure 1] Riis surreptitiously captured the sleeping men face-on to the camera, including those forced to doze sitting up and fully-clothed in the tightly packed room.¹⁸

Photography of sleeping subjects is rare in comparison to most everyday activities given the necessity for light to take photographs while sleep physiologically requires conditions of reduced light. The desirability of photographing individuals when unaware and at their most natural and unposed has however long been advocated, with all the issues of unequal power and control this implies. The first published photograph by Hungarian photographer André Kertész, who combined social documentary with creative aesthetic perspectives in the early decades of the twentieth century, was a close-up black and white image of a young man dozing with head on hand while sitting in a café – expressively capturing him in the moment while unaware. [Figure 2]

The invention of miniaturised cameras using 35mm film in the 1920s led to an emphasis on rapidly captured photographs of otherwise unseen human situations and brought about a new field of documentary photography as photojournalism.¹⁹ These photographs, although at times highly revealing, were often taken surreptitiously without subjects’ awareness in order to capture an impression of authentic naturalness. Generally published in weekly magazines such as Life, photojournalistic images were somewhat ephemeral despite being widely viewed. Many photojournalists centred their practices on observing, recording and visually communicating particular personal viewpoints about issues of the time and situations they witnessed. After World War Two in the United States, some photographers, like Frank Capa, Margaret Bourke-White, Walker Evans and W. Eugene Smith published book-length photoessays, often in conjunction with a writer, to give their work more longevity, to ensure that their individual viewpoints were conveyed, and to move away

¹⁹ Henri Cartier-Bresson, “The Decisive Moment.” (1952) – as quoted by Lydia Yee in Bussard, K.A., Ward, F., Yee, L., Street Art Street Life: From the 1950s to Now (New York: Bronx Museum of the Arts & Aperture, 2008) -- ‘I prowled the streets all day, feeling very strung-up and ready to pounce, determined to trap life – to preserve life in the act of living. Above all, I craved to seize the whole essence, in the confines of one single photograph, of some situation that was unrolling itself before my eyes.’
Many publications and exhibitions had explicit social and political agendas, such as Edward Steichen’s ‘The Family of Man’ at the Museum of Modern Art in New York in 1955 that subsequently travelled to thirty-eight countries in the following seven years. Photographs contributed to and reflected imperialistic strategies and viewpoints held in Euro-American nations in relation to much of the rest of the world; exoticism and suggestions of pre-modern existence in a non-progressive time-warp frequently reinforced an ‘us and them’ viewpoint. Professional photojournalism in the second half of the twentieth century involving ‘honest reportage’ became a very important part of investigations into the conditions of war zones and conflicts, particularly during the Vietnam War when newly facilitated distribution of images, particularly on television, revealed gruesome aspects of the war that involved American soldiers that would otherwise have been publically unknown.

Issues of objectivity and straight factual reporting have long been debated by photojournalists in juxtaposition with personal responses and the use of creative narrative strategies to engage a public audience. Observational documentary film practices have been extensively discussed in terms of ethical issues, including the current use of highly portable technology and a resulting tendency to focus on private and intimate activities, with associated obligations of care towards participants. The ethics of responsibility towards the subjects of documentary film has been highlighted in response to Frederick Wiseman’s film *Titicut Follies* (1967) that revealed conditions in a psychiatric hospital for the criminally insane with criticism directed at its exploitation of its subjects due to their exposure to public view and lack of capacity for informed consent. Photojournalists and documentary makers have long negotiated a line between conflicting incentives around informing the public while respecting the privacy of subjects. Ethical considerations, such as the making and using images of individuals in distress, may be overridden if a photograph is interpreted as having

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significant social agency by photographers, editors or producers, and any sense of
censorship is generally resisted. It has frequently been proposed that a sense of
special task with photographed subjects needs to be established by spending time
with them to establish rapport. Even if this has been undertaken it is not possible for a
subject to actively collaborate during a period when he is unconscious or asleep.

Considerable impassioned discussion occurred in the 1970s and 1980s, largely inspired by feminist and post-colonial discourse, around issues of representation,
including the problematic nature of photographic ‘evidence’ and discrepant positions
of power and self-representation. Artist Martha Rosler was one of the most prominent
critics of social documentary practices. In particular she sought to make documentary photographs truly political in nature rather than promoting the aesthetic or self-
expression of photographers, while also drawing attention to the risk of victimising vulnerable photographed subjects. Fellow critic and artist Allan Sekula wrote in 1976
in his essay ‘Dismantling Modernism, Reinventing Documentary’ - ‘Documentary photography has amassed mountains of evidence. And yet...the genre has simultaneously contributed much to spectacle, to retinal excitation, to voyeurism, to terror, to envy, and nostalgia, and only a little to the critical understanding of the social world.’

Challenges to stereotypic gender roles have been very extensively explored in art practices in recent decades. Publicly exhibited photographs of men sleeping,
particularly during the day, have been quite unusual as desirable qualities of masculinity in modern societies have typically been associated with active
engagement in public life. Issues of voyeurism and the power of the gaze have been frequently raised in conjunction with the men looking at women but can be considered more broadly in terms of power discrepancies and exploitation.

28 Film theorist Laura Mulvey, famously drew attention to power discrepancies associated with the male gaze on women as emphasised in movies of the mid-twentieth century in her essay “Visual Pleasure and Narrative Cinema” (1975). In a more recent essay, “The Possessive Spectator”, she discusses broader concerns about aspects of fetishisation involved in being a spectator – as published in Green, D and Lowry, J., Stillness and Time: Photography and the Moving Image (Brighton: Photoforum & Photoworks, 2006), 151-164. While sleep clearly accentuates power discrepancies of being looked at
are seldom discussed from the perspective of the rights of the photographed subject but rather have generally been extensively explored in terms of the spectatorship of the photographer and the possible effects of an image on viewers.

Post-modern photographic strategies and theories around image use and meaning strongly influenced production and use of photographic images, and those exhibited in the 1990s as art predominantly drew attention to the artifice of their construction (often through the use of large scale), embraced the instability of meaning, and in many cases undertook self-conscious critique of representational strategies. In addition, the main emphasis of theoretical discussion around photography from the late twentieth century has centred on the relationship of images to reality, as well as being strongly focused on the viewing of images and multiple possible strategies of interpretation, rather than the production of photographic representations. There has been a shift in the past decade however, particularly with regard to a rise in documentary photographic art practices and in response to the sheer ubiquity of images of all kinds in global contemporary life, to look more closely at the politics of production of images in an art world context. The implications of documentary photographic images for photographed subjects in the contemporary art world have been to a great extent ignored, and almost invariably issues of ethics are swept aside by considerations of ‘poetic’ licence, freedom of expression, the importance of conveying information, and aesthetic precedence.

The widespread use of easily concealed recording devices to capture images of individuals in public and private settings arose with the invention of small portable and easy-to-use cameras and cinematic film in the late 19th century and the very first privacy laws were formulated in this period to attempt to control the taking and disseminating of photographs of an individual without his or her knowledge or consent.

rather than looking and facilitates voyeurism or potential exposure to the gaze of another person, the focus of my thesis is on the concerns of the photographed subject rather than on the spectator or viewer.

29 Michael Fried has written extensively about these aspects of contemporary art photography in the practices of Jeff Wall, Rineke Dijkstra and Thomas Streuth in Fried, M., *Why Photography Matters As Art As Never Before.* (New Haven & London: Yale University Press, 2008); photographer Gregory Crewdson also explores the artifice of the construction of photographic meaning.


31 Julian Stallabrass, “Contentious Relations: Art and Documentary.” in Stallabrass, J. (ed.) *Documentary*, 12; also Hito Steyerl, “Politics of Art: Contemporary Art and the Transition to Postdemocracy.” efx 21 (Dec. 2010), 4 – ‘The art field is a space of wild contradiction and phenomenal exploitation. It is a place of power mongering, speculation, financial engineering, and massive and crooked manipulation. But it is also a site of commonality, movement, energy and desire… Art is not outside politics, but politics resides within its production, its distribution and its reception.’
Documentary photography in this period was often displayed with a social agenda of exposing the living conditions of the poor, but also many documentary projects were undertaken in the newly expanding fields of social sciences, such as anthropology, and medicine to systematically catalogue the patterns and diversity of human characteristics and behavior. The use of photography to document recognisable individuals and their diverse activities and situations increased even further in the late 1920s with the invention of very small cameras using rolls of film such as Leicas which were directly connected with the rise of photojournalism and clandestine photography – capturing the otherwise unseen moments of life all over the globe for others to witness in magazines, but largely intended for Euro-American audiences.

The ease of capturing images of individuals and using them for an enormous range of purposes, including surveillance, in the past few decades has been hugely facilitated by digital imaging, video recording, and the Internet - almost any discussion of contemporary photography draws attention to the entire world’s everyday unrelenting exposure to enormous numbers of photographic images of all kinds. The ubiquity of photographic images and the extent to which they are rapidly displayed, shared and re-worked with ease and in vast numbers has escalated in unprecedented ways in the past ten years due to the implications of ubiquitous camera-phones, the development of Web 2.0 which explicitly aims to facilitate ease of retrieval, use and exchange of information, and associated social media. The inventor of the World Wide Web, Tim Berners-Lee, in a series of talks he gave in 2014, repeatedly expressed his concern that an individual’s capacity to control their personal information on the Internet is one of the foremost issues facing the contemporary global world. 32

A recent ruling by the European Union called the “right to be forgotten” makes it possible for individuals to undertake court action against search engines such as Google to remove links to information about them that might cause damage to their reputation or wellbeing. 33


33 European Commission, “Factsheet on the ‘Right to be Forgotten’ ruling.” – a ruling by the European Court in May 2014 that enables the ‘removal of information that is ‘inaccurate, inadequate, irrelevant or excessive’ about an individual that is able to be searched for on the Internet - http://ec.europa.eu/justice/data-protection/files/factsheets/factsheet_data_protection_en.pdf |
Issues of power and control are involved in any circumstances where an individual’s recognisable image is taken while he or she is unaware or used without knowledge and consent, and ethical concerns become more pressing if the use of a person’s image without informed consent is not merely for sharing information but involves commercial gain, which is fundamentally unlawful in many countries, including the United States, France and Germany.

The use of documentary-style photographic images which intentionally convey information about particular identifiable individuals in art world settings have unavoidable ethical implications with regard to decisions made about storage, display and dissemination, including use of the Internet. Documentary photography has had a prominent place in the global contemporary art world since the late 1990s. This has included many photojournalists seeking to exhibit their photographs in art world contexts and to self-publish on-line due to a markedly declining demand for professional images by news organisations.\(^{34}\) Documentary-style photographic practices have also assumed a prominent place in international biennales that have steadily multiplied around the globe from the mid 1900s as selected artists seek to interpret the particular cultures they represent in creative ways that have a sense of place.\(^ {35}\) The contemporary art world is highly commercialised, including powerful dealer galleries and public national galleries competing in local and international arenas for visitor numbers and funding. There has been a corresponding rise in the prominence of international artists, art writers and curators seeking recognition on a global stage in closely interlinked ways.

The first case study concerns a large series of documentary-style photographs systematically taken by renowned Belgian-born contemporary artist Francis Alýs of dozens of people (almost all alone) and dogs sleeping during the day in various self-chosen sites within the streets and public spaces of the historic centre of Mexico City. This collection of images was first used in the production of a slide-show installation titled *Sleepers* as part of Alýs’s first solo show in the United Kingdom at a commercial dealer art gallery in London exhibited from December 1999 until January 2000. However, many further editions of the now famous (if not iconic) artwork have subsequently been sold to international collectors and widely exhibited in diverse


gallery settings. Alÿs’s fame, as one of the most well-known and most extensively written about artists of his generation, means that his name is very easily found using Internet search engines, such as Google, and thousands of examples of individual images from the *Sleepers* series can be clicked on and viewed on any number of screens anywhere in the world at anytime. The images have been repeatedly uplifted from gallery webpages and books, captured on camera-phones during exhibitions, used by countless members of the global public on blogs and posted on social media sites such as *Instagram*, over and over again.

The second case study is a video portrait titled *David* (2004) by English artist Sam Taylor-Wood that was commissioned by the National Portrait Gallery in 2004 of the captain of the England football team at that time, David Beckham. The artist, in collaboration with the subject, chose to document the globally famous athlete and celebrity sleeping alone during the day in a hotel room in Madrid after a training session with his new Spanish team. The resulting hour-long video in lush colour, displayed on a small-screen monitor on the gallery wall, attracted a great deal of media attention and drew crowds of curious members of the public wishing to see an iconic figure revealed in intimate detail. The portrait has been exhibited in public continuously ever since, but under very strict legal constraints instigated by Beckham about associated use of his image.

The third case study is a series of analogue photographs collectively titled *Sleeping Soldiers* that was captured by photojournalist Tim Hetherington while he was embedded with a platoon of American soldiers in a remote outpost in the midst of an Afghanistan battle-ground during late 2007 and 2008. These highly detailed intimate and revealing images of young men asleep in their make-shift bunks during the extreme heat of the day intentionally convey the soldiers at their most vulnerable and off-guard. The photographs were initially altered digitally and used as the central images of a projected multi-screen art installation, with accompanying soundtrack of the fierce war-zone, titled *Sleeping Soldiers* to be exhibited in contemporary art photography commercial galleries in New York and London in September 2010. An excerpt of video footage from the installation was also posted by Hetherington to the video-sharing on-line site, *YouTube*. The images were simultaneously extensively released to media organisations as part of the promotion of the exhibition and as advance publicity for the release of Hetherington’s photographic book *Infidel* in which
the photographs of sleeping soldiers feature in the last pages. This book received even greater media attention and promotion once an associated documentary full-length movie Hetherington co-produced about the platoon titled Restrepo was released and soon after was nominated for an Academy Award. Hetherington, with various motives, explicitly sought as wide an audience for these photographs as possible. Tragically Hetherington was killed while undertaking a photojournalism assignment in Libya in April 2011 and almost immediately, and extensively since, the photographed sleeping soldiers have been used as images to memorialise the photographer. Hetherington’s photographs are now owned by Magnum photography agency and are available to be viewed online, and are regularly posted on social media sites, such as Instagram, Pinterest and Tumblr - those of the sleeping soldiers are without question the most popular and famous of Hetherington’s career. These are photographs of young men who continue to live their lives, with most suffering post-traumatic stress disorders in the aftermath of their war experiences and attempting to readjust to life back in the United States. At no time did the photographed sleeping individuals have any possibility of controlling the taking of these arguably unflattering images of themselves, nor any control over the use of images they likely did not initially know existed.
CASE STUDY ONE:

Francis Alÿs (b. 1959, Belgium)
*Sleepers I - IV* (1999-2011)

80 35mm slides and carousel projection

*When working in a zone of poverty, the sense of being an exploiter is never far away.*
Francis Alÿs

The slide show installation *Sleepers II* (2001) by Belgian artist Francis Alÿs (b. 1959) features men and dogs sleeping in the sun in the streets of the historic centre of Mexico City. When exhibited at the Art Gallery of New South Wales in Sydney in 2013, as part of the John Kaldor collection which had been donated to the gallery, it was displayed as an isolated work tucked under a large flight of stairs in reduced light within a modest space partitioned on three sides to form a small makeshift room.*Sleepers* provided a considerable contrast to the elegant grid lines of a Sol Le Witt drawing covering an adjacent large white wall. A classic Kodak carousel projector propped on a seemingly improvised low wooden platform in the centre of the space ensured that viewers stood behind it towards the entrance so as not to obstruct the projected beam of light and images. With each timed click of the projector as the slides changed, an example of a sleeper appeared as a coloured image low on the wall. Each projected slide revealed a photograph, taken in a standardised approach, that documented various precarious places found to sleep during the day. [Figure 3]

Dusty sun-bleached horizontal and vertical planes of paved streets, faded shop fronts, metal doors and gates, park benches, concrete steps and tucked away ledges, plant boxes and pavements – hard surfaces forming juxtapiosions of colour and texture which barely obscured the soft shapes of human beings enclosed in garments and accompanied by various possessions. Framed in the very centre of the images, the sleepers were captured front-on and at a strikingly unusual camera angle at ground level which gives a subtle sense of theatricality. The sleepers appear both exposed and enclosed within the built environment as its converging lines create the effect of single-point perspective that enhances a sense of surrounding three-dimensional urban space. Living people are captured motionless and set back into the mid-ground of the scene as if merely glimpsed in passing. The visual allure of the aesthetic features of the images, with sun-softened vibrant colours and dusty bright light, draws attention away from any revealing details of the human sleepers who are only briefly discernable before a slide changes. Images of dogs give a clearer impression of
relaxed bodies stretched out or curled up in the sun. The sense of repeated time-
suspended images is disrupted at unpredictable intervals as a dog sleeps peacefully
in one frame only to look up warily and watchfully directly at the camera in the next
shot giving a freeze-frame effect of passing time. This heightens a sense of the
vulnerability of the human sleepers who were completely unaware of the camera’s
intrusive gaze. Some sleepers seemed to have simply sought temporary rest and
re recuperation in a carefully selected sunny spot. Others appear to sleep from necessity
- captured in a photograph while overcome by fatigue or impaired with limited choices.
Some convey a sense of despair - sleeping in public places because they had nothing
left to lose. All sought means of attaining temporary private space for sleep within the
public places of an enormous, crowded and bustling megalopolis. [Figure 4]

In being removed in time, place and atmosphere, it is uncertain to what extent the
thoughts of visitors who viewed Sleepers in this sophisticated art world setting turned
to Sydney’s ‘rough sleepers’ - the urban homeless who likely sought shelter
somewhere out of the wind and winter chill within the vast park with its myriad
concealing spots that surrounds the national institution’s formal grand stone and
marble spaces. Individuals sleeping in urban public spaces in contemporary Mexico
may be associated with unemployment or homelessness but sleeping during the day
in Mexico has long been associated with siesta. In the twentieth century this cultural
practice of sleeping to escape the heat of the day had become connected with
problematic and highly contested stereotypes of laziness and manaña (no worries) -
sleeping the day away in the sun.36 Alÿs, in adapting to living in Mexico City, described
his fascination with Mexican concepts of ‘non-linear’ time as distinctly different from
any sense of European nine-to-five working days.37 Perhaps for many visitors to the
gallery, who took time out from the multiple demands of ‘24/7’ contemporary life to
look at art, thoughts prompted by Sleepers turned to opportunities for dozing in the
sun and the nostalgic appeal of freedom to lead a less complicated life in an exotic
and picturesque locale. The photographs were taken in the Belgian artist’s adopted
neighbourhood, the historic centre of Mexico City, which had been the pivotal political

Fragments of a Golden Age: The Politics of Culture in Mexico since 1940 (Durham, NC & London: Duke
University Press, 2001), 238; Carlos Monsivais, “Identity Hour, or, What Photos Would You Take of the
Endless City? (from A Guide to Mexico City).” in Joseph, G. M. and Henderson, T. J. (eds.) The Mexico
Miracles.” in Alÿs, F., and Lütgens, A., Francis Alÿs: Walking Distance from the Studio (Ostfildern-Ruit:
Hatje Cantz, 2004), 83.
centre of the capital of Mexico since Aztec times and throughout Mexico’s colonial past. Although much visited by tourists, the streets of the historic centre surrounding a vast square, the Zócalo, had become just one zone within one of the most populous cities on the planet which ever expanded within the confines of a valley.

The realities of life in Mexico City in the late 1990s, when the photographs were taken, were particularly constrained and highly complicated by extreme discrepancies of social and economic advantage with extensive poverty, marginal means of economic survival, political collapse and violence. As acknowledged by Alýs, vast numbers of people in Mexico City hold down multiple jobs and travel long distances by jam-packed public transport into the central city each day in order to make money in whatever way they can and to seek employment. Writers and photojournalists alike frequently convey impressions of the crush of humanity involved in moving people around such an enormous city. In this context, snatched sleep within a semblance of a protected place within urban spaces may be a culturally-sanctioned activity; it also likely reflects the necessity of succumbing to sleep for survival given the extent to which sleepers are vulnerable to the whims of others.

Alýs’s fascination with the public display of the usually private activity of sleep, as a fundamental necessity of human and animal life, also clearly reflected his professional training as an urbanist. Having studied architecture in Belgium, he had completed a masters thesis in urban planning in Venice in the mid-1980s which investigated living entities such as dogs who were actively excluded from Renaissance cities in the interests of modern hygiene and civic order. Mexican curator Cuauhtémoc Medina has written that Alýs’s practice should be viewed in the context of his close observations of Italian paintings such as Lorenzetti’s Allegory of Good and Bad Government (1338), those by Gentile Bellini of Renaissance Venice, and in particular vedute by Canaletto, in which ordered cityscapes held illustrative examples of virtuous and ordered citizenship in contrast to ‘natural’ or animalistic life. In the details of

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39 Francis Alýs in conversation with Corinne Diserens, “La Cours des Miracles.” in Francis Alýs: Walking Distance from the Studio, 71.

these paintings citizens are seen engaged in everyday activities on the streets. Medina highlighted that Mexico City was originally constructed by Spanish colonisers following the ideals of Renaissance urban planning, however its ordered and gridded outlines contrast markedly with daily life lived within the streets.

Alýs’s stance in relation to documenting the inhabitants of Mexico City, as well as his own performances, has been repeatedly explained in terms of the *polis* – a philosophical term that dates from ancient Greece and references the public sphere of civic duty attributed to the virtuous life of free male citizens, as directly opposed to the private domestic sphere of ‘natural’ activities (such as sleep) attributed to women, children and household slaves. Medina, an art writer, curator and close collaborator with Alýs in many of his projects since the mid-1990s, has proposed that Alýs’s notion of the *polis* more closely follows the contemporary philosophy of Hannah Arendt. In outlining Alýs’s responses to notions of ‘the emotional, ethical and strategic significance of collective social agency’ Medina wrote:

...as Arendt put it, “The organization of the polis is a kind of organized remembrance. The polis, properly speaking, is not the city-state in its physical location; it is the organization of the people as it arises out of acting and speaking together, and its true space lies between people living together for this purpose, no matter where they happen to be.” It is this space that Francis Alýs locates, preserves and activates.41

This approach to ethics and agency is centred on the collective public realm rather than ethics in terms of duty of care extended by one individual to another – such as might be extended by an artist or documentary photographer towards a photographed subject who has no agency when asleep and unaware.

It is clear that Alýs carefully chose the medium of projected slides in order to ‘activate’ the display of his collection of photographs of urban street sleepers, and the effect of the structured repetitive format is to emphasise the established nature of such sleeping practices and to situate them within the collective domain of the *polis*. The work draws attention to the complex and ambiguous juxtaposition of natural functions, such as sleeping, illness and death, which have been long connected to the private and domestic realm, with shared public spaces traditionally upheld as representing engaged masculinity and rationality. In a specific location within a contemporary city, adult males were repeatedly observed by Alýs in states of withdrawal from engagement with the world around them and displaying at least temporary incapacity.

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for any semblance of rational decision-making. In contrast, Alÿs carefully planned and executed a ‘rational’ and standardised process to document them. As an architect and artist born and educated in the oldest academic centres of Europe, it is clear that Alÿs, viewed the dwellers of the historic centre of Mexico City as exhibiting a potentially productive form of long-standing resistance to imposed and impossible demands for civic order within the ever-expanding vast megalopolis. The behaviour he observed blurred and shifted assumptions about the separation of private and public realms in connection with long-held understandings about what represented ‘civilised’ modern life. However, the approach taken by Alÿs has inescapable resonances of Eurocentric imperialist attitudes, particularly in suggesting an ethnographic collection of specimens.

Alÿs seemed circumspect in considering the approach he took to making Sleepers when discussing the work in an interview with art historian Anna Dezeuze in 2010.\(^{42}\) He admitted that privacy issues complicate any sense of his having been an objective observer and preclude neutral readings of the work. He referred to the act of taking a photograph of someone sleeping in the street as one of ‘violence’, and although he avoided acknowledging that such images can be perceived as being invasive, intrusive or exploitative, he admitted that they can be easily ‘read as paternalistic, naïve, sentimental or judgmental’ and that he walks ‘a tightrope. I’m constantly in damage control…especially when they’re exported outside of their original context.’ He also seemed to take a somewhat fatalistic approach in saying – ‘when you address a certain sphere of society – a kind of sub-society – that risk is an unavoidable collateral effect.’ This has clear implications in terms of a sense of entitlement and assumed discrepancies in positions of power and control that worked in his favour. Alÿs went on to justify his approach:

> Yet all these people who live around my studio in the historical centre of Mexico City remain the principal inspiration for many of my projects, and they are a constant reminder of the crude reality of the metropolis. With the ‘Sleepers’ series, what interested me was the use of public space in such a private way. It was this ‘private within the public’ sphere that I was interested in. There are few activities as private as sleeping, and it’s this way of appropriating space – whether it’s 2 sq. m. or the hidden-away places in the city – and the way this is completely integrated within the urban system, that I’m interested in. It’s not a marginal activity anymore, it’s something that has become part of what the city offers. It’s the same with ‘Beggars’, and the way they beg at subway entrances: this appropriation of this particular space for this particular activity, that I’m interested in.

The inventive appropriation of space by these individuals for a particular activity was observed with curiosity, but their position with regard to his own outright appropriation

of them for his own purposes, through documenting them in photographs without consent and producing commercially-available artworks for public exhibition, is not acknowledged at all. Dezeuze asked Alýs if he was concerned about the limited choices available to the people he documented. His reply is illuminating,

"Of course I’m interested, but I don’t think it’s something I could translate in the work. If I did it would fall into a more patronising reading. I believe my role as an artist - with the advantage of being always a little out of synch with the reality of my adoptive home, even though I’m losing that distance lately, is to witness how this society, which I’ve decided to live in since the 1990s, works – how it is evolving, and how it manages to maintain its own identity throughout this evolution. That’s the dimension - which isn’t necessarily only the artist’s privilege - that I am interested in personally, in relation to both the city of Mexico and to other places where I’ve found myself.

Alys was in the complex position of being both an outsider and something of an insider in the community he represented in Sleepers. It is apparent that he had a sense of entitlement in carrying out his assumed role as witness.

It is interesting to contrast Alýs’s Sleepers series, which explicitly documents the human presence in situations of necessity, adaptation, hardship and vulnerability, with Martha Rosler’s The Bowery in Two Inadequate Descriptive Systems (1975). Rosler’s work openly critiques social documentary practices. She ‘not only raises the question of representation, but suggests its fundamentally flawed, distorted character.’\(^\text{43}\) In this famous and influential work, she presented a series of black and white photographs which give a geometric framing to sites of marginalised human activity in the Bowery, a neighbourhood of New York City well-known in the late 1970s for lives lived rough on the streets. Frontal views of storefronts and walls were taken with a snapshot camera as if an observer stood on the side of the road. No people are visible. Instead Rosler accompanied the photographs with equal sized ‘images’ featuring simple lists of words by which the absent people might be colloquially described – “comatose”, “knocked out”, “groggy”. In doing so, she deliberately avoided direct representation and drew attention to ethical issues involved. [Figure 5] Her fellow artist and writer Allan Sekula described her work as a reaction against the ‘expressionist liberalism of the find-a-bum school of concerned photography’, which risked further victimising individuals who were already vulnerable, by representing them in simplistic, condescending and unflattering ways in photographs.\(^\text{44}\) Most of all Rosler was


\(^{44}\) Ibid
concerned that photographs that captured situations of misery failed to enhance public understanding of the real complexities of human existence.

In contrast, Alÿs, in perhaps reflecting his architectural background, sought to use the people he observed as what he termed ‘basic units’ or components of an overall distilled theme. He carefully planned the use of photographs of identifiable people as the means of executing an idea that represented his personal responses to explorations of his adopted neighbourhood in Mexico City. Alÿs explained his approach in an interview with Spanish curator David Torres in 2000 -

*Existence has a certain minimum unit, a basic particle. You can't bring it into being, but you can document it, you can work with it and bear witness to its relevance... a big part of what I do is simply recording, and as an immigrant in Mexico I have the advantage of being at a distance, on the fringes of the system... I try to record a minor, everyday phenomenon. Daily life is an accumulation of such moments. That's a fundamental aspect of a political strategy in making art, because the institutions and power structures always try to play down the anecdotal. Yet anecdotes weave the fabric of our existence. An anecdote is a basic particle and creates an existential dimension as well. To access that dimension you have to be outside of the artwork. I don't think art can be a true report; at best it can seem true. The root of the word political is polis (city) so when you take the city as your field of experimentation, that work is political by definition regardless of your personal politics. There is no plan. Just a personal reaction in the face of certain situations.*

The choice of the regularly timed and standardized format of the slides may have reflected his former use of slides in his architectural practice and in academic life to share concepts with clients and colleagues. Additionally, the choice of the regularly timed slideshow format and carefully controlled composition may have been a deliberate strategy to frame and control the means of viewing, to reduce voyeurism and to address issues of problematic representation given that the work was produced using potentially stigmatising photographs which document real living and potentially identifiable people. The initial photographs of sleepers are likely to have been taken as impromptu snapshots in the street to capture curious social practices that intrigued the former architect and urban planner as he walked through a vast, crowded and unfamiliar urban environment – an outsider shifting from tourist status to being a resident with a new role as an active participant in a community of local and international artists in the historic centre of an ancient city. At some point, the artist started to accumulate carefully documented multiple examples of sleepers using analogue photographs that he set out to obtain in a formulaic and standardised way – a more ethnographic approach with all the associated ethical pitfalls of close observation of a culture that is not one’s own. To choose the documentation of an activity and situation such as sleep, which precludes consent or even knowledge of

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being photographed, runs a clear risk of engaging in misrepresentation and exploitation. Alÿs has stated that his motivation was in part to record long-standing and adaptive aspects of urban life and patterns of behaviour characteristic of Mexico City that were at risk of disappearing in the face of globalisation and development strategies.\textsuperscript{46} It seems he recognised the slower pace and resistance to demands for productivity inherent in sleeping during the day in comparison to ‘24/7’ global requirements for engagement in constant activity. In addition it is clear he was interested in the ways communities adapted to constrained and demanding conditions, and how collective acceptance was extended towards fellow citizens engaged in the necessities of private everyday life within unavoidably public circumstances in one of the most crowded cities on the planet.

Issues of identity and awareness of representation in the context of cultural differences cannot possibly have escaped Alÿs, despite any claims to freedom of artistic exploration or poetic expression. He moved to Mexico in 1986 after leaving Europe to escape compulsory military service in Belgium (having changed his name to Francis Alÿs from his birth name of Francis de Smedt to avoid being identified), and initially assisted non-governmental organisations with infrastructure projects in rural Mexico. It therefore seems likely that Alÿs had some personal opposition and resistance to demands for participation in organised civic duty, and also possibly romantic ideas concerning the freedom Mexico might offer as an alternative to the constraints of Europe. Ideas about the picturesque, sunny and free nature of life in Mexico attracted artists, intellectuals, writers and tourists throughout the twentieth century, and was to a great extent promoted by touristic propaganda generated by both the American and Mexican governments after World War Two that highlighted uniquely exotic and folkloric aspects of life ‘south of the border’.\textsuperscript{47} Any stereotypes of sleepy and backward Mexico were however deliberately and strongly counteracted, especially during the 1950s and 1960s. As a young adult in Belgium, Alÿs had enthusiastically read the poetry and writing of the Beat generation from this period, for example the vivid impressions captured in prose by William Burroughs and Jack

\textsuperscript{46} Francis Alÿs in conversation with Corinne Diserens, “La Cours des Miracles.” in Francis Alÿs: Walking Distance from the Studio, 253-254.

Kerouac, of an enticingly unconstrained and spontaneous life in Mexico and Latin America.48

When Alÿs first explored Mexico City as a recent architecture graduate in the late 1980s, the environment he found was far from this romantic picture of ‘life on the road’. In Mexico City a great many buildings and roads showed considerable evidence of extensive damage caused by a severe earthquake in 1985. The social environment revealed widespread poverty, and political unrest engulfed the entire country and was largely attributed to the highly dysfunctional governance of a political party that had been in continuous power for almost seventy years. Ambitious large-scale and contentious development of the capital city had shifted away from the historic centre around the Zócalo – a place continuously occupied since Aztec times and which, in the subsequent long colonialising period, had been established as the central hub of civic identity and exhibition of power. This vast public space, well-known by locals and tourists alike as the site for large gatherings - particularly for frequent demonstrations of political protest and for setting up temporary market stalls, is surrounded by grand public and governmental buildings from the colonial era, the imposing national cathedral and large hotels for visitors. In contrast, by the early 1990s, the grid of city blocks surrounding the Zócalo with its many empty and damaged buildings drew a diverse range of people seeking refuge and cheap living conditions.

Artists from Mexico and elsewhere, including Alÿs, set up communal studio spaces in this historic neighbourhood and directly responded to observed aspects of their immediate environment. Alÿs’s initial forays into art were closely associated with this locale as part of an experimental art community that centred around the practices of Mexico City-born artist Gabriel Orozco. Orozco undertook subtle transient sculptural interventions in the urban built environment which he carefully documented using

48 Francis Alÿs in conversation with Corinne Diserens, “La Cours des Miracles.” in Francis Alÿs: Walking Distance from the Studio, 253-254; Jack Kerouac’s famous novel On The Road (1957), written to convey his direct personal impressions of travelling in Mexico, makes countless references to drowsiness, sleeping, heat, dust and slowness of pace - “We looked with wonder. To our amazement, it looked just like Mexico. It was three in the morning, fellows in straw hats and white pants were lounging by the dozen against battered pocky storefronts …We had finally found the magic land at the end of the road.” as quoted in Eric Zoler ‘A Land “Mysterious and Obvious”’ in Joseph, C., Rubenstein, A. and Zolov, E. (eds.) Fragments of a Golden Age: Fragments of a Golden Age, 253-254
understated photographs. Prominent members of the group included British artist Melanie Smith (Alýs’s girlfriend at the time) who took distinctive black and white aerial photographs from high above the city to reveal the vast grid-like Modernist planning of the streets, blocks and public squares of the megalopolis that extended far beyond those framed within the images. Alýs’s professional background as an urbanist clearly gave him a fascination with the microcosms of everyday life in urban spaces, and a strongly held ideological resistance to adding permanent structures to already crowded areas. He described the historical centre as:

"a zone that functions in an entirely anachronistic way, more or less outside the familiar rules of a modern city – that is, in its social organisation, its economy, in its legal system etc…For example, the concept of public spaces, the fact that each and every yard of the sidewalk has a commercial value, that it can be a potential object of exchange’, an area with ‘absolute acceptance of the “human condition”’ and, paradoxically ‘the very neighbourhood where you have…these rare empty spaces."

Sleeping is an intrinsic feature of the universal human condition, however the use of public spaces for sleeping during the day may be regarded as anachronistic and outside the civic requirements demanded by an efficient and fast-paced modern urban environment. It may have seemed to Alýs that his art practice, including documenting social practices, was merely a means of participating in existing diverse and creative conditions of exchange enacted in the megalopolis. However, sleeping individuals have no capacity to engage in exchange of any kind, and the finding of a rare private space in such a crowded city might have been a necessity and very difficult to achieve. One of Alýs’s earliest performance artworks with political intent titled “Vivienda para Todos” (Housing for All) (1994) involved building himself an improvised shelter from election posters and positioning it as a makeshift tent in the Zócalo - the air-vents from the underlying subway released warm air that kept it suspended as he lay awkwardly beneath it. The work was dismantled by police at the end of the day and survives only through photographic documentation – a tiny structure making an ephemeral gesture of protest in a vast public square. The photograph shows a young man walking past who does not even glance in the work’s direction, and ornate and grand colonial buildings form an impressive backdrop. This is in keeping with Goffman’s conception of civil inattention – societal cohesion in urban spaces requires that tactful inattention is paid to others to preserve privacy and dignity.


50 Francis Alýs in conversation with Corinne Diserens, “La Cours des Miracles.” in Francis Alýs: Walking Distance from the Studio, 77, 83

described the work as a response to the temporary shelters built by squatters that he observed all over the city.\textsuperscript{52}

Alýs’s earliest practice involved collecting and leaving minimal traces as part of simple interventions and actions conducted while walking in the streets, such as The Collector (1990-2). [Figure 6] In this carefully documented work, which is widely held to be the most significant of his emerging art practice, he pulled a magnetised dog-shaped metal box on wheels around the city streets so that its surface became completely smothered in detritus attracted to its surface. The use of single-point perspective in the documenting photograph, to both centre Alýs in the image and create a sense of enclosing urban space, is striking. Another early work, titled Turista (1994), involved Alýs being photographed leaning against the railing of a city square with a simple hand-written cardboard sign promoting his availability as a tourist. Through standing in the midst of Mexican men who displayed improvised advertising signs for professions such as plumber or house painter, he could be seen to have drawn attention to himself as both insider and outsider. There is something of a mocking quality to the work as if he was merely engaging in mimicry of local customs. Through engaging in a staged and documented performance, the European artist was actively ‘working’ rather than being either a tourist or waiting for an opportunity to be employed. Much of Alýs’s practice in the 1990s featured photographic documentation of his distinctive long lanky upright form while engaged in activities that were deliberately self-staged in situations that involved risk and walked a fine line in compromising his own dignity. In the video work Re-enactments (1998) the artist was filmed in real time buying a loaded gun and carrying it though the busy inner city streets of Mexico City until he was apprehended by local police – then repeating the performance almost exactly the next day after obtaining police cooperation. After producing and exhibiting Alýs expressed his regret at producing a work which might perpetuate narrow and stereotypic views of the city as violent and lawless if seen out of context outside the country.\textsuperscript{53} His relationship with Mexico City as both insider and outsider, and as both participant and witness, was complex.

By the late 1990s when Sleepers was produced as a slide show it is clear Alýs no longer regarded himself as a tourist, but rather occupied a complex position between

\textsuperscript{52} Francis Alýs in conversation with Corinne Diserens, “La Cours des Miracles.” in Francis Alýs: Walking Distance from the Studio, 100

\textsuperscript{53} Anna Dezeuze, “Walking the Line.” Art Monthly 323 (Feb 2009): 4
outsider and insider in a community he had lived amongst for almost ten years. Nor was he any longer directly part of an artistic community but rather increasingly positioned as an independent artist who spanned several cultural positions and was sought after by curators of international biennales which were intentionally held outside traditional European and North American art centres. He had become known for simple performances of walking or *paseos* conducted in conjunction with minimalist props on urban streets to respond in subtle ways to whatever location he was in. These were not as casual and improvised as they may have appeared, as sketches and diagrams made by Ályś in advance reveal that they were very carefully planned, and performances were documented using still photography and video in collaboration with a photographer. The distinctive tall thin body shape of the artist in loose casual clothing, usually with face obscured and often moving past or away from the camera, became a recognisable ‘signature’ of his oeuvre.

*Sleepers* (1999) was originally produced as a slideshow of eighty analogue photographs taken by Ályś in Mexico City to be exhibited as his first solo show in the United Kingdom as part of an installation at a well-known private dealer gallery, the Lisson Gallery in London, from December 1999 to January 2000. In this commercial context, the work was produced from the outset in four identical editions to be available to be sold to collectors. Situated in the affluent Marylebone neighbourhood, the modern architecturally-designed white cube gallery stands out in its narrow street, with an expansive flat window forming a vertical plane adjacent to the footpath. Ályś’s slideshow was designed to be projected onto this window on a two-way screen so it could be readily seen by passers-by – nearby residents, shoppers and schoolchildren, and if viewed from the interior of the gallery the images were seen against a backdrop of the street outside. *Sleepers* is a silent work (other than the clicking of a projector as slides change) but within the gallery the loud soundtrack of an accompanying video work, *Zocalo* (1999) surrounded it with noises of central Mexico City streets – church bells, traffic, musicians playing, the hubbub of shouting voices. *Zocalo*, filmed over 12 hours in conjunction with filmmaker Rafael Ortega to be projected in real time, gives a view from high above the huge central square of the historic centre trained on a central enormous flagpole topped by the Mexican flag. The film follows the passage of

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54 The Lisson Gallery specialises in exhibiting and selling new media art and represents many prominent international contemporary artists including Ai Weiwei and Marina Abramovic,
the sun as anonymous gatherings of people line-up in its sheltering shade, and might suggest distant surveillance footage focused on monitoring group activity. [Figure 7]

Unmistakable political connotations for the exhibition were suggested by a final subtle work. 61 out of 60 featured small and battered plaster figurines of soldiers – each figure almost identical but individually ‘wounded’, as chips knocked off sixty soldiers were used to make an additional one. This suggested improvised and collective means of expanding the impact of resistance and drew attention to the Zapatista movement in Mexico; a laptop computer displaying a link to the Zapatista website was also included. From the mid-1990s, the indigenous people of the Chiapas area had engaged in forceful but peaceful and anonymous protest, including innovative use of the Internet, to draw attention to their otherwise invisible and unacknowledged plight. Álys expressed his surprise that the protests and resulting violent clashes, that triggered widespread upheaval in Latin America, had gone almost completely unnoticed in Great Britain. A widely reported statement published by the groups leader ‘Lieutenant Marcos’ on his website said:

*The Indians of the Mexican southeast – Tzotziles, Tzeltales, Choles, Tojolabales, Zoques, Mames – used to appear only in museum images, tourist guides and handicraft ads. The camera’s eye sought them out as anthropological curiosities or the colourful detail of a long-ago past. The rifle’s eye has made the cameras see them in a different way…It is clear to me that prizes for photographs ought to be given to the photographed and not the photographers.*

It is therefore ironic that, given Álys’s European origins, his artworks in this installation used the images of non-consenting subjects for commercial purposes.

It is likely that Álys was highly aware of parallels often drawn between the camera and the gun in terms of the potentially highly invasive nature of obtaining photographic images. He has directly addressed this comparison in a later sculptural work titled *Cameragun* which feature repeated versions of wooden gun-shaped forms with film reels attached that are displayed to convey impotency side-by-side on a gallery floor. It is likely Álys knew the comparisons Susan Sontag had drawn between photography and the use of guns in her highly influential book *On Photography.* She related the language used to describe taking a photograph - ‘aim, focus and shoot’, to that of operating a gun, and described the act of photographing as being ‘predatory’. Many other art writers since the late 1970s, including Martha Rosler, Allan Sekula, John

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Tagg and David Levi-Strauss have drawn pointed attention to issues of power discrepancies, misrepresentation and stigmatisation in connection with documentary photographs.

It is very clear that in producing *Sleepers* Alÿs took a deliberate and systematic approach that he initially claimed removed himself from a sense of direct authorship. This seemed to reflect a post-modern desire to present material that deliberately facilitated multiple and diverse readings depending on the context of viewing. In complex conjunction with a stated strategy of deliberate ‘objectivity’ he has also extensively and repeatedly described his work as being, in his words, poetic – an anecdote, a rumour or a fable. He has spoken of himself in terms of being an outsider, which has given him a privileged position in being an artist reflecting on a culture. He has also clearly regarded himself as having had a rare opportunity to witness at first hand the unavoidable social and political upheavals experienced by all who lived in Mexico in the mid-1990s, and as having a responsibility to share his impressions and experiences through artworks to be exhibited internationally.

A review of the exhibition at Lisson Gallery by Rachel Withers published in *Artforum* drew attention to the effective ways Alÿs’s *Sleepers* invoked responses from viewers due to being staged in a modest way in the window of the gallery and projected onto the street-side at ground level. She commented on the feelings of social conscience ‘in the relatively privileged gallery-goer’ that might be triggered, while ‘the artist’s subtle aesthetic judgements (avoiding close-ups of faces, frequently shooting from the same level as the sleeper) prevent the piece from becoming a document of pitiful dereliction’ so it becomes ‘a homage to the survival skills of the alfresco napper’. In contrast, English art academic Andrea Phillips described the work in much less sympathetic terms as ‘photographs in Mexico City…a place where stray dogs and stray humans populate the sidewalk in a way different from London…to disrupt and return to an alternative order of inheritance’ with a different idea of modernism.

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57 Anna Dezeuze, “Walking the Line.,” 1-6.
sleeping practices she describes dogs and humans as equivalent and exemplifying difference or ‘Otherness’.

American art critic and independent curator Gean Moreno, in an article titled ‘Polis as Playground: Contemporary Artists in Urban Space’ published in 2000, compared the idiosyncratic documentary practices of Alÿs in Mexico City to those of Mexican artist Gabriel Orozco in Berlin. He contrasted Alÿs’s ‘photographing the people and dogs who sleep in the streets of Mexico City, pushing a block of ice down the street until it vanishes and filming a day in the life of the Zócalo, an immense public square in Mexico City.’ with Orozco’s systematic photographing of examples of scooters he found that were similar to his distinctive yellow Schwaibe in various locations around Berlin. Moreno wrote that Alÿs ‘always traffics in an unnerving simplicity that sits restlessly on the cusp of irony and sincerity, between crisp cynicism and engaging romanticism…Ultimately, I think, meaning comes to Alÿs’s project from the deliberate, repeated efforts to begin from nothing and use a piece of the city and whatever is already there as ground and game board.’ Here Alÿs is observed as using the people of Mexico City as material for art projects that become a type of game.

In 2000, in the year following the production of Sleepers, Alÿs explained his position in the particular context of his relationship with Mexico City and his responses to its inhabitants, its culture and its idiosyncrasies as one of humour:

*Individuals can be individuals and recover their space, trying to create a precarious and quotidian reality is a utopia of sociability built little by little every day. That’s why a sense of humour is key, because you can’t explain a joke you have to tell it. When it comes to humour you can’t talk about globalisation or location because it is deeply rooted in culture and social structure. When you are learning a foreign language the hardest thing to do is to tell and understand jokes. Humour’s almost elitist.*

Alÿs’s choice of producing a slideshow to present documentary or archival-style photographic images may also have reflected his interest in conceptual art practices of the 1960s and 1970s, which frequently used photographs as colour slides to document ephemeral performances and to share ideas with other artists. Slides as a conceptual art medium were also used for typological approaches in forming series around particular themes in standardised repetition - for example, features of the built

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environment as explored in early works by Ed Rucha. These works have been seen to convey a sense of automaticity in their planned formulaic execution.\(^\text{64}\)

Alýs’s documentary practice reflects a long history of documentary photography – even as far back as Eugène Atget who carefully documented the streets of his native Paris at the turn of the twentieth century and provided the resulting detailed images to artists and architects. However, Atget’s images were of a city he knew intimately and he purposefully excluded visible human presence from his careful compositions. They influenced later art photographers such as Bernd and Hilla Becher who undertook a highly influential typological approach from the 1970s in photographing series of specific types of buildings, such as water towers, in standardised ways to reveal comparative differences in structure. Alýs’s use of strong single-point perspective has something in common with the theatricality of the series of urban photographs taken in the 1980s by the Becher’s pupil German photographer Thomas Streuth. Like the Bechers, Streuth’s street photographs are deserted of signs of daily human activity.

*Sleepers* is often paired with an earlier slide-show work by Alýs titled *Ambulantes* (1992-2002). This work features a similar series of collected examples of photographs of people engaged in a particular idiosyncratic practice of daily living on the streets of the historic centre of Mexico City – *ambulantes* or street vendors using improvised means of moving accumulations of goods around the streets on foot using an assortment of trolleys to push the load. The colourful photographs are taken from a consistent viewpoint as if observed from the far side of the street and often at a slight diagonal to emphasise movement. The deliberate distance of the camera’s position makes the human figures become insignificant in the midst of their loads. *Ambulantes* has an optimistic (even colourful) atmosphere of creative and industrious activity as a means of surviving in the megalopolis outside mainstream systems of economy. *Sleepers* made at the end of the decade seems much less optimistic and in some images there is a sense of motionlessness and last vestiges of dignity – of failed job-seeking and unemployment, of having exhausted possible options or choices. There is a sense of precariousness and even futility, but also of resourcefulness in securing a place with some sense of protection in order to catch up on essential sleep. Being in full view in the midst of crowded streets in daylight, with people walking past but not

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paying any direct attention, might be a safer option than being completely removed from any protective over-sight in the darkness of night. Sleeping in this context may be seen as a form of withdrawal or resistance from the demands of the city, an escape from the stresses of life on the margins and poverty, or as resistance to demands for productive engagement.

_Beggars_ (2001), another of Alÿs’s documentary slide projection works, was exhibited alongside _Sleepers_ as part of _Walking Distance From the Studio_ and takes a deliberate top-down view to seemingly exaggerate the exploitative nature of an opportunistic documentary approach, however the work maintains a sense of dignity. Only the tops of the hats and heads of the groups of individuals, who clustered on the steps at the entrance to the subway to ask for money, are framed within the strong horizontal and vertical lines of the surrounding enclosed space; the subjects’ faces are never revealed and being awake they could have looked up and noticed the camera and protested or moved out of view. This work was presented as a slide projection onto the floor in order to be exaggeratedly literal about looking down on others and to force viewers to pay attention to presumed hierarchical positions. In this slide work the images were timed to change at two second intervals so examination of the outdoor real-life scene was rendered cursory and furtive within a pristine gallery space.

Alÿs’s practice in the first years of the new millennium became much entwined with many institutional and independent curators and writers, and his work became greatly sought after by private and institutional collectors of contemporary art internationally. It is likely that his first solo exhibition in the United Kingdom at the Lisson Gallery in London, in which _Sleepers_ was first exhibited, was in part set up by Mexican curator Patricia Martin who had worked at the gallery as an exhibition coordinator only a few years earlier and who explicitly aimed to gain recognition for the Mexico City contemporary art scene within the international art world. The aspects of the exhibition that clearly emphasise characteristic Mexican social, cultural and political life can be seen in this context as a deliberate strategy to ensure straightforward connection with Mexico City – including featuring the Zócalo which is so well known from tourist brochures. Contemporary art from Mexico was considered a ‘hot’ new area to represent for dealers and collectors alike in this period, and works that seemed to reflect preconceptions of ‘Mexicanness’ for a European and North American clientele may have been especially popular. By 2001, a further version of _Sleepers_ - eighty slides in four editions titled _Sleepers II_, had been produced to be sold by the Lisson
Gallery to meet demand. This was also in conjunction with expanding international contemporary art world interest in new media art from the ‘peripheries’ or ‘global south’ such as Latin America, which extended collecting and exhibition sites away from traditional centres in Europe and the United States. Alýs, a highly articulate, enthusiastically collaborative and very productive artist in a range of diverse media, was clearly welcomed in spanning both arenas – both familiar in his European ideology and seen to have something of an insider perspective on his adopted country and continent.

Many exhibitions staged in Europe and the United States in this period highlighted the economic plight of Latin America and the failure of modernisation projects. An example of this is an exhibition curated in 2002 by Klaus Biesenbach, who had recently been appointed from Berlin as the director of the contemporary art arm of the Museum of Modern Art – PS1 Contemporary Art Center in New York. It was titled *Mexico City: An Exhibition about the Exchange Rate of Bodies and Values*. The complexities of daily life in a city depicted as vast, backward, chaotic, dangerous and undergoing decline are drawn attention to in direct contrast with claims of New York’s strengths of progress, safety and wealth; this was despite being within a year after terrorist attacks which destroyed New York’s World Trade Center and utterly altered the climate of security for the entire planet. Vast gaps between the countries are emphasised; Mexico is depicted as suffering stagnation and limited progress as well as being a vibrant outsider to the United States and a civilised ‘First World’. The practices of both expatriate and local artists based in Mexico City were featured in this group exhibition including Spanish conceptual artist Santiago Sierra and Mexican photographer and performance artist Teresa Margolles. Both these artists have engaged in deliberately antagonistic, exploitative and transgressive practices in the guise of exposing the general lack of morality and violence of life in Mexico, particularly to draw attention to the complexities of the use of anonymous ‘bodies’ in capitalist societies. Sierra’s participatory works have been much discussed for their dubious ethics - for example, he paid a group of unemployed young people in Havana to be tattooed with a line across their backs. Margolles has made artworks focusing on social violence and death, including using unidentified bodies in the city morgue.

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These works might make any transgressive aspects of Alÿs’s documentary works seem tame by comparison but Sierra’s subjects were awake and able to refuse involvement while Margolles’s subjects were dead. In contrast Alÿs’s subjects in Sleepers were asleep and unaware while photographed and therefore unable to consent; once awake they might become aware of how their dignity had been compromised through being exhibited as ‘homeless and destitute’ with associated stigmatising implications.

Alÿs’s Ambulantes (1992-2002) was featured in the New York exhibition and Sleepers is clearly referenced in the large glossy accompanying catalogue, including selected images from the Sleepers II (2001) series and an essay by Klaus Biesenbach in which he draws attention to the work in the form of an anecdote about his own experience of walking in the streets of Mexico City -

A first time visitor might believe the city to be inhabited predominantly by two different sorts of living creatures, that is, human beings and dogs; countless numbers of both can be found sleeping in parks or sprawled out on sidewalk corners, threadbare and exhausted, looking forlorn at best. In fact, it is often difficult to determine whether you are stumbling on a sleeping creature, a wounded animal, or a languishing corpse. Humans and dogs seem to occupy the same bleak, ill-fated existence as in the internationally acclaimed and Oscar-nominated film Amore Perros (2001).

This is in a period when the number of homeless people in New York City was higher than at any time since the Great Depression, largely due to unemployment and scarcity of affordable housing. In this period, immediately after the World Trade Center attacks, security fears in the United States were greatly heightened including those connected with the long problematic border with Mexico that represented a flood of illegal immigrants that might pour into the country if Mexico woke up from its ‘long and backward sleep’. 67 Biesenbach’s provocatively loaded and stigmatising description lacked appreciation of cultural complexity or dignity as well as conveying a clearly judgmental viewpoint with arguably Eurocentric imperialist overtones, and linked the artwork to a fictional but realist-style Mexican movie which highly influenced perceptions of Mexico City in the period.

In conversation with curator Corinne Diserens in 2004, Alÿs explained his discomfort in having his artwork potentially associated with the artifice of the fictional but realist-style Mexican movie Amores Perros - a film featuring dogs on the street and violence that highly influenced perceptions of Mexico by outsiders in this period. The movie

was released shortly after *Sleepers* was first exhibited and Alýs’s highlighted that he had attempted to take a more neutral, archival and protective stance that documented adaptive patterns of behaviour and distinctive places that were at risk of disappearing in the homogenising effects of globalisation.  

A catalogue for a 2004 travelling solo exhibition of Alýs’s work titled ‘Walking Distance From the Studio’ includes this interview, and surveys his works to date. The *Sleepers* series is represented by a single double-page colour photograph which allows close scrutiny of its details. [Figure 8] It reveals a harsh urban environment surrounding the figure of a potentially identifiable man who lies facing the camera on a concrete ledge demarcated by the horizontal band of a curb with yellow peeling paint. A deep band of concrete in varying shades of grey takes up an expansive foreground and in the upper half the strong horizontal lines of railings of what appears to be a disused over-bridge draw the eye to the broken windows of a derelict office building beyond. In between, the solitary sleeper appears to be peacefully asleep in the sun despite the hard surface - his brown-skinned face and black hair are uncovered, he wears tidy but worn and scuffed clothing, and his hands make a semblance of a pillow under his head. He appears to be completely unaware of being observed. Peering in very close, it is possible to discern a small hole in the elbow of his sweater and dark patches of grime on the knees of his trousers. Signs in old-fashioned fonts in Spanish seem to highlight the location as being somewhere in Latin America. Details of a photograph, that would not be possible to discern in a briefly viewed slide at a distance, may be readily examined at length when fixed in a high resolution still photograph enlarged in close-up to fit the pages of a glossy catalogue.

Text accompanying the image states that Alýs’s ‘equating people and dogs is...a claim for the complex ecology of the polis, alien to the orthodoxies of hygiene and order. Rather than intruding into other people’s lives, *Sleepers* records the way dreaming might have a role in a possible rethinking of our conviviality’. Several European writers, whose essays were featured in this exhibition catalogue published in Germany, all repeatedly stated that *Sleepers* is a documentary series about the hopeless situation of homeless people in Mexico City and ‘a record of misery’. Any sense of conviviality is clearly dominated by a sense of ‘us’ and ‘them’ in terms of

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68 Francis Alýs in conversation with Corinne Diserens, “La Cours des Miracles.” in *Francis Alýs: Walking Distance from the Studio*, 253-254
claims to civilised life, and a very reductionist viewpoint of homelessness and destitution. In this context, dreaming might seem to suggest stigmatising connotations of laziness and unreliability in contrast to Alÿs’s constructive use of his imagination.

A reductionist and stigmatising label of homelessness and stereotyping of Mexico City as backward, stagnant, dangerous and forlorn seems to have persistently stuck to the work and has been extensively repeated in writing and publications, especially in connection with exhibitions in the United States and Europe. *Sleepers* is frequently described simply as showing homeless people and dogs in the streets of Mexico City. It is clear that Alÿs has strong qualms and regret that reductive and stereotyping views of his adopted country and city should be conveyed by his documentary works, and has expressed awareness and concern that the cultural context of these works has been distorted outside of their original situation of production. The loss of context has doubtlessly been accentuated by Alÿs’s rapidly escalating fame from the beginning of the twenty-first century as he became a much recognised and sought-after ‘branded’ artist in a highly commercialised international contemporary art scene. As a result multiple versions of the work have been produced for sale by dealer galleries and control over the context of its exhibition has been largely lost.

Possibly in response to concerns about *Sleepers* being read simplistically and reductively as ‘homeless people’ and without acknowledgement of the complexities of context, Alÿs published a modest book in English (with Spanish translation) in conjunction with famed Mexico City essayist Carlos Monsiváis titled *The Historic Centre of Mexico City* (2006). This book repeatedly situates images from the *Sleepers* series in juxtaposition with diverse images documenting other features of lively and idiosyncratic everyday life as observed in Mexico City’s historic centre. The small modest photographs in soft tones have the appearance of unplanned snapshots and are simply labeled according to the places where they were photographed with accompanying dates – for example, ‘Plaza Santa Catarina, 2002’ and have an unmistakable quiet dignity. None of these images remotely suggest voyeurism or overwhelming strife but rather a sense of sympathetic inclusion and self-sufficiency. On a scale that suggests a older child’s illustrated non-fiction book used for a school project, rather than a high-production exhibition catalogue or touristic coffee table book or travel guide, the images are carefully balanced with accompanying text - a poetic, nostalgic and personal essay that carries a sense of amused resignation. In it
Monsiváis talks of ‘[the area’s] first-rate aesthetic potential because…nobody is what they seem and everything is as you see it’. The book carries a strong sense of an idiosyncratic way of life in an urban area that has long survived through an ‘underground’ economy of cooperation that has defied and resisted attempts that sought to impose modernising progress. The writer describes that:

the dogs have mingled with the desolation perfecting it. They are an ethical phenomenon in the city and of the Centre (the twin demonstration of human cruelty and compassion), and they are an aesthetic factor...If the street is the grand hotel of outcasts, the pavements are the rescue space of dogs, which are there because the Centre (the entity which is rather more than the sum of its inhabitants, proprietors and travellers) refuses to let itself be regimented by any kind of glorification of Progress or post-modernity, and clings to irredeemable appearance. (p87)

On the last page of the book Monsiváis concludes —

The Centre of Mexico City, a place of supreme melancholy and dramatic uniqueness. Francis Alÿs has succeeded in translating his experience of art and society into a very accomplished series of projects and undertakings. There is no sermon, there are no conclusions. Rather a perpetual mise-en-scène that leads us to reexamine and reformulate our point of view.’ (pp94-95)

Immediately above these final few paragraphs of text is a photograph labeled República de Perú, 2002. Taken at the level of the pavement it shows a seemingly unconscious man in bright orange shirt and pants who lies prostrate horizontally across the picture plane. His body forms a line across the orthogonal lines of the raised grey stone-paved footpath that stretch away smaller and smaller to the horizon. A straight trail of discarded plastic debris and grit that has accumulated at the curbside leads a viewer’s eye to the centre of the image where the sleeper’s black-shoed feet curiously project out into the road - a passerby pushing a small cart and a cyclist move on past seemingly with calm acceptance. [Figure 9]

Over the ten years following its original production, Sleepers became so sought after by international collectors, including private individuals, foundations, public galleries and museums, that a further three versions of eighty slides, each in editions of four, were produced and sold. These now multiple versions have been repeatedly exhibited internationally in a wide range of gallery contexts, and to an extent that Alÿs’s current dealer galleries are unable to provide an accurate exhibition history for this work.69 Use of the photographic images of recognisable individuals for commercial gain without their knowledge or explicit consent is not only widely considered to be undesirable but is illegal in many countries such as France. Cases in which the use of

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69 email correspondence with Alÿs's dealer galleries - David Zwirner Gallery in New York and Peter Kilchmann Gallery in Zurich (October 2015) – both galleries stated that versions of Sleepers have been exhibited so widely internationally that a full exhibition history is not known
Photographic images of non-consenting unaware individuals in art works has been legally contested in the United States has resulted in the artists’ approaches being endorsed on the grounds of freedom of artistic expression. Alýs’s *Sleepers IV* continues to be promoted for sale by his dealer galleries – David Zwirner in New York and Peter Kilchmann in Zurich, including being exhibited to entice buyers and collectors at international art fairs such as Art Basel Miami. Occasionally Alýs’s works come up for resale at auction, particularly at big name auction houses such as Christies or Phillips in London and New York, and a version of the slide-work *Beggars* was sold at auction by Phillips in February 2014 for £GB 40,000.70 None of the individuals whose images featured in the work profited from the sale of their personal image at all. There is no available sales history for *Sleepers*. Several versions are owned by public collections, including editions of *Sleepers II* (2001) in the collections of the Art Gallery of New South Wales in Sydney, Australia and the National Gallery of Canada in Ottawa (purchased in 2002). Most recently *Sleepers IV* has been acquired by the Museum of Modern Art in Warsaw, Poland with images of all slides from the work available to be viewed in detail on their website.71

Photographic images of individual sleepers from Alýs’s *Sleepers* have been extensively reproduced in numerous publications about the artist over the past 15 years and it has become one of his ‘iconic’ works. Once printed on a page, the images are open to close scrutiny of details that are much less fixed than in a projected slide. Viewing becomes much more voyeuristic and in many of the images it is possible to recognise distinctive identifying features of individuals and places. In this context of close examination, the subjects are open to being viewed in a considerably less dignified light. This is exacerbated by the evolving tendency of the sleepers to be repeatedly described reductively and simplistically in accompanying texts as “homeless” rough sleepers and hopeless destitute Mexicans. Many of these single images in high resolution are now used in digital media contexts to promote Alýs’s work on dealer gallery and public museum websites as well as in conjunction with academic articles published on-line, ‘cut and pasted’ into blogs, and shared using

70 The work sold was listed as *Beggars* (2001) – a set of 80 slides - no 3 of an edition of 4 – each slide titled and numbered sequentially; the work’s exhibition history was given - first exhibited in Wolfsburg, Germany in 2004 in *Francis Alýs – Walking Distance from the Studio* and subsequently exhibited 5 times i.e. in Germany twice, and in France, Spain and Mexico City between 2005 and 2013 - https://www.phillips.com/detail/FRANCIS-ALŸS/UK010214/200
71 http://artmuseum.pl/en/kolekcja/praca/alyss-francis-sleepers-iv/; the full series of photographs in *Sleepers II* is also available to be viewed on the website of the Art Gallery of New South Wales.
social media such as *Instagram*, *Pinterest* and *Tumblr*. The images are able to be zoomed in on for close examination of every detail, and easily uplifted from the webpages, reused, shared and disseminated with extensive loss of their original context. Although Alýs’s dealer gallery David Zwirner in New York states copyright protection of some of the images from the *Sleepers* series, it has published photographs from the work on its website in order to promote the artist's works for sale. A very large number of single images from the multiple versions of the series are freely available on the Internet to be easily re-used in unlimited ways and uncontrollable contexts.

‘Francis Alýs’ is now so well known as an artist that images from the series are very easily found by searching his name on a digital device anywhere in the world where there is Internet access. With the simple use of a search engine like Google, a search for ‘Francis Alys Sleepers series’ yields more than 32,000 separate results as of November 2015 - each of these leads to further collections of images in a huge range of contexts. For example the entire eighty slides of *Sleepers II* (2001) are available as a high resolution full-screen slide show on the website of the Art Gallery of New South Wales in Australia, while a single selected image from this series is available connected to a blog post about the work for a public contemporary art gallery in Brisbane written in 2010. Images from the series have been used internationally and given Alýs’s fame they regularly appear attached to numerous student photographic projects about homeless people and street photography. Any possibility of the images being attached to contextual information about the circumstances of production of the work as a whole has become highly distorted if not lost altogether.

The exploitation of unsuspecting individuals as non-consenting photographic subjects when observed in public spaces is by no means new. Social documentary photographer Sebastian Salgado, who has captured destitute and marginalised people all over the world in dramatic black and white photographs, has been criticised for his exploitation of his subjects but he is said to unfailingly seek to convey a sense of personal dignity regardless of how compromised this might be.  

72Alýs’s documentary slideworks series could be seen to follow in the long tradition of social documentary photography, particularly that of social reformers such as Jacob Riis and Lewis Hine in the late nineteenth century, or in connection to photographs taken to

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highlight precarious social circumstances during the Great Depression in the United States as commissioned by government agencies, including those by Walker Evans and Dorothea Lange. The basis of documentary photography in this context has been summarised as ‘to see, to record and to comment’. 73

Alÿs’s *Sleepers* images were based on observations and were systematically recorded but emphatically resisted particular personal social commentary. However, it is clear that as the context in which they were viewed and described by some influential writers and critics moved well away from the original context of production and his largely sympathetic viewpoint, he became subject to criticism about a patronising approach. In many of the images in his *Sleepers* series the dignity of the individuals who are documented is certainly compromised. The photographs obtained for the many versions of *Sleepers* were taken surreptitiously at a distance and almost certainly without the subjects’ knowledge or consent. The secretive nature of this methodical picture-taking has much in common with Walker Evans who became well known for his surreptitious photographs of people in public places captured with a concealed camera, including ones taken of unsuspecting women who are seemingly lost in thought while travelling on the subway in New York City. This approach was also followed by contemporary French documentary photographer Luc Delahaye who secretly took photographs of travellers on the metro in Paris; these photographs were explicitly taken to be exhibited as large-scale black and white art photographs in a gallery. The unquestionably invasive and voyeuristic nature of these images has been raised. 74

Alÿs’s systematic documentary approach in *Sleepers* contrasts with the tradition of street photography that follows in the legacy of Robert Frank or Garry Winogrand who both typically captured spontaneously observed moments and unaware subjects while ‘on the prowl’. He is clearly aware of street photography practices as he has exhibited, as an example of street art, his personal collection of more than one hundred black and white snapshots taken opportunistically in Mexico City during the 1940s and 1950s by street photographers of people walking past. Titled *Instantáneas* (1994 – present), art historian and curator Lydia Yee has suggested the collection reflects the

repetitive nature of Alÿs’s daily walks in the neighbourhood around his studio in Mexico City. These street pictures, obtained without the prior knowledge of their subjects, were captured by photographers with the hope that the subjects might wish to purchase the photographs taken of them. The repetitive nature of *Sleepers* may similarly be seen to reflect the repetitive nature of Alÿs’s walks. However, the subjects in Alÿs’s documentary works like *Sleepers* were methodically photographed with standardised compositional strategies and the subjects were motionless rather than being captured in fleeting moments.75 Discussions around the ethics of contemporary street photography frequently outline situations that are considered off-limits and this consistently includes the homeless or destitute.

Many art photographers who have taken photographs of unsuspecting individuals in public places without their knowledge or consent have done so in order to capture people’s unguarded expressions and to draw to attention aspects of contemporary urban life. In the United States several photographers have been taken to court by subjects who became aware that their image had been stolen for the purposes of an artwork for commercial sale, for example Philip-Lorca diCorcia for his series *Heads* (1999-2001) taken in Times Square, New York City of passersby by using light sensors to trigger the camera without the subjects’ knowledge or consent. One of his unsuspecting subjects, an Orthodox Jewish man, sued the photographer in 2006 for violation of his privacy and sense of self. DiCorcia took over 400 photographs but chose only 17 from the series to be published as a collection in a large photographic book. The photographs have also been widely exhibited in galleries and part of the collection of the Museum of Modern Art in New York. The MOMA website page devoted to the work highlights the controversies surrounding it in terms of free speech and uncensored artistic expression in opposition to the right of personal privacy.76

Invariably artists in the United States to date have won the cases on the basis of freedom of speech as artistic expression and art is regarded as exempt from privacy laws. In France and Germany the law is much tighter in protecting informational privacy and the personal image of individuals in public places.77 Photographs taken without the knowledge or consent of sleeping individuals in public places such as parks or beaches, or from the street of private interior spaces in order to capture

natural and unguarded behaviour have been widely discussed for decades in terms of the ethics of the approach. The main concern for the unsuspecting photographed individuals is loss of dignity but commercial gain from such activities is also highly problematic. Photographs are generally considered to be the property of the photographer, not the photographed subject who is represented in the image, although this is increasingly contested when issues of informational privacy arise.

Ferdinando Scianna, an Sicilian photojournalist published a personal ‘collection’ of sleeping people he had observed and secretly photographed throughout his career which involved travelling all over the world, including Latin America. He describes the series as reflecting a particular longstanding fascination with ‘the portion of our lives that is motionless but not stopped, an event so natural, so ordinary, but also so remote, to which we succumb almost secretly, usually in protected places, aware that we are delivering ourselves to the whim of others.’ His black and white images of sleepers on the streets and in public and private spaces give a sense of a sleep as a universal, natural and unguarded activity but one in which economic contraints and climate influence the sites chosen for napping. His images give his sleepers dignity regardless of the precarious circumstances in which they were napping and mostly suggest retreat from the heat of the day.

Alÿs’s *Sleepers* as it was originally produced and exhibited had much in common with this personal ‘collection’ of observations of idiosyncratic and adaptive local behaviour in a city that was both familiar and not. Aspects of context are largely lost when the images are published on-line and disseminated - not just of place, but also of particular situations and responses on the part of the photographer to the photographed subject. On the Internet, isolated still photographs reveal an identifiable individual who can be scrutinised in far more detail than was originally intended when presented as part of a controlled slide show.

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CASE STUDY TWO:

Sam Taylor-Wood (b. 1967, England)

David (2004)

digital film displayed on plasma screen
1 hour 7 minutes

A commissioned portrait of English football captain David Beckham for the National Portrait Gallery in London featuring him slumbering was unveiled in early 2004 amidst much media attention and was doubtless celebrated by the gallery’s management for the crowds it immediately drew and the extensive publicity it attracted. At a time when the gallery’s new director was actively seeking to promote portraiture and the institution itself as dynamic and innovative rather than fusty and staid, the chance to see such a well-known individual revealed in intimate detail as a contemporary male ‘sleeping beauty’ drew the curiosity of a large sector of the British public and international visitors to London alike.79 Officially produced as the latest addition to the gallery’s collection of portraits of notable and prominent British public figures dating back to earlier centuries, the deliberately popular work aimed to inspire new public perceptions of the gallery as being a relevant and accessible place to visit for a diverse and expanded audience.

One of the most recognisable men on the planet, largely due to his famed athletic prowess in the international football world, at that time Beckham’s public profile was extensively heightened by constant publicity given to his good looks, his notable fashion sense and his enviably glamorous lifestyle alongside an equally famous celebrity wife. He had become the epitome of a ‘star’ in the Hollywood tradition. Constantly hounded by paparazzi intent on catching him out in a candid ‘off-guard’ moment in order to reveal something ‘authentic’ about him in public or private and whether alone or with his wife or young sons, he had dozens of cameras pointed in his direction wherever he went. Sensationalised stories - often unflattering and fictionalised depictions of him - featured almost daily in the tabloid press. Official and

79 Historian and curator Sandy Nairne (b. 1953) was director of the National Portrait Gallery from 2002 until February 2015 and became known for very significantly increasing visitor numbers, staging sell-out exhibitions and having overseen ‘glamorous’ commissions and major acquisitions.

http://www.theguardian.com/arts/2014/jun/12/national-portrait-gallery-director-sandy-nairne-leave-early-2015; the arts reviewer for The Telegraph, Richard Dorment, titled his article about the newly unveiled work – ‘Beckham, the sleeping beauty’ and concluded his article – ‘It’s a neat reversal of a tradition that has, for the most part, been the province of male artists, and it is to Beckham’s eternal credit that he agreed to collude in Taylor-Wood’s stylish updating of a tired genre.’

http://www.telegraph.co.uk/culture/art/3616013/Beckham-the-sleeping-beauty.html
unofficial football collectable items for fans such as photo-cards and t-shirts carried his regularly updated image. He was also widely upheld as an exemplary role-model for expanding notions of twenty-first century masculinity and fatherhood in academic circles.\textsuperscript{80} Just the name ‘Beckham’ was enough to bring an image of him to mind almost anywhere on the globe. He had been awarded an OBE in 2003 that officially made him a notable British citizen. Only in his late twenties, David Beckham attracted an extraordinarily broad following.

Sam Taylor-Wood’s own international fame as a glamorous celebrity artist, acquired over the previous ten years, is likely to have played a part in her selection for the commission. Regarded as a key player in the contemporary art world she had been named most promising artist at the Venice Biennale in 1997, was nominated for the Turner Prize in 1998, and in mid-2002 became the youngest artist, and the first woman, to be given a retrospective at London's Hayward Gallery. She was well-known as part of the highly influential ‘YBA’ (young British art) scene based in London, was married to highly influential art dealer Jay Jopling who owned the White Cube Gallery, and had also received much publicity for commercial art photography and music video projects featuring celebrities. Like Beckham, she was frequently targeted and profiled by British newspapers and international magazines wishing to attract readers through sharing information about her personal and social life. Portraits of Sam Taylor-Wood were already included in The National Portrait Gallery collection, including a photographic self-portrait of Sam Taylor-Wood acquired in 2002 which conveys her in full control of her own representation.\textsuperscript{81}

Having been selected by the National Portrait Gallery and Beckham himself after prolonged negotiation, Taylor-Wood’s decision to document the athlete sleeping during the day in a hotel room in Madrid as a continuous hour-long video using a fixed camera was intentionally unpredictable. As she explained, “Making a portrait of a much-photographed man like David Beckham was a challenge. I wanted to make a


\textsuperscript{81} In this large C-print print titled Self-portrait in Single-breasted Suit with Hare (2001) the artist is photographed directly addressing the camera while standing and holding its cable release in one hand – in the other hand she holds a taxidermied hare as an ironic reference to her recent loss of hair due to chemotherapy for breast cancer.
direct, closely observed study. Filming while he was asleep produces a different view from the many familiar, public images."  

The video portrait produced by Taylor-Wood with Beckham’s cooperation, and titled simply David, hovers between film and still photography. Recorded in continuous real time for just over an hour as determined by the length of the tape, Beckham was captured sleeping and face-on to a fixed camera as he lay on his side in an indeterminate shallow and shadowed space. Cinematic in its lighting and framing, it resembles a very prolonged and sustained close-up but with almost no action other than subtle shifts in movement that are ambiguously posed or unconscious. Theatricality is created through single-source soft lighting that envelops him flatteringly in rich warm colour and deep shadows. Beckham is revealed in close-up range that draws particular attention to his distinctive blond hair, the contours and textures of his famous facial features, large diamond earring, gold neck-chain and bare tattooed shoulders and upper chest; his hands and arms catch the light intermittently when moved closer to his face within the frame. The camera revealed little except minimal changes in facial expression and occasional small movements as he attained comfortable positions. His eyes stayed closed and he remained consistently free of any inelegant snoring, dribbling or loss of muscle tone that might be typically associated with unconscious sleeping behaviour. The continuously flowing image suggests an observer was close beside Beckham as he lay unclothed in a bed enveloped in the glow of soft low light. Produced to be projected unedited and without sound at almost life-size on a flat-panel digital screen displayed on the wall of a gallery, every subtle visual change becomes a small event and gives a sense of quiet spectacle to an inherently non-theatrical situation of sleeping stillness. [Figure 10]

Beckham gives an impression of being withdrawn from any open acknowledgement of being viewed and his eyes stay closed throughout the footage. At times he pushes his hair back from his face or licks his lips and is seemingly both self-aware and conscious of the camera’s presence. Art historian Craig Owens noted that posing takes place somewhere between active and passive display – individuals who pose for a photograph are aware of the camera’s potential to fix them in an image that may be at odds with their choice of how they wish to be revealed while simultaneously consciously controlling how they come across. In being recorded continuously in the

same position for over an hour, inevitably there are periods in which Beckham
came drowsy or lost focus, forgot the camera’s presence and seems to drift into
sleep thereby revealing unguarded expressions. Despite times of being asleep, and
therefore unaware of being recorded and lacking consciousness of his own
movements, he remains dignified throughout. A sense of authentic sleep is enhanced
by this long duration as holding a single physical position would be a feat of self-
discipline and endurance unless the athlete was truly asleep. He is ambiguously
objectified – to some extent he controlled how he was looked at while not actively
looking at anything himself; through being recorded he became open to close scrutiny
and voyeurism. Beckham is conveyed in a situation of seclusion for rest and
recuperation and his closed eyes and withdrawal from any interaction might suggest
vulnerability and the necessity of retreat from public exposure.

As a commissioned portrait of a notable public figure in contemporary English society
for the National Portrait Gallery’s collection this work is far from conventional.
Traditionally, portraits are posed for and usually focus on the face to reveal aspects of
identifiable physical attributes and character in a paradoxical combination of
representation and reality, and may include the subject’s body to emphasise positions
of power, prestige or prowess. Beckham’s portrait does draw attention to his face but
does not portray him in a way that would be generally construed as exemplifying his
public status in terms of power, control or leadership. Instead it reveals him in a state
of apparent vulnerability, inactivity and powerlessness during an episode of daytime
sleep. However, it might be interpreted that having the capacity to sleep during the
day in a hotel room represents wealth and the prestigious position of having the
choice of leisure time. In sleep Beckham is disengaged from projecting any aspect of
his personality. Despite being an athlete famed for his agility and prowess in
controlling a football his body is largely out of the frame and the portrait in no respect
conveys an impression of strength and stature. Given that Beckham was so well-
known for his skilled performances on the public stage as a football captain and
athlete and had been frequently staged in many guises in commercial arenas such as
fashion and advertising, it is likely Taylor-Wood decided to capture an inherently
private, natural, non-performative and potentially unconscious single episode of being
asleep in order to convey a sense of convincing authenticity. Sleep is an activity
shared by everyone and therefore situates Beckham as a human being rather than
iconic figure. At a time when the gallery was embarking on a customer-oriented
approach to attract visitors and deliberately strove to be seen as being more accessible to a much wider public this may have been a deliberate strategy. By producing an image that lacked the traditional formality of portraiture, and was very different from those usually associated with Beckham on a screen or magazine page, it appealed to a wide audience without being intimidating or invoking preconceptions.

The approach taken by Taylor-Wood for producing this portrait can be considered to be a documentary process. It intentionally recorded the footballer as a solitary recognisable individual in intimate detail in what appears to be a real life situation through the use of a single video-tape in continuous real-time with the camera set-up to film in as ‘hands-off’ and ‘objective’ manner as possible. This was in keeping with a long tradition of observational ‘direct’ documentary film making. In seeming to be at his most natural and unguarded Beckham was documented in a way that could also be seen to draw on photojournalistic practices, particularly in revealing an otherwise unseen aspect of contemporary life in order to inform a public audience. The documentary approach also has resonances with scientific sleep research practices in which recordings of episodes of sleep using a fixed camera have been studied to investigate aspects of otherwise unseen sleep behaviour. Such documentary practices frequently draw on claims of objectivity and accuracy but numerous theorists have drawn attention to the unavoidable choices that are made about when, how and what the camera frames (and choses to leave out); in addition, the meaning of all photographic images is unstable as possible readings are altered by the ways they are presented. Beckham’s football career coincided with the rise of global pay-to-view television coverage of games facilitated by sophisticated technology allowing tracking of movement, extreme close-ups and rapid replays to allow scrutiny of a player’s every gesture. From the outset of playing professionally he was aware of being filmed in real time in long-shots and in very close-up scrutiny without his being exactly aware of what the camera was capturing at any time.

84 The recently appointed director of the National Portrait Gallery Sandy Nairne had previously worked for Tate Britain and had assisted in the setting up of the new Tate Modern. In a period when government funding for museums had been cut, national institutions like the National Portrait Gallery and the British Museum were forced to compete for visitor numbers.

85 Bill Nichols, Introduction to Documentary. (Bloomington, IN: Indiana University Press, 2001), 109-111 – Nichols describes the ‘observational mode’ of documentary filmmaking as having developed from the 1960s with the use of 16mm cameras that enabled recording a scene as it happened which facilitated observing lived experience in a spontaneous way - ‘we look in on life as it is lived’.

86 Ted Spagna, Sleep. (New York: Rizzoli, 2013)
The production process for Beckham’s portrait was collaboratively planned by both the photographer and subject in order to undertake a staged direct and candid approach. The initial positioning of the camera determined what was documented and the length of the videotape dictated the duration of the recording. It is unclear whether the artist remained in the room during this time but no technical crew or other camera operators were present while Beckham slept for the camera. The relationship involved in this portrait is a matter-of-fact one between the camera as a recording device and the subject. Unlike most commissioned portraits, any creative interpretation by the photographer, that might reflect impressions formed through connections established with the subject, is withheld. Official posed images of stars taken for promotional or advertising purposes usually glamorise and idealise them to ensure that they seem out of the ordinary. Typically stars carefully control who takes their photographs and how they will be constructed and used in order to control their public image. For Beckham there was the additional consideration of ensuring his public image was dignified in keeping with that of the professional football teams he belonged to and other commercial interests he represented. When asleep, posing or controlling one’s own image is not possible. Through being captured while undertaking the universal and ordinary activity of sleeping, which through lack of consciousness generally precludes control of one’s own image, Beckham’s portrait can be viewed as revealing a real person with convincing candour and authenticity.

The staged nature of this portrait was in stark contrast to ‘candid’ photographs by paparazzi who posed a persistent daily threat and invasion for Beckham. Throughout his adult life he had been constantly stalked by throngs of freelance photographers, who crowded around him in public places or stealthily crept up unseen with long lenses to invade private spaces from a distance, and aimed to catch him ‘off-guard’ in order to disclose aspects of his daily personal activities at their most ‘authentic’. Paparazzi photographs are the opposite of carefully staged images as they typically display stars captured unaware and stripped bare of their carefully planned and glamorous public profiles so as to reveal the ‘truth’ about everyday mundane aspects of their off-duty lived lives. In this respect, sleep as a universal ordinary everyday activity would potentially be considered a paparazzi target but it is generally

conducted in private spaces in low light beyond the reach of the camera. Beckham, in agreeing to the form of the production of his portrait, took control of what he revealed to the public in disclosing an intimate aspect of himself that paparazzi lacked access to. He was highly aware of how photographs could be used to misrepresent him. In interviews in this period, Beckham expressed serious concern that the violation to his privacy posed by paparazzi was only sanctioned by their being photographers and that he found their actions highly intrusive to the point of causing physical danger as well as psychological and emotional stress. Powerful tabloid newspapers such as ‘News of the World’ held particular sway in the early 2000s and unrelentingly sourced stolen photographs, paying large sums of money for uniquely revealing and intimate images of big name stars. For almost fifty years, numerous lawsuits have been undertaken against paparazzi who violated the privacy rights and dignity of celebrities but few have been successful. Generally celebrities are seen to court publicity and this makes their claims to privacy rights greatly limited, especially if photographs are taken of them in public places. Beckham is a famous and highly identifiable person seen in countless staged photographs and interviews as well as in performances on the football field and therefore would be regarded as having willingly exposed himself to be the object of public scrutiny in many situations. Claims to invasion of his personal privacy through being photographed would likely be contested. However in a case brought by Jacqueline Kennedy Onassis against photographer Ron Galella in 1972 the court recognised that celebrities are entitled to the same rights to privacy that extends to all individuals and this includes:

> A general ‘right to be left alone’ and to define one’s circle of intimacy; to shield intimate and personal characteristics and activities from public gaze; to have moments of freedom from the unremitting assault of the world and unfettered will of others in order to achieve some measure of tranquility for contemplation or other purposes without which life loses its sweetness.

In sleeping during the day alone in a hotel room, away from paparazzi cameras and the constant public gaze, Beckham was paradoxically achieving freedom from unwanted intrusion while consciously allowing an artist’s camera to capture intimate aspects of himself for subsequent exposure to extensive public viewing.

Although filmed in a regular hotel room as a make-shift set, the photographic approach to making the portrait of Beckham was very carefully planned in advance by

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89 interviews with Beckham recorded in television documentaries, for example ‘The Real Beckhams’ (2003) and ‘David Beckham - a footballer’s story’ (2005)


Taylor-Wood to deliberately enhance its aesthetic effects. She employed strategies long used by her in other art video works to convey a heightened sense of theatricality and realism through techniques traditionally used in painting and film. Single-source lighting created heightened chiaroscuro and the use of a fixed video camera and a single frame in an extended long take gave a close-up viewpoint, creating the effect of intimacy as if being right next to the footballer while he lies horizontal on a bed. She explained that ‘the effect is that the person is seeing what the camera sees and that is singular to their environment because the camera gives a perspective of everything from a single point of view.’ The camera’s eye facilitates a viewer being unavoidably put in an engrossing voyeuristic position though being encouraged to be the spectator of an unseeing subject engaged in a usually unseen and private activity. However when the recorded video is displayed in real time its long duration tests the capacity of an observer to stand and watch while virtually nothing happens. The planned theatricality and duration of the video is far removed from a spontaneous ‘decisive moment’ as famously associated with photojournalistic practices that traditionally select an attention-grabbing image to reveal information about otherwise unseen aspects of contemporary life for a public audience.

The timing of the portrait commission of David Beckham by the National Portrait Gallery coincided with the 29 year old internationally acclaimed footballer having been sold for £25 million amidst huge global media attention, and at only weeks’ notice, to the famous Real Madrid team in Spain. This had meant his leaving the highly successful English football team Manchester United that had been the home of his professional career since his mid-teens. While Beckham had long been very familiar with being the object of close public scrutiny through global football television coverage, and from fans, commercial interests, paparazzi and the media, the move to Madrid brought media intrusiveness that invaded his private personal life to a greater degree than ever before. In his autobiography published in 2004 titled My Side Beckham discusses this extraordinary experience. From the first day of his arrival in the city at the beginning of July 2003, news cameramen followed him everywhere he moved - even during the various stages of a thorough hospital medical examination that was required to assess his fitness to play under his new contract, and right up to

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his hotel room door.\textsuperscript{93} The blinding flash of cameras accompanied his introductions to his new team including giving a speech acknowledging his new contract before a crowd of thousands of people. An attempt to attain some degree of private family life by travelling with his wife and very young sons to a secluded resort in a remote desert region in the United States was highly disrupted by unrelenting intrusive media presence. Beckham speculated with some incredulity at the means and speed with which word ‘got out’ about their whereabouts.\textsuperscript{94}

Beckham’s daily existence in the previous few years had become a constant struggle to feel safe and secure, with associated increasing need for sophisticated surveillance strategies to ensure privacy while simultaneously being required to appear in a professional capacity in full public gaze. Personal security had become a constant focus and challenge for the famous Beckham couple following the discovery of a kidnapping threat involving their children which necessitated police removing the family from their home (which had previously had extensive state-of-the-art surveillance technology installed following a similar threat) and hiding them in secure hotel rooms used by the English football team during major tournaments.\textsuperscript{95} News of such incidents had been anonymously leaked and extensively covered by tabloid newspapers and magazines. The footballer had been faced with several years of disturbing vehemently expressed public hatred, including receiving death threats and seeing effigies of himself being publically burned, after he was regarded as having lost the England team a win in the World Cup in 1998 due to being sent off for a kicking another player. He had gained considerable respect from his dignified handling of the situation and due to this and his team skills he had been appointed captain of the England team in November 2000. Beckham was highly aware of how quickly public opinion could turn against him and had become adept at interacting with the press. As an individual and as part of a highly recognised celebrity couple, Beckham was also seldom off the front pages of newspapers and magazines worldwide in this period, usually in highly exaggerated and often completely fabricated attention-grabbing stories revealing otherwise unknown ‘authentic’ aspects of his everyday life to feed public curiosity. In his autobiography published in the same year the portrait was made, Beckham described his concept of “Bubble Beckham” that he and his wife Victoria had tried to create around themselves and their children in order to have as

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\textsuperscript{93} David Beckham, \textit{My Side}. (London: Collins Willow, 2003), 2.

\textsuperscript{94} Ibid, 328.

\textsuperscript{95} Ibid, 186-7, 319-328.
secluded and secure a private domestic life as possible away from constant scrutiny. They also carefully controlled the extent to which aspects of their personal lives were revealed to feed public curiosity including participating in television documentaries.96

The choice of a hotel room in Madrid as the setting for shooting the video portrait of Beckham can be seen to have complex connections with issues of security. A photograph taken on the street in Madrid from this period, and published in The Sydney Morning Herald thousands of miles away, revealed Beckham as he entered his team’s hotel dressed in a tracksuit and in the midst of a pack of encroaching and intrusive fans armed with long-lensed cameras and video cameras leaning in from behind the bushes; he appeared to resist acknowledging their presence. To enter the more secure confines of the hotel doubtless represented a welcome escape from such attention regardless of how familiar and relentless it had become. In this context the video portrait of the athlete and celebrity sleeping in a hotel room, made at a time when Beckham had been living in the hotel arranged by the management of Real Madrid, clearly documents his temporary withdrawal from interactions and alludes to issues of temporary solitude, personal security and need for recuperation. Sleep is an everyday universal and essential function required for basic survival and for withdrawal from engagement with the demands of the world; achieving some sense of personal security is fundamental for this necessity of rest to be possible.

A hotel room also had strong associations with Beckham’s frequent travel with professional sports teams - a temporary, secluded, non-domestic, and relatively neutral environment in which to ensure maximum fitness to play and to take ‘time-out’ to rest and recover in a largely unfamiliar city. Other than time spent with his family, Beckham’s adult life and his entire identity had been focused on being a professional footballer as part of team schedules with few individual choices and very limited time spent alone. As is the case for many high-profile professional athletes, the teams he was part of were highly structured organisations that literally owned their players and tightly controlled what they did and when and where they went regardless of what city or country they were in - usually from hotel to stadium and back. Hotel rooms can be both shared and private by choice and represent a complex interplay of impersonal

96 Ibid, 298-99; in 2001 David and Victoria Beckham had successfully obtained an injunction against a national newspaper to prevent the publication of an unauthorised photograph of them taken outside their home as described in Cashmore, E. Beckham. (2nd. ed.) (Cambridge & Maldon, MA: Polity Press, 2004), 64.
and personal space. For celebrities hotels may be places of retreat and recuperation away from upholding a public persona but may also be the setting for giving interview after interview as arranged by agents and publicists. In making an individual portrait of Beckham it is perhaps not surprising that Taylor-Wood chose to represent him in a familiar but neutral and non-domestic setting of solitude and privacy in contrast to his usual strong connections with sports teams and with his wife Victoria Beckham.

Hotel rooms and sleep in contemporary art have been associated with furtive and voyeururistic intrusions on privacy. Sophie Calle’s *The Hotel* (1981) is a series of photographs systematically taken by the artist of the personal belongings of unknown hotel guests while she posed for three weeks as a chamber maid cleaning rooms in a Venetian hotel. The black and white photographs are accompanied by text written by Calle in which she imagines who the guests might be from examining the evidence of their lives. While documentary in nature this work also highlights Calle’s personal responses and reflects her long-standing explorations of voyeurism. In one of her earliest installation works *The Sleepers - Les Dormeurs* (1979) she invited twenty three friends, neighbours and strangers to be photographed while sleeping in her bed for 8 hours at a time over the course of 9 days. As an orchestrated and carefully documented series of events, the work has been described as ‘an exercise in scrutiny’ and ‘aggressively unromantic’. It conveys a furtive sense of voyeurism and intrusion as well as highlighting the inherent inaccessibility of sleeping subjects. 97 Calle was inspired to undertake this work by having viewed a series of photographs of sleepers taken by Harvard University physiologist Ted Spagna that studied the active nature of unconscious sleeping behaviour and exposed fascinating aspects of an everyday but usually unseen private activity. 98 Spagna’s scientific investigation of sleeping behaviour involved taking regularly-timed still photographs using a fixed camera suspended above the beds of individuals and couples he knew who had consented to be involved in his experiment of recording them while the slept. [Figure 11] The sleepers unconsciously move about in a series of dance-like altered positions with alluring shifts in colour and pattern. The highly exposing images reveal sleep as being an active rather than passive state and convey a strong sense of vulnerability and

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97 Lawrence Rinder's review of the exhibition at University Art Museum Berkeley (early 1990) - bampfa.berkeley.edu/exhibition/133
98 Timothée Chaillou - interview with Sophie Calle, *The White Review* 8 (July 2013) – thewhitereview.org; Spagna’s photographs were part of an exhibition titled *Dreamstage* that toured the United States in 1977 and subsequently to France where it attracted large crowds. It is likely that this is when Calle first saw them.
intimacy, and loss of voluntary control of dignity. The individuals involved in Spagna’s investigations consented to being documented but had no capacity to control the behaviour that was revealed while they slept.

Sleep is frequently associated with melancholy and is regarded as both a protective and defensive function for switching out from psychological tensions and strain. Being documented sleeping during the day might reflect this very human context of escaping excessive mental demands and a sense of time-out to cope with stress and to recover and repair. Taylor-Wood had frequently explored positions of anxiety and crisis more overtly in previous works, as she explained in an interview with Clare Carolin in 2002:

Many of my works are about being placed in difficult positions, which aren’t normally public. They are hard to watch precisely because they are not part of a narrative. I’m interested in looking at how human beings respond and react in moments of crisis. I want to examine the physical manifestations of anxiety…Distress is a recurrent theme that I feel I have to investigate and in the more recent work it has a very clear context…You never know where something is going to strike from next or what’s going to happen to you. You have no idea where you might find redemption but you live in the hope that you will.99

Beckham revealed in his autobiography that he had suffered a period of significant depression in the previous year or two due to injury and uncertainty about his future with the Manchester United club as well as struggling to come to terms with the England team’s defeat in the semi-finals of the 2002 World Cup; during this period he had withdrawn from interacting with others including his family and team.100 In addition, his recent career move to Madrid had been sprung on him rather than by his own considered choice and this had caused considerable stress, uncertainty and upheaval. It also brought concern that he might be seen as being disloyal to British fans. He was also anxious to perform successfully in representing his new team and city in the midst of the stresses and demands of coming to terms with cultural differences. Beckham said: ‘I found myself wondering: When do they sleep in Madrid? . I couldn’t help but be wondering what fans in Madrid and Manchester thought of how things had turned out.’101 Documenting Beckham taking a siesta alone in a hotel during the day after a Real Madrid team training session in Madrid possibly reflected some of these multiple private and personal positions of adaptation and stress.

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100 Beckham, D. My Side, 328.
101 Ibid,10.
The framing in *David* is very similar to that staged by Taylor-Wood in an earlier work *Soliloquy I* (1998) - a large C-print in dramatic close-up of a fully-clothed sleeping young man lying stretched out towards the camera on a couch that is draped with what appears to be a tattered gold brocade curtain. The pose of the subject in this photograph closely mimics the famous pre-Raphaelite painting *Death of Chatterton* (1856) by Henry Wallis in which a young 19th century Romantic poet known for his melancholy is portrayed lying on a bed in an attic room after committing suicide with arm falling limply to the floor. The painting is famous for its close attention to realist details and use of high colour. In Taylor-Wood’s photograph, shot in natural light from a window, the subject appears exhausted but completely lacks the pallor of the dead Chatterton; as in the video of Beckham the use of light highlights facial contours and allows scrutiny of the healthy rosy colour and texture of skin and lips.

Tension and uncertainty were a consistent theme in Taylor-Wood’s film works produced in the 1990s and these frequently involved recording performances that walked an unstable line between acting and real unguarded physical tension and emotional expression.102 Sound tracks were often used to create an atmosphere that conflicted with the visual information displayed. Some works involved staged expressions of high emotion, for example, a video work with sound, *Travesty of a Mockery* (1995), in which she staged a couple engaged in a heated and highly undignified domestic dispute shot at close range, and *Pent Up* (1996). Other works created a sense of suspended time, tension, emotional detachment, claustrophobia and drifting reverie, such as in her *Soliloquy* (1998-2001) and *Five Revolutionary Seconds* (1995-2000) film and photograph series. In these Taylor-Wood’s invited subjects to participate in carefully planned tableau in a range of interior spaces that appear candid but expose very little about the subjects that invites any sense of connection. Multiple references are made to famous artworks, particularly those in public collections in London such as the Tate Gallery, while being explicitly contemporary in their styling. These works were displayed in large scale as a series of photographs that wrapped around the walls of a gallery with accompanying sound.

In many film works Taylor-Wood openly referenced Warhol’s *Screen Tests*. In this extensive short-film series Warhol repeatedly experimented with using a fixed film

camera to record friends and associates in tight close-up on their faces as they presented themselves to be viewed. Various shifting states of self-awareness were captured. Many subjects initially pose and flirt for the camera but for long moments attention drifts and the camera seems to have been forgotten. Disrupting a pose by prolonging the length of taking the shot when making a photographic portrait, in order to reveal subjects’ self-absorption and unguarded expressions, was experimented with not only by Sam Taylor-Wood but also by many other artists in the late 1990s including Bill Viola, Gillian Wearing, Rineke Dijkstra, Thomas Struth and Fiona Tan. The technique of using a fixed camera position combined with careful positioning of subjects to achieve particular compositional effects drew on the conventions of portraiture and has been identified as being explicitly ‘photographic’; this was extended by pushing a subject’s capacity to pose beyond its limits and capturing the resulting self-exposure and vulnerability through documentation. Technological developments in this period also facilitated their exhibition as large scale colour images or film footage on multiple large screens which enhanced a sense of theatricality for images in which the subjects did not directly engage with the camera (and viewer). Some of these works have been questioned in terms of exploitation of subjects. Dijkstra’s photographs convey a sense of vulnerability - teenagers and young adults were deliberately captured opportunistically in public places such as on beaches, young army recruits experiencing there first involvement in military life, or young women photographed in revealing detail after having recently given birth; all were consciously aware of posing for the camera even if capacity to control the image that was captured was reduced as full attention drifted. Gillian Wearing’s work *Drunk* (1997-99) has been discussed in terms of its problematic ethics as she set out to film a group of individuals who were drunk to the point of unconsciousness and therefore could not control the highly stigmatising behaviour that was captured and displayed for public viewing. While Taylor-Wood’s approach to making the portrait *David* can be seen to capitalise on her subject’s not being able to maintain sustained focused self-awareness for the entire duration of hour-long inactivity required in making the work, the ethics of filming an unconscious subject was somewhat addressed by Beckham’s clear informed consent to being filmed in this situation. The video portrait of Beckham was produced for display on a relatively small television-sized monitor so that the

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subject is close to real-life size, rather than in blown-up large scale, and this was perhaps a deliberate strategy to enhance a sense of privacy and vulnerability.

In the early 2000s Taylor-Wood had experienced her own personal crises as she had been forced to take a break from her art practice and public life as she underwent treatment for breast cancer. Subsequently her practice shifted in emphasis towards more explicit explorations of personal vulnerability. Between 2002 and 2004 she produced a series of still colour photographs titled Crying Men in which famous actors were instructed to perform crying for the camera, and she admitted that in doing so she sought in part to displace her own feelings of being traumatised. The resulting images are disconcerting as the men involved are framed in close-up detail to reveal their contorted faces and tears and appear to be highly distressed. It is ambiguous whether the men were adeptly displaying performance skills or whether acting had slipped into real emotions of sadness. Given that this work involved actors such as Robin Williams and Philip Seymour Hoffman, who subsequently both took their own lives due to long battles with depression, these staged ‘portraits’ are poignant in conveying an sense of authentic and candid emotional expression that is not typically displayed to public view.

In commissioning portraits, the National Portrait Gallery’s policy is to give the subject of the work the opportunity to select an artist from a short-list considered appropriate by the gallery. It is clear that Beckham trusted Taylor-Wood sufficiently to collaborate with her in undertaking the production of such an intimate portrait. Both were well aware of the attractions and pitfalls of a celebrity life and had mutual understanding of the extraordinary scrutiny and vulnerability to invasion of rights of privacy that fame could bring. They each certainly well understood the complexities of leading highly successful professional lives as ‘branded’ individuals and in being half of a celebrity couple. Beckham’s wife Victoria was one of the most recognised and highest-selling pop singers of the previous decade and was both admired and openly reviled for her skill in managing her involvement in the celebrity game of interviews.

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106 Graham-Dixon, A., Nairne, S., and Howgate, S. 21st Century Portraits, 191: ‘ …placing her sitters in physical and emotional situations, where boundaries between private and public understandings of self are challenged or exposed, Taylor-Wood’s portraits can be read as a series of elegiac reflections on mortality, physicality, intimacy and absence.’

appearances and endorsements. Taylor-Wood was married to leading contemporary
gallerist and art dealer Jay Jopling, and as a couple they were key members of a
group of artists and gallerists who put London at the centre of the international art
world stage. Taylor-Wood already knew Beckham socially as they were both part of
an English social sphere connected to ‘mega-celebrity’ and iconic musician Elton John
who had become a close personal friend, supporter and advisor to them both. The
collaboration between Taylor-Wood and Beckham therefore reflected a largely equal
footing in terms of mutual understanding around fame, shared familiarity of being
photographed in public without explicit consent, and the associated pressures,
complex ambiguities and blurred boundaries between private and public life. Taylor-
Wood was more familiar with art world politics but as the contemporary art world had
become highly commercialised in this period there were considerable overlaps with
the world of professional sport. While Beckham was familiar with controlling his own
image in many settings he had very limited contact or knowledge or the politics of the
art world and of large public galleries such as the National Portrait Gallery. He is likely
to have considered it part of his public duty as a national representative to accept
having his image included in the collection but wary of how this might be controlled.

When displayed in a gallery David invokes complex issues around intimacy, privacy,
trust and dignity in giving access to a private and usually hidden activity and revealing
aspects of personal information for scrutiny. Sleeping behaviour would in most urban
settings worldwide be concealed behind closed walls and doors and usually confined
to the night. In protecting privacy, the sharing of intimate circumstances requires
levels of trust and security. Projected as an approximately life-size image on a flat-
panel digital screen with the dimensions of a large television hung on the gallery wall
at adult head-height, the athlete’s real-life attributes are convincingly made available
to be scrutinised at length but he is clearly only present as a photograph not as a real
live breathing person in the room. The theatrical realism of the image gives an alluring
sense of intimacy but the part of the athlete’s body that is available to be viewed is
tightly controlled by what is framed; the available visual information reflects the
photographed subject’s own voluntary and involuntary movements at the time he was
filmed and is not altered by additional decisions or choices made by the photographer
or viewer. A viewer can decide how long to look and how closely to look but can only
be the recipient of visual information as fixed by exposure of the film to light within the
frame of the lens and subsequently displayed. A gallery space can facilitate the sense
of private viewing if no other visitors are present but the noise and movements of other people in the surrounding spaces emphasise the constructed nature of the image’s production and display.

The wall-text accompanying *David* at the National Portrait Gallery reveals that the star footballer and England team captain was captured having a well-earned siesta in the heat of the middle of the day to recover energy after a hard physical work-out in conjunction with his new team in Madrid. The image can be regarded as an illustration of what is described in words - a siesta. Alternatively the written information outlines the particular contextualising circumstances around what can be seen. Artist and theorist Alan Sekula has drawn attention to the unstable nature of an isolated documentary image in terms of its potential interpretations and implications without contextualising text to situate it in a particular time and place.\(^\text{108}\) In being a photographic image with considerable visual allure in deliberately realist form and featuring sleeping which is a universal aspect of life, it can be engaged with regardless of any contextual information and despite language barriers or cultural differences.

Although *David* is a portrait of a well-known real and living individual, as an artwork it is open to many readings and interpretations. As an adult male documented sleeping during the day there are complex associations with withdrawal from productivity and active engagement. As an athlete so closely associated with fitness and skilled physical exertion, Beckham’s being portrayed sleeping does not carry connotations of laziness. Any possible stigmatisation of being caught sleeping during the day is also arguably offset by Beckham being widely regarded as the epitome of a trend-setting contemporary man of his age. From the late 1990s workplace napping was promoted globally in terms of maximising economic effectiveness, enhancing performance and facilitating psychological well being. Although traditional cultural practices of siesta in many cultures were fast disappearing due to global emphasis on availability and connectivity across time-zones, napping in workplaces was encouraged and associated with undertaking constructive self-enhancement and heightened alertness, particularly for executives working very long hours.\(^\text{109}\) In this context, *David* could be viewed as exemplifying desirable up-to-date contemporary life practices.


Although the wall text accompanying the portrait highlights Beckham as an English football captain and athlete, he was very well-known in this period for his endorsements of consumer products and designer fashion and was earning large sums of money for himself and the companies he worked with, such as sports brand *adidas*. ‘David Beckham’ was increasingly recognised as a brand, promoted in the football world’s commercial dealings and in advertising, and he became internationally recognised through such exposure in all forms of media. This included being much photographed with his bare body featured as alluring and desirable to both men and women and he had become an icon for gay men worldwide for his deliberate crossing of traditional gender boundaries. He was frequently depicted as being available to be looked at rather than as the holder of the gaze. To be seen in a somewhat feminised light was not unusual for him. The title of the portrait suggests the Biblical figure David, the youthful warrior who has for centuries been associated with youthful male beauty in a combination of vulnerability and athleticism and has long been considered a symbol of homoeroticism.  

It is likely that Beckham was comfortable with these resonances as he has openly expressed his enjoyment of playing with different roles like an actor while simultaneously trying to be as true to himself as possible, and his acceptance of having homosexual admirers. Many fashion shoots he took part in from the late 1990s with photographers such as David LaChapelle were unquestionably homoerotic in their highlighting of his glistening semi-naked muscular body and provocative poses, which even included mildly transgressive juxtapositions with iconographic props such as draping his tanned and oiled body suggestively in the English flag with its red cross on a white ground. In addition, David Beckham was discussed in the early 2000s by gender studies academics as being the epitome of a metrosexual male who created new concepts of heterosexual masculinity due to his much publicised and influential roles as a dedicated professional athlete in a sport known for its emphasis on maleness, as well as being strongly promoted as a fashion icon and a devoted and actively engaged father and husband. Taylor-Wood’s

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112 http://www.lachapellestudio.com/portraits/david-beckham/; in his autobiography *My Side* (2003), Beckham repeatedly stated that he is above all else a footballer and devoted to his wife and family but, as he put it, also had a liking for fashion and style that was ‘subtle-over-the-top’ (p174);
113 Cashmore, E and Parker, A. “One David Beckham? Celebrity, Masculinity, and the Soccerati.”, 214-231; Rahman, M. “David Beckham As A Historical Moment in the Representation of Masculinity.”, 219-
portrait seems to allude to his androgynous allure and association with fashion poses through displaying him naked and in highly flattering lighting; his pose and movements in the video portrait are however far from overtly provocative.

It is clear that Taylor-Wood drew on art historical references however Beckham is portrayed in a manner that is a far cry from traditional representations of masculinity in terms of the heroic. Sleeping young men have since ancient times been represented in art as closely linked to death as well as sex. Beckham’s posture in his portrait has similarities to a famous eroticised life-sized 19th century marble statue *Endymion* by Antonio Casova in the Devonshire collection at Chatsworth, one of the most famous estates in Britain. The glistening white marble reclining figure represents a young shepherd who, according to ancient Greek legend, was placed in an eternal slumber by the goddess Diana as the epitome of youthful male beauty that will never age. A porcelain replica is in the collection of the Victoria and Albert Museum in London. Casova’s portrait has clear dramatic artifice and is designed to be walked around and admired from every angle. In contrast, Beckham’s sleeping portrait gives an impression of natural movement, private space and a sense of suspended engagement rather than frozen time. Presented frontally the viewer is given every opportunity to gain visual pleasure from the work.

The approach Taylor-Wood took in the production of *David* was highly influenced by the experimental films using fixed cameras and long durations made by Andy Warhol in the 1960s. In *Sleep* (1963) Warhol created a five hour and twenty minute black and white movie consisting of edited and looped footage of his close friend, the actor and poet John Giorno, as he slept in his apartment. As Warhol’s first highly experimental film, more than twelve hours of grainy movie footage had been obtained using a 16 mm film camera in extreme close-up but much was unusable. Warhol produced *Sleep* in response to his fascination with observing Giorno sleeping while he himself suffered from insomnia due to being addicted to amphetamines. On one occasion Giorno had fallen deeply asleep following a party and woke to find Warhol sitting next to his bed watching him intently. Warhol told Giorno that he had been

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233; Yeates, A. “Queer Pleasures and the policing of male sexuality in responses to images of David Beckham.”, 110-121.

114 *David* more closely resembles the pose in this sculpture than that in Girodet’s painting *Sleep of Endymion* (1791) which dramatically displays the male nude body in bright moonlight.

watching him for hours and was fascinated that he was such a ‘beautiful sleeper’.\textsuperscript{116} The film Warhol staged and produced provides complex opportunities for voyeurism associated with stolen glimpses of a private act to arouse visual pleasure. The actor’s body is fragmented by the camera as tight close-ups are highly enlarged to fill the screen and in some frames Giorno’s face is seen. The slowness of the flow of the cinematic frames give the body an almost sculptural quality. Small subtle alterations that occur due to Giorno’s muscle movements during sleep and the shifts in the play of light and shadow on skin become detectable with prolonged focused viewing – much like the ambient sounds which come to heightened attention in experiencing John Cage’s silent sound work 4’33’’ (1952). Cage’s work has been noted to have inspired aspects of Warhol’s time-based filmmaking.\textsuperscript{117} The film is famous for the extent to which it is unwatchable because of its length and because so little happens. The slowness of time passing and the film’s duration distort any seductive pleasure and shifts perception towards awareness of cinematic qualities of stillness, light and texture in the details of the image.\textsuperscript{118} Similar effects are produced in David and the work takes on a meditative quality with prolonged viewing.

Photographing friends and family members while asleep has been explored in other art practices. Nan Goldin famously photographed members of her social circle of artists, musicians and transgender performance artists as they slept in bedrooms of apartments in New York in the 1980s. While these are highly revealing images presented in glowing colours the subjects were aware in advance of their likelihood of being involved in Goldin’s artworks for public display.

Beckham’s portrait can also be seen to draw on popular ‘low-art’ video web-cam practices – hand-held video cameras were extensively used in the late 1990s and early 2000s to document every aspect of everyday life. Webcam video footage was newly uploaded to the Internet in real time and this included experimental self-staging practices in which young women filmed every aspect of their everyday domestic lives, including themselves sleeping, for public viewing. These practices have been


\textsuperscript{117} Ibid, 179-180.

discussed with concern in terms of the boundaries blurred between private and public life and associated issues concerning informational privacy and personal agency.\textsuperscript{119}

The video portrait of Beckham as English football captain for the National Portrait Gallery contrasts markedly with a film portrait \textit{Zidane – A 21st Century Portrait.} (2006) made of the French football star Zinédine Zidane by Scottish artist Douglas Gordon in collaboration with French artist Philippe Parreno.\textsuperscript{120} Produced during a Real Madrid match in April 2005, the work references the constant presence of cameras on a professional football pitch to capture the action. The artists used 17 synchronised cameras to closely focus on Zidane alone in isolation from any footage of the rest of the game – his face, his feet, his expressions and responses were recorded in real time from multiple viewpoints simultaneously and highlight his focus, reactions and pace. Zidane consented to being involved in the project and was filmed moving about the field while constantly keeping the ball in his sights. While he could not be aware of exactly what was being recorded he was aware of being filmed. He is captured sweating, scowling, adjusting his socks, running his hands over his head and suddenly bursting into action. The length of the resulting ninety-one minute film was determined by however long Zidane remained on the pitch – in the final minutes he is sent off for brawling with another player. Other than this dramatic moment, the film was produced to be deliberately unspectacular. It is however in full colour and includes a soundtrack featuring a Scottish rock band, rather than the noise of the crowd, as well as sounds Zidane made himself while playing the game. In contrast, the video portrait of Beckham is completely silent and he is far removed from the electric atmosphere of a match and his engagement with it.\textsuperscript{121}

By 2004, the National Portrait Gallery was fast becoming a highly commercial operation with ambitious plans for setting up financial partnerships and obtaining international corporate sponsorship, as well as increasing public support. The portrait of David Beckham was openly funded by a prominent corporate banking organisation - J.P. Morgan which undoubtedly regarded it as a constructive method of sourcing publicity in association with an extensively recognised individual. This funding was made clear by the National Portrait Gallery in the media release which connects


\textsuperscript{120} This work is in the collection of the National Gallery of Scotland.

Beckham as ‘an international footballer icon’ to traditions of painted portraiture and commerce –

“David is an intimate portrait, which was shot in a single long take. Beckham was filmed sleeping, after training in Madrid. Simply lit from one light source this rich, painterly film presents a reverential and vulnerable image of an international football icon. The portrait has been commissioned by the Trustees of the National Portrait Gallery and made possible by JP Morgan through the Fund for New Commissions.”

The gallery director Sandy Nairne reinforced this in a personal statement - ‘Sam Taylor-Wood offers a compelling view of David Beckham as he lies asleep. It is an intriguing and intimate portrait of one of England’s finest footballers and we are delighted to have been able to commission it with the support of JP Morgan.’

Art historian Julian Stallabrass and many art business commentors have drawn attention to major shifts in the art world in the late 1990s that included major cuts in government funding of museums and galleries in Great Britain and an associated shift in emphasis towards commercial enterprises for even the most established national institutions. As one of a group of key national museums and galleries in London all competing for visitor numbers and publicity, the National Portrait Gallery clearly had a major focus on attracting visitors as consumers. The gallery has an attractively set-up shop and website filled with a large range of products related to famous works in the collection and temporary exhibitions. Numerous books about contemporary portraiture authored by the gallery director Sandy Nairne and his associates have been released and the video portrait David has been prominently featured as a key work. In addition portraits are toured and loaned to other galleries to raise additional revenue and to raise the profile of the collection. In 2014 it was loaned to the National Football Museum in Manchester. David has been many times included in solo exhibitions of Taylor-Wood’s work internationally, including at the Museum of Contemporary Art in Sydney and the City Gallery in Wellington in 2006. In this context of publicising the portrait to extend its commercial reach, it is striking that the only image of David officially released in any publications is a black and white photograph, much like a traditional still taken of movie stars for publicising films. [Figure 12] This image is flattering to the subject and gives a heightened sense of contrasting textures, but also

conveys a sense of withdrawal in its marked stillness, lack of facial expression and absence of colour.

It is clear David Beckham trusted Sam Taylor-Wood in producing his portrait as he had selected her from the suggestions of possible artists provided by the National Portrait Gallery and they had considerable mutual understanding about being in the public eye. Beckham had not previously had extensive contact with the public art world but having been involved in complex contract negotiations that involved his personal and professional identity he was highly aware of controlling his own image. He had long-established tight relationships with agents and public relations experts who advised him regarding his personal profile and publicity in interacting with potential commercial interests and the media, and lawyers who protected personal information and negotiated contracts - and he had the wealth to pay experts in the field. By the time of his being sold to Real Madrid he had had numerous highly lucrative contracts with companies whose products he endorsed, such as the global sports product company Adidas, that hinged on representing their brands according to their particular ethos. It is likely that an image of Beckham sleeping was suitably neutral in terms of carefully avoiding representing any particular aspect of his life over another and causing conflict of interest.

An article published in the Sunday Telegraph in the United Kingdom and on the newspaper’s website on 24 September 2006 titled ‘How David Beckham tried to control the National Portrait Gallery’s use of his picture’ does however feature a Reuters colour photograph of the work clearly in a gallery with viewers watching up close. The article is very illuminating about negotiations that occurred around control of the work that were at odds with the National Gallery’s usual assumed ownership of its works. Documents obtained under the Freedom of Information Act by the newspaper’s arts and media editor revealed that Beckham and his lawyers insisted on a contract that gives the footballer formal ownership and control over how the work is used. This included copyright of any images derived from David. The gallery made it clear that copyright is normally assigned to the gallery and the artist. One letter exchanged stated that ‘David will approve one image however we will need to restrict how this is used.’ Beckham stipulated that his video portrait could only be

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124 Chris Hastings, “How David Beckham tried to control the National Portrait Gallery’s use of his picture.” The Telegraph (24 September 2006)
produced in a single edition, and required that his permission be given in advance for any exhibition of the work beyond the National Portrait Gallery. The only image permitted to appear in publications, including exhibition catalogues, is a black and white photograph and it is not clear whether this is a still from the video or produced separately. The restrictions Beckham and his lawyers imposed included blocking the sale of postcards in the gallery shop. It is very clear from the legal documents released that this was entirely at Beckham’s insistence at having full control of his image and carried no financial incentives. Despite being involved in many major deals for endorsing products, Beckham said somewhat philosophically in his autobiography that having a sense of control of personal aspects of his life is important to his sense of self and that he is uncomfortable with even having his autograph sold -

… feeling secure leaves us freer to get on with doing what we do, publicly and privately…I feel deep down like the person I’ve always been. If I want to stay that way I’ve got to make sure I can still do all the things I’ve always done. I’ve never had a problem with people wanting to chat or to ask for an autograph. How could I? I’ve asked enough United players to sign stuff for me when I was a boy. I don’t like the idea of things turning up on memorabilia websites, people trying to get rich on the backs of someone else’s popularity, but again, it’s a balance.125

This reflected Beckham’s right of publicity – the right to control the commercial use of his own identity. It seems apparent that being photographed while asleep was for him closely connected with his sense of privacy and personal identity. He was acutely aware that an image can be sold but once released it is impossible to buy it back.

Beckham’s concern over protecting his image from commercial exploitation has perhaps been validated as in 2009 David was exhibited as part of an extensive exhibition exploring connections between eroticism and death at the Museo Thyssen-Bornemisza in Madrid. In associated with the exhibition a souvenir was proposed to be packets of condoms featuring an image of David Beckham sleeping as taken from the work. This attracted much international publicity for the exhibition and the museum as numerous media outlets, including TV3 in New Zealand and newspapers such as The Guardian, featured the story along with a colour photograph taken from David which revealed Beckham’s highly recognisable face in close detail. Close reading of the text revealed that this was a product that was ‘planned to be negotiated’ rather than actually having been agreed upon. It was a very effective publicity stunt.126

125 Beckham, D., My Side, 302.
The National Portrait Gallery, like many museums worldwide, now permits photography by visitors of works on display as controlling the taking of images on camera-phones has become impossible. The work *David* is however still protected by the strict copyright controls Beckham enforced which means that no images of the work are published on the gallery’s website and there is a strict no photographs policy for that particular work. There are almost no versions of the official black and white still photograph available on-line, other than one or two displayed in blog posts in relation to news about the National Portrait Gallery. Despite this, numerous short video clips of the portrait have been taken surreptitiously in galleries where it has been exhibited and subsequently posted on the Internet on websites, video-sharing sites, blogs, and on social media. A search of ‘David Beckham Sleeping’ on Google images in November 2015 produces dozens of photographs taken of *David* in full colour.

Even with strict restrictions brought about by a very wealthy individual who wished to control the commercial use of his image with extensive resources available including powerful agents and lawyers, it is evident that it is now virtually impossible to control the dissemination of personal images on the Internet. A photographic image exhibited in an art world setting that documents an individual while unconscious or asleep and in a potentially stigmatising or undignified position can be widely used in the current digital world of rapid image capture and dissemination. The personal information associated with photographs of identifiable individuals on the Internet can be used in numerous ways that result in context collapse.

CASE STUDY THREE:


Sleeping Soldiers (2009)

digital photographs

In his digital video work Sleeping Soldiers - single screen (2009), British ‘documentarian’ Tim Hetherington sought to convey in a visually and emotionally engaging way his personal impressions of the ongoing war in Afghanistan as experienced by young American soldiers. In seeking new and innovative means of sharing his photojournalistic work to as extensive an audience as possible, he produced this ‘single screen’ version of a series of related photographic works and posted it in 2010 to on-line video-sharing site Vimeo. The video starts silently with a simple title in white lettering on black ground, ‘Sleeping Soldiers’, then the loud throbbing sound of a helicopter’s rotors is introduced as a full-screen close-up image with a single light source reveals the pale impassive face, dark curved eyebrows and short-cropped hair of a young man framed by the hard edge of a wooden bunk and a soft spotted pillow as he lies on his side facing the camera and asleep. He appears almost child-like as his body is wrapped in a concealing camouflage-patterned blanket pulled up under his head and he is seemingly alone. A sense of quiet theatricality is conveyed as only one side of his face is visible in the very centre of the frame against a backdrop of deep shadow. Multiple black silhouetted military helicopters appear as a floating superimposed layer – one seemingly lands on the soldier’s nose like a giant mosquito only to float off then a dropped bomb is momentarily suspended like a bullet hole over his forehead. The still sleeper slumbers on, his face utterly unmoved by the action. Vulnerability and danger are both suggested but seemingly contradicted by the soldier’s complete lack of physical or emotional reaction. With eyes closed and serene expression he seems completely disengaged.

The footage abruptly shifts in mood to suggest chaotic movement in switching rapidly from indistinct and blurred images of vegetation and helmeted soldiers in combat gear carrying weapons while walking up a hill amidst trees with feet breaking twigs and the sounds of heavy breathing, machine-gun fire, explosions and the muffled sounds of

127 https://vimeo.com/18395855
urgent voices carried by radio. Intermittently a floating brief glimpse of a close-up of a sleeping soldier’s face appears and fades again. The footage then switches to a prolonged close-up of a soldier’s thumb with evident grime and fresh bloodstains resting on a contour map, then brief views of the faces of young Afghani children with large dark eyes and the spoken sound of a local dialect and a child coughing, and the dark lined face of an Afghani elder juxtaposed with the overlaid image of a helmeted soldier with an voice-over in an American accent; the footage slows to a close-up view of the sleep-slackened face and upper torso of a young Asian man with superimposed floating and drifting thick plumes of white smoke suggesting clouds or perhaps, in alluding to a cultural stereotype, the aftermath of fireworks. The following image that appears is a more prolonged close-up of a tattooed young soldier lying stretched out on his back - his markedly thin bare chest and exposed abdomen fully displayed to the camera by his sleeping movements, and is accompanied by his disembodied voice with an American accent saying plaintively that he misses home-made food. The last images are full-screen direct views of soldiers’ helmet-framed faces in clear focus and switch in quick succession giving a sense of urgency as various men come to the realisation that a member of their platoon has been shot and killed nearby – shock and devastation, fear and grief are clearly revealed and any awareness they had of a camera’s presence is clearly forgotten – the accompanying sound-over is that of agitated fearful voices of distress recorded directly with the images and repeatedly revealing the name of the soldier who was killed and how he had been found. The final fading shot is of a young Asian soldier in t-shirt and army camouflage pants lying stretched out on his back horizontally to the frame along a wooden form – ambiguously meditative or dead. [Figure 13]

The installation is compelling and highly atmospheric through deliberately suggesting a constantly shifting dream-state but is also very exposing of the unnamed soldiers whose real experiences were directly recorded at times when awareness of the camera was not possible. The material alludes to the chaos and horrors of war and associated mental and emotional strain however there is no direct representation of traumatic physical injury. Areas of pale sun-protected skin suggest that the usual covering of heavy combat gear has been temporarily shed to expose soft flesh to the touch of comforting cloth. The identifiable young men appear to have been largely used as visually alluring but nonetheless objectified material for Hetherington’s artistic expression. The images of sleeping soldiers are solitary rather than conveying any
sense of solidarity or brotherhood and misleadingly suggest that the documented individuals are unresponsive to anyone or anything going on around them or even to any deeply troubling experiences they might recall. They do not in any way suggest heroism and vigilance but rather impassivity. In contrast the still photographs, video footage and soundtrack that reveal the soldiers’ raw emotions when encountering their just-killed platoon member record moments of engulfing fear, confusion and devastated loss. Any possible stereotypic assumptions about the stoic heroism of soldiers are highly complicated by the sense of dazed confusion. The men draw together in mutual support. A strong impression is also given of an invasion of privacy and a lack of respect for personal dignity due to being framed by the camera in a situation of profound vulnerability. Even if the soldiers were aware of Hetherington’s presence they were not in that moment able to control their own highly personal and overwhelming responses that were captured. The text at the bottom of the image uploaded by Hetherington identifies the work as ‘made in 2007-8 while I was following a platoon of US Airborne Infantry based in the Korengal Valley of Eastern Afghanistan’ and connects this single-screen video with a three-screen ‘immersive installation’ he had recently exhibited as part of the 2009 New York Photo Festival for much more limited public viewing in an art gallery. The editing and sound of the work is credited to Magali Charrier, a French visual artist and video editor based in England who was employed by Hetherington for her artistic editing skills in order to facilitate his ideas. She has said that Hetherington sought to show beauty even in the darkest images.128

The series of intimate and carefully composed colour photographs which document individual soldiers as they slept in their own bunks in the middle of a very hot day during a temporary lull in fighting in the midst of a fierce warzone were taken by Hetherington as an opportunistic and surreptitious response to witnessing this event while he was embedded with the platoon at their outpost in mid-2008. His motive at the time as recounted by writer Sebastian Junger, who was present nearby and initially disconcerted by his actions, was insatiable curiosity and the desire to capture soldiers in a personal and revealing way that otherwise would never be observed - he wrote –

Creeping through the outpost came Tim, camera in hand, grabbing photographs of the soldiers as they slept. “You never see them like this” he said to me later. “They always look so tough but when they’re asleep they look like little boys. They look the way their mothers probably remember them.”...

The truth was Tim saw things differently from the way I did; he wasn’t looking for dynamism so much as for beauty or strangeness or even ugliness.\textsuperscript{129} It is very unlikely that the soldiers were aware these photographs had been taken at all. Questioned by journalists about issues of consent and whether there were any restrictions on the kinds of photographs he would take in a warzone, Hetherington said he operated on the focused basis that the men wanted their story told.\textsuperscript{130} They had no capacity however for performative engagement with the camera when asleep and the captured images can be considered to be highly voyeuristic as the notion of looking was in no respect a reciprocal one with marked discrepancies in power and control. The subjects had no capacity to ensure their own sense of dignity.

Living and focused on fighting in a remote and precarious improvised outpost that lacked even basic amenities such as running water, hot food and electricity the soldiers were not taking photographs themselves. Communication with anyone beyond the platoon was very limited for weeks at a time with no access to cellphones or the Internet unless they had time-out at a larger barracks. Even the military authorities had limited contact with the platoon and did not inspect any images taken by the embedded journalists.\textsuperscript{131} Hetherington, as a photojournalist seeking to record the soldiers at their most authentic while telling a compelling story about their circumstances, expressed his frustration that many young soldiers who were experiencing active combat for the first time tended to pose for him as if they were participating in a war movie or video game. Being aware (and for many no doubt wary) of the photographer with his ever-present camera while awake, and actively engaged in the excitement, terror, boredom and close bonding between men that a warzone entails, was very different from the soldiers being asleep with no awareness of their environment or even of themselves, and no capacity to avoid being captured in situations which lacked dignity. They were at the mercy of the photographer’s curiosity and vulnerable to exploitation regardless of how much trust the photographer had gradually established with them. Hetherington straddled a fine and problematic line between being an observing outsider and considering himself an insider with


\textsuperscript{130} Rachel Martin ‘Image of Respite Wins Photo of the Year.’ (audio) - National Public Radio interview with Tim Hetherington, 2008

\textsuperscript{131} Tim Hetherington in an interview with Rob Lewis (7 Oct. 2010) for the Disabled American Veterans advocacy group – dav.org – Hetherington – “We weren’t censored at all and that was important because we all managed to make work that is honest to us and to the soldiers. It’s a warts-and-all view of things out there but it’s all done with a lot of affection.”
sufficiently close bonds to the men for him to assume familiarity and right of access for expressing his personal responses to the situation.\textsuperscript{132} It is clear he was fascinated by the close bond of brotherhood established between the men but this was also in part intentionally established during their training to be military ‘software’ in using sophisticated weaponry hardware to defend their fighting companions at any cost.\textsuperscript{133} Targeting the men in photographs was likely to have been perceived by the photographer as constituting a very minor threat given the real possibility of life-threatening injury should fighting breaking out at any time, and it is clear that he had a genuine photojournalistic humanitarian agenda of bearing witness to events in order to show them to the wider world.\textsuperscript{134}

Hetherington undertook his extensive photographic documentation of a single US army platoon in Afghanistan using analogue and digital photography and video while embedded for stints of several weeks at a time for a combined time of about 5 months over the course of a year. He first accepted an assignment to accompany American writer and journalist Sebastian Junger to record in words, photographs and video their observations of the war in Afghanistan for Vanity Fair magazine and for ABS news at a time when media focus was largely dominated by developments in Iraq, and when professional photojournalism jobs were in short supply. When the two men were flown into the remote Korengal Valley of Eastern Afghanistan in September 2007 they were both completely unprepared for the overwhelming intensity of the fighting they encountered in the narrow six-mile long steeply mountainous territory where they were embedded with the Second Platoon of the 173\textsuperscript{rd} Battle Company of the US Airborne Infantry. Hetherington admitted in an interview with National Public Radio in the United States in 2008 that he had expected to spend his time photographing aspects of life in the valley while meeting village elders and drinking tea and only occasionally being shot at, rather than being in the very midst of day after day of unrelenting firefights and bombings. At the time sixty percent of all bombs dropped by the US Army in Afghanistan were dropped in this area and the casualty rate of death and injury for the

\textsuperscript{132} Ibid – Hetherington - “As for the soldiers themselves, I liked them from the start and found a common bond. Sometimes being a Brit. actually helped because I was not part of their society but was at the same time a bit of an object of curiosity.”

\textsuperscript{133} Ibid – Hetherington - “...the group bond was incredibly strong. As one soldier said: “There are guys in the platoon who outright hate each other but they would all die for each other”. So he’s talking about brotherhood.”

\textsuperscript{134} Rachel Martin ‘Image of Respite Wins Photo of the Year.’ (audio) - National Public Radio interview with Tim Hetherington (2008); also NBC news interview with Hetherington (26 Jan. 2011) - ‘When we are caught up in the politics of war we can forget the human dimension to it.’ - photoblog.nbcnews.com
Battle Company was twenty-five percent. Everyone in the area was extremely vulnerable. Being embedded with the US Army meant that journalists and artists were utterly dependent for their food, shelter, security and transportation on the focused actions of the young heavily-armed soldiers they were following. As such, any capacity for objectivity was undoubtedly compromised and any reportage about the troops and the war tended to be positive about American soldiers and their involvement rather than critical, as has been discussed by many observers of the effects of this embedded protocol during the War on Terror waged in Iraq and Afghanistan.

Photojournalists reporting on wars from the 1990s found it increasingly challenging to convey with any real impact the nature of conflicts to the wider public. Both Junger and Hetherington sought to reveal to civilians, who were removed from the situation in Afghanistan, something of the experiences of the soldiers in as direct a way as possible while actively avoiding a specific political agenda. Hetherington was initially so overwhelmed by his unexpected experiences of constant extreme danger in the combat zone in Afghanistan that he intently focused on photographing and capturing video footage of whatever was in front of him to stay in contact with the soldiers he was with. As a result, he largely produced what he regarded as frustratingly predictable war photographs of combat which caused him frustration. Hetherington’s characteristic approach to conflict zones that involved capturing overlooked and personal aspects of war using a large Hasselblad medium-format analogue camera. This had been gradually developed in the previous ten years of his freelance photo-documentary practice while covering war zones in West Africa, particularly in Sierra Leone and while following rebel forces in Liberia, and catastrophes around the world. He had studied postgraduate photojournalism at Cardiff University in Wales in 1997, and this had encouraged his exploration of

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135 Photojournalists’ images taken during the Vietnam War, such as the famous photograph by Nick Ut of napalm-burned South Vietnamese children running along a road, shifted public opinion against the war. This resulted in photographs taken by journalists in subsequent US military campaigns being tightly controlled. In subsequent wars in Iraq and Afghanistan, despite the high casualty rates for soldiers and civilians alike, no photographs of dead soldiers were published in American newspapers or screened on television after the 1990s – see Natalie Zelt, ‘Seeing Eye To Eye: The Changing Ways and Means By Which Photographers’ Images Have Reached the Public Eye.’ in Tucker, A.W., Michels, W. and Zelt, N. War/Photography (2012)

136 At Vanity Fair magazine during the editing process for publishing Hetherington’s photo-essay, a staff member accidentally interchanged Hetherington’s photographs from Afghanistan with stills from Frances Ford Coppola’s war movie Apocalypse Now as they appeared strikingly similar - as discussed by Adam Broomberg and Oliver Chanarin ‘Unconcerned But Not Indifferent.’ in Stallabrass, J. (ed.) Documentary, 101
multimedia as means of communicating personal observations. He had been inspired to do this after becoming fascinated by the possibilities of photography to show aspects of the world to the rest of the world after travelling alone for several years in China, India and Tibet following his graduation in his early twenties from Oxford University with a degree in English literature and classics. In Hetherington’s earlier practice there are many instances of his having claimed a direct and honest approach in making humanistic photographs but which from an ethical point of view raise problematic issues around power and control, consent and self-representation. On many occasions he photographed subjects who had a strong possibility of being revealed in undignified ways due to physical and mental vulnerability and who were unable to be fully aware of being captured in images. For example, for his graduate portfolios at photojournalism school he made close-up portraits of elderly people with advanced dementia, and spent time in an emergency department in Cardiff photographing drunk youths who came in with injuries through getting into fights. On first arriving in Sierra Leone he established a personal connection with a school for blind children, many of whom had lost their sight as a result of injury during armed conflict, and photographed them in extreme close-up in highly revealing and affecting black and white portraits. If voyeurism can be defined as unequal means of looking so that subjects are looked at and scrutinised for visual pleasure, as opposed to being actively engaged in looking in order to have their own power over the situation, then these images are highly voyeuristic. The photographs of blind African children won him recognition from World Press Photo, an organisation based in Amsterdam that annually recognises notable photojournalist press photography achievements.

By 2007, Hetherington was forty years old and had spent a decade as a freelance independent photojournalist selling his photographic stories as part of a shifting community of other photojournalists, making a film and a photo-essay published as a book about the civil war in Liberia, winning a variety of awards and only intermittently returning to London to stay in contact with his photo agency and personal contacts.

137 Hetherington’s photojournalism agency at the time he was in Afghanistan, Panos Pictures, states on its website (panos.co.uk) that its philosophy includes ‘global issues driven by the vision and commitment of its photographers [in having] a fresh and intelligent approach…integrity and willingness to pursue stories beyond the contemporary media agenda…we engage in all forms of visual communication producing exhibitions, multimedia and video as well as long-term documentary projects. We believe in the photography of ideas. Not content with merely witnessing, Panos photographers seek out stories that matter with the aim of interpreting rather then simply recording…offer perspectives that challenge commonly held assumptions’. Hetherington seems to have closely followed this approach.

138 Huffman, A. Here I Am.
He tended to stay for prolonged periods in key centres in troubled countries, usually staying in hotels with other international investigators, to get a more in-depth feel for a place than many reporters who flew in and out for the latest news; this included reporting on the situation in Liberia as an advisor to the United Nations. In Afghanistan Hetherington suddenly found himself in a much more constrained position through being embedded in the midst of a tight and isolated group of very focused heavily-armed young American men. They had far less experience of the world but a strong sense of brotherhood, tolerance and off-beat humour which helped to offset unrelenting fear and exhaustion in a situation of chaotic and fierce fighting mostly carried out on foot on a remote mountainside. This physically and mentally very demanding situation of alternately engrossing and terrifying experiences required considerable adaptation and inspired Hetherington to explore new approaches to find focused and honest ways to respond through photography.

When Hetherington and Junger first arrived in the Korengal Valley in September 2007 the platoon of about twenty American soldiers had established a precarious small outpost, consisting almost entirely of rock-filled sand-bags and large quantities of ammunition, on a small rocky spur hundreds of metres above the valley floor on a steep rocky mountainside. Named Outpost Restrepo after a platoon member who had recently been killed, it could only be reached by walking for two hours on foot and was described by Hetherington as ‘a cross between a men’s club and a prison – mixed with a dose of heavily armed camping.’ It had very limited sleeping cover and initially the men slept on camp-beds outside. At the time almost a fifth of all fighting in Afghanistan was occurring in this valley and nowhere was safe. Gradually the platoon built themselves makeshift shelters by hand from bits of plywood flown in by helicopter; called ‘hooches’, each housed a single squad with double wooden bunks crammed in so close together that it was possible to extend one arm and reach another man sleeping. Hetherington had attended a Jesuit boarding school in northern England as a teenager but this was an utterly different experience of living in

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139 Sebastian Junger, ‘Into the Valley of Death.’ *Vanity Fair* (Dec 2007) – ‘They are mostly in their early 20s and many of them have known nothing but war and life at home with their parents. In my time in the Korengal, only one soldier told me he joined the army because of September 11. The rest are here because they were curious or bored or because their fathers had been in the army or because the courts had given them the choice of army or jail.’

140 Hetherington explained that he aimed to present the circumstances of the young soldiers with ‘honesty and candour’ - NBC news interview with Tim Hetherington (26 Jan. 2011) - photoblog.nbcnews.com

141 Hetherington, T. *Infidel*, 232.

close conditions with others and one in which many rules and protocols were both followed and creatively adapted. There was very limited privacy and a soldier’s bunk with a basic mattress, a pillow and a bit of space underneath to stow items was his only personal space so a strong sense of tolerance for others’ personal habits was a necessity. US military law stipulates that a soldier’s bunk constitutes his ‘home’ and as such is officially considered private space.\(^{143}\) Sleep, usually achieved using sedative drugs to comply with US military sleep management policies to ensure maximum focused efficiency and fitness in battle, was a refuge from the fear and noise, a way of offsetting sheer exhaustion and to counteract post-traumatic stress.\(^{144}\) The platoon typically got up before dawn ahead of the start of shelling which was often about 4am so sleep was generally under the cover of darkness with some soldiers on patrol at all times. Specialised equipment, including night-vision goggles, enabled offensive attacks at night which meant snatched sleep on the ground when possible.

Hetherington became a trusted insider who slept in close quarters with the soldiers and, as an embedded journalist, was completely dependent on them for his security, and shared their meals and facilities, but he was still something of an outsider with very different experiences of the world who was often in their midst but left for extended periods to London or New York and came back. The only devices Hetherington was permitted to use while embedded were his cameras while being surrounded by younger men who carried and used various large weapons and vast quantities of ammunition. Junger expressed the complicated tensions this situation created - weapons everywhere he looked but not permitted to use them at all even for his own protection. This inevitably must have resulted in complex issues around having a sense of power and control.

Hetherington won the 2007 World Press Photo of the Year Award for an image he had submitted to the competition of an exhausted soldier at Outpost Restrepo; interviews

\(^{143}\) Major Jacqueline Scott, “The Single Soldier Quality of Life Initiative: Great Expectations of Privacy.” (thesis) - (United States Army: The Judge Advocate General’s School, April 1995), 47-8 – she cites United States v Adams 5 U.S.C.M.A. 563 18C.M.R. 187 (1955) - Section IV – “Generally, a military person’s place of abode is the place where he bunks and keeps his few private possessions. His home is where the necessities of the service force him to live. This may be a barracks, tent, or even a foxhole. Whatever the name of his place of abode, it is his sanctuary against intrusion; it is his “castle”.”

\(^{144}\) Eyal Ben-Ari, “Sleep and night-time combat in contemporary armed forces: technology, knowledge and the enhancement of the soldier’s body.” in Steger, B. and Brunt, L. (eds.) Night-time & Sleep in Asia & the West (2003), 108-10 – Ben-Ari describes explicit ‘sleep management strategies’ or ‘unit sleep plans’ that involve the extensive use of drugs to control sleep as part of the ‘organizational logic’ of military action; sleep management practices, which aim to facilitate the mental and physical fitness of soldiers, has been regularly incorporated into the planning and execution of recent US military operations.
with him at this time reveal that he had a strong sense of personal ownership of the images he took and regarded them as freely available for his own use. The win brought Hetherington considerable media and public attention worldwide and fame within the international photojournalist community. He conveyed his own sense of responsibility to share what he witnessed but no sense of necessity for obtaining the consent of the subject for taking the image or its subsequent use. Taken in the first month of Hetherington’s contact with the platoon, the somewhat blurred image captured at dusk has a highly aesthetic and atmospheric effect of enveloping blue-grey light suggesting chiaroscuro which gives a sense of subdued drama and resonances of emotional exposure and pathos – an anonymous young uniformed soldier was captured alone leaning back semi-upright against rocks and sandbags with his hand to his head in a state of clear distress which has been widely interpreted as conveying overwhelming exhaustion. [Figure 14] Hetherington said the photograph was taken in part to share an emotional response to what he witnessed as a reflection of his own feelings of exhaustion from constant fear and danger and but the image had been interpreted by a judge of the competition as reflecting worldwide exhaustion in the face of ongoing warfare.

London-based documentary photographers and artists Adam Broomberg and Oliver Chanarin, who were judges for the World Press Photo competition, subsequently published an essay that critically questioned contemporary professional photojournalistic practices which produced vast numbers of clichéd images. They quite dismissively described Hetherington’s winning photograph as

an amalgam of all the images of war and death we have embedded in our memory’… ‘a stolen image, catching the American off-guard as he wipes sweat off his forehead with one hand. The blurred focus and pixelated JPEG compression make this image feel accidental and urgent, aesthetic codes that translate as ‘Real’. For some members of the jury it was also ‘painterly’ – a vague term used to describe photographs that reference certain painting techniques…conventions that help us to identify the photograph as something ‘beautiful’.

While these writers used Hetherington’s photograph as an example to illustrate issues around photographic representation such as the questionable value of predictable images to represent serious situations and the aestheticisation of suffering, it is notable that they recognised the ‘stolen’ nature of the photograph – an image of a

146 Ibid
young soldier who at the time the image was taken was not in a sufficient state of awareness to control his own image. They also emphasised that in the competition all images were deliberately decontextualised and judged on their formal attributes of composition, lighting and focus alone. In keeping with most contemporary writing on documentary photography, Broomberg and Chanarin focused on the relationship between photographers and their images and viewers, particularly whether such images are read as ‘real’, with any rights of the subject largely being overlooked. The writers express concern that the absence of contextual information in an image’s presentation has the effect of turning viewers into voyeurs, ‘passively consuming these images, sharing in the moment without feeling implicated or responsible for what we are seeing’. In their own joint documentary art practice they sought to produce works by inventive and innovative means that drew attention to significant situations that were impossible to show adequately in a single photographic image. The World Press Photo website highlights impartiality, accuracy and respect in reaching a global audience and guidelines for submissions include ethical requirements which centre on issues of image manipulation such as intentionally altering the meaning of the image through staging or digital alteration, ensuring captions are accurate and the necessity of careful editing in order to preserve the image’s context. Duty of care regarding the dignity of the subject of the image is not mentioned.

It is clear that Hetherington aspired to produce images that established a strong connection with viewers but at this time almost completely removed himself from any direct responsibility for the wellbeing of his subject either while taking the photograph or in its subsequent use and dissemination for public viewing. He claimed the soldiers of the platoon had given him blanket permission to photograph them in order to reflect their experiences at the outpost, and he clearly assumed his right to convey information about the young men he observed in whatever way he chose for best effect. In a national radio interview in the United States after receiving the World Press Photo award, Hetherington laughed that his winning image was becoming

148 Ibid
149 Adam Broomberg, A. and Oliver Chanarin, “The Day Nobody Died.” - presentation at Barbican Art Gallery, London (4 Dec. 2008) – the photographers produced a photogram while embedded in Afghanistan in order to dispense with using photojournalistic lens-based images which they regarded as failing to convey any truth about conflict
150 http://www.worldpressphoto.org/activities/photo-contest/code-of-ethics
highly sought after and well-known while the soldier captured and represented was still in Afghanistan at the outpost with no access to any communication and therefore had no idea that his image had been taken or used. In a seeming token gesture he chose not to identify the subject by name but there was no other context given other than Hetherington’s viewpoints around his own experiences. He suggested that higher ranked US army personnel were happy to have publicity drawn to the war in Afghanistan through the award and had asked for large copies of the photograph for display. The soldier as captured in a vulnerable moment was reduced to highly aesthetic and affecting photographic material to enter into a competition and to bring Hetherington professional recognition but with no associated personal gain for the soldier at all. The soldier had no opportunity to dignify his image with any personal responses to the circumstances in which the image was taken.

The complex relationship Hetherington had with the platoon is highlighted in a closely-researched biography about him. The author details that much of the video footage of soldiers engaged in battle on foot that was included in *Sleeping Soldiers* was obtained by him during Operation Rock Avalanche in October 2007 after he had been with the platoon following their every move with his cameras for about a month. During this six-day US-led offensive the platoon was ambushed and came under fierce attack from Taliban fighters. In following the men in battle with his camera Hetherington had kept up as closely as possible and without thinking continued to film when they unexpectedly came upon a member of the platoon who had been shot through the head and killed. The distraught soldiers very fiercely turned on him and told him to stop filming. It is not clear how they expressed there vehement disapproval but it is reported as being a deeply unsettling moment for the photojournalist who had previously photographed countless dead bodies while working in West Africa covering conflicts. It seems that the consent of photographed subjects had been something he had assumed rather than actively sought when previously covering catastrophes and conflicts as a photojournalist in many parts of the world – getting the message out to a public who needed to know was considered more important than any privacy issues.

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152 Ibid

153 When Tim Hetherington won the World Press Photo Award in 2007, a total of 4,460 professional photographers from 124 countries had entered 78,083 images. Since 2011, World Press Photo has organised a separate annual contest for journalistic multimedia productions in association with Human Rights Watch called The Tim Hetherington Trust Grant. The Trust’s website dedicates a page to news about this grant and features an image of the *Sleeping Soldiers* installation with one of the sleeping soldiers intimately revealed: [http://www.timhetheringtontrust.org/](http://www.timhetheringtontrust.org/) [accessed Dec 2015]
His biographer suggests that finding a dead soldier who looked more like him than he had previously been exposed to was highly unnerving. After the ambush the soldiers and Hetherington waited on the mountain concealing themselves as best they could and uncertain of where and when they might be further attacked by Afghan fighters who knew the environment intimately. They waited until the middle of the following night and the cover of darkness before leaving by foot down the mountainside – the troops had night vision goggles along with wearing very heavy protective gear while Hetherington had only a bullet-proof vest and his camera. Unable to see the uneven terrain in the dark, Hetherington lost his footing and broke his leg. Well aware that such an injury put the entire group at risk, the platoon medic did not tell him it was fractured and encouraged him to continue walking out with the platoon despite considerable pain. Once back at the base Hetherington was evacuated for medical treatment, while the platoon stayed on to endure daily fire-fights.

A photograph from December 2007 shows the distinctively tall photographer in London in a supermarket hobbling around with crutches. Many of Hetherington’s friends have reported that his experiences during Operation Rock Avalanche changed him and given him a much darker view of the complexities of war. Issues of personal control and danger had become very much more problematic. Despite this, he greatly missed the excitement and the sense of companionship and brotherhood once away from the Korengal, and once the injury healed, Hetherington returned to Afghanistan with Junger in April 2008. Having completed their assignment for Vanity Fair, the pair set out to take extensive video footage with the intention of producing a movie-length documentary to reveal in raw detail the daily life of a platoon of young soldiers at war to the American public. It was during this return to Korengal that the Sleeping Soldiers photographs were taken.

By mid-2008 when the photographs of the soldiers sleeping in their bunks were surreptitiously taken by Hetherington, life at the platoon had become much more routine with long stretches of boredom due to lulls in fighting. It was an aspect of war that was seldom represented in war photography or media reports on conflicts. The men had become much more accustomed to their environment and had creatively

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154 Michael Kamber, “Tim Hetherington: Photojournalist, Giant.” (blog post: ‘The Good Man Project’, 20 April, 2013) – Kamber recalls witnessing Hetherington’s marked exhaustion, fear and sleep disturbance as the result of his experiences at Restrepo and the violence he had been exposed to. However, drawn to further explore the fascination of war, ‘[Tim] got a prescription for sleeping pills and went back to Afghanistan.’
improvised personal living conditions. They had largely shed their official uniforms for shorts, bare chests and bullet-proof vests to cope with the heat and spent time wrestling with each other to offset tension and got themselves tattooed with distinctive patterns and words that connected them to the platoon and fighting in a war.

[Figure 15] They had become very familiar with Hetherington’s presence with his camera in their midst even in the most intimate and unofficial situations of their way of life at the outpost that had become far removed from conventional expectations of decorum. Hetherington took numerous photographs of everyday aspects of the outpost including the toilets, pages torn from magazines of pin-up girls and cars and fly-strips tacked up on the sides of bunks. Junger wrote -

*The bunks are plywood and stacked two high and the aisle between is just wide enough for two men to pass turning sideways. Lying on your bunk you could reach out and touch three men without much trouble. Weapons and full ammo racks hang from nails pounded into the walls and socks dry on “550 cord” that has been strung between rafters, and combat packs and boots and packages from home are stuffed under the bunks. Most of the men have photographs of women nailed to the walls – magazine photos, not personal ones; you wouldn’t really want to subject your girlfriend to that kind of scrutiny - and a few have blankets nailed over their bunk for privacy. Others simply escape with sleeping pills.*

Hetherington’s three-screen installation titled *Sleeping Soldiers* (2009), originally displayed in a gallery as part of the 2009 New York Photo Festival, features close-up photographs of the sleeping men that give a sense of their having being targeted in opportunistic single shots. Careful theatrical framing and use of light heightens a sense of close intimacy as features of faces, bare skin and the texture of fabrics and surfaces are made available for close scrutiny. The installation features triptych-like side-by-side photographic projections with the central image carefully timed to reveal one still photograph of a sleeping soldier after another in succession for prolonged looking. On either side video footage draws attention to contextualising scenes of combat recorded in hand-held direct style - waking experiences of active engagement, noise, uncertainty and danger. This triptych format could be seen to invoke traditional European religious paintings with the central figure of the dead Christ and scenes depicting relationships and events on the side panels. *Sleeping Soldiers* features highly secular images however with the central figures being emphatically un-heroic and horizontal suggesting disengaged passivity.

Presented in the darkened room of an art gallery with high-resolution close-up coloured images and atmospheric sounds as if directly recorded to give a sense of verité, the installation was edited to produce an enveloping and immersive effect to

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155 Junger S., *War*, 162-163
evoke emotional responses in viewers. [Figure 16] In this context, the images of sleep give an impression of withdrawal and temporary escape from engulfing noise, fear and tension but also a strong sense that each soldier is both an individual and one of a cohesive and close group sharing the same experiences. A heightened sense of normal sleep conditions is conveyed by a cool darkened gallery room but the soldiers were photographed asleep in natural light while sheltering from the heat in the middle of a sweltering day.

For a viewer, identification with a sleeping figure is likely to be one of voyeuristic fascination as it is impossible to observe oneself while sleeping. Deep sleep is a universal experience, however one that precludes conscious awareness while it is occurring. In surrounding the sleeping soldiers with the sights and sounds of combat, the installation conveys a sense of vulnerability but also of compromised dignity as the soldiers lacked any capacity for self-protection from being photographed. This sense of exposure might invoke some concern about the soldiers’ well-being and safety, and their limited capacity for privacy. A video of the three-screen installation Sleeping Soldiers as displayed in a gallery has been uploaded to Vimeo by The Hetherington Foundation so it can now be viewed almost anywhere in the world at any time. The possibility of an immersive effect of image and sound is removed through being in much smaller scale on a single screen, however to some degree the contextualising atmospheric effects of combining still photographs with video and sound are preserved. Invasion of privacy is heightened by far more extensive viewing on-line as well as the possibility of pausing the footage for closer scrutiny.

At the time of the exhibition of the installation in New York in 2009, Hetherington was interviewed about his experiences in Afghanistan and his photographic practice and the exhibition was reviewed. As a result the compelling, and very revealing, images of young men sleeping and at their most vulnerable, and with many in various states of undress, were released as high-resolution digital photographs to the arts feature sections of local media in the United States and Great Britain in order to promote the work. The photographs were frequently featured for their visual allure for readers and were soon uploaded to the webpages of various publications. In isolation the images could therefore be viewed slowly and closely on a computer or tablet screen which gives a strong sense of intrusion into an intimate and private space. In this context of viewing some soldiers appear child-like in sleep, others convey a sense of erotic
sensuous availability, while others are highly undignified in the way their bodies are exposed as they unconsciously curl up in sleep. The ethnic differences and details of distinctive bodily features and postures of individuals become very apparent – skin marked with inked letters and symbols, textures of body hair, mouths and lips falling open, the softness of cloth, bare mattresses and personal items kept nearby. They reveal a considerable amount of personal bodily information, inconsistently preserve a sense of dignity, and are unquestionably voyeuristic and invasive of privacy. In being the accompanying images to articles they are however contextualised by the accompanying text that outlined the situation of the young soldiers in Afghanistan at the time the images were made.

Hetherington and Junger made extensive other uses of the more than 150 hours of video footage and photographic material they obtained while at Outpost Restrepo and on patrol with the platoon. Hetherington published a book of approximately one hundred and fifty photographs titled *Infidel* in 2010, Junger published *War* as a book-length narrative account of his experiences in Afghanistan, and together they self-funded the production of a full-length documentary movie - *Restrepo* with the help of professional editors. *Infidel* was produced to resemble a soft-bound black leather diary and has more than one hundred and fifty colour photographs of the platoon along with text written by Junger and a collection of footnoted captions by Hetherington to outline their context. The outer spine has ‘Infidel – Tim Hetherington’ printed along it all in the same font further suggesting a personal diary. Hetherington explained that he constructed the book in a deliberate order to start with photographs of the Korengal Valley, then a series of highly expressive close-up portraits of individual soldiers who engage directly with the camera, then diverse intimate and usually unseen aspects of the daily life of the soldiers at the outpost with a particular focus on the relationships between the men and their expressions of masculinity. Towards the end of this section of the book Hetherington included raw and exposing photographs taken as stills from the video footage at Operation Rock Avalanche including close-up images of the distressed men discovering their dead friend. This includes a photograph of the dead soldier lying in long grass, but with a superimposed black bar obscuring his face, in clear contradiction of his platoon mates expressed wishes at the time. These images were doubtlessly included for their visceral impact. His World Press Photo award-winning image of the exhausted soldier is also included as a double-page image in this section. The book next includes transcripts of interviews made with some of the
men who were most willing to talk and therefore giving a partial viewpoint. At the very end of the book are the series of photographs of the sleeping soldiers as colour images in high resolution with each only occupying half of a double page and printed horizontally - the book must be turned sideways to look at each soldier in turn on the upper of the two pages which gives a sense of face-on private viewing; on the facing page is a single word name identifying each soldier – ‘Kelso’ ‘Alcantara’, ‘Donoho’, ‘Cunningham’. [Figure 17] In this presentation they are a series of simply named portraits. These photographs of the sleeping men were fixed in the pages of a book and contextualised by surrounding images and text. The individuals are undoubtedly exposed to being viewed and lack the usual dignity conferred by posed military images but sleep in this context is clearly displayed as only one facet of military life. As a series it conveys a sense of a collective activity that was systematically documented in a particular time and place.

The most strikingly undignified images are a series of three close-up photographs of one of the soldiers as the very last images in the book and each is simply labeled ‘Kelso’. In the first, Kelso’s upper face is completely covered but he lies enclosed by the plywood walls of his bunk on a stained bare mattress in a vulnerable pose with identifying tattoos revealed as his hands curled into his neck and his arms shielded his chest. In the second photograph is much more undignified as he lies face-on to the camera, curled on his side with chest fully bare, knees pulled up and wearing only his underwear. He has a strong sense of exposure and vulnerability with an appearance that is ambiguously adult or child-like and is very far removed from any official military portraits. The last of the three images seems to have been taken at a later date as Kelso’s hair is cropped shorter – his arm nearest the camera and his face are caught by light but he is otherwise in shadow and he is clearly asleep as his mouth falls slightly open with loss of muscle tone; although his body is more covered in this photograph it is very close-up of his flushed face with deep under-eye shadows which has a troubled expression. In combination these three images give a great deal of visual information about a single identifiable individual in a state of complete vulnerability and with minimal respect for his personal dignity. It takes very little further investigation to discover that these images are of the platoon medic ‘Doc’ Kelso who had encouraged Hetherington to walk on his broken leg. Perhaps Hetherington took these photographs in settling some personal score or to offset a sense of comparative powerlessness. In marked contrast in terms of respect, Junger wrote in his book War
- ‘The combat medic’s first job is to get to the wounded as fast as possible, which often means running through gun fire while everyone else is taking cover. Medics are renowned for their bravery, but the ones I knew described it more as the terror of failing to save the lives of their friends.’ In the context of military sleep management, it would undoubtedly have been Kelso as medic who was in charge of giving his platoon members sedative drugs to facilitate sleep in the midst of extreme stress.

The documentary film *Restrepo* does not include any images of sleeping despite its emphasis on giving direct video footage of the close and personal experiences of the platoon during fighting and in down-time together at the outpost. In the movie the featured soldiers are almost always clearly aware of the camera. An exception however is up-close footage of shocked soldiers taken during Operation Rock Avalanche which was clearly included for dramatic effect despite some soldiers’ expressed disapproval – the young men revealed on film are clearly too distraught to notice the camera’s presence. The movie has no voice-over commentary. Interviews with a few of the soldiers were taped after their 15 month tour was over and these are used in the movie to intentionally convey a sense of authentic immediacy and intimacy as directly as possible rather than conveying any obvious slant in its political message. The long editing process required to select parts of the video footage obtained nonetheless had a large part to play in framing diverse and often chaotic experiences of war for a group of American soldiers as a brotherhood and as a unique expression of unrestricted masculinity. The film quickly gained enthusiastic responses and was awarded the Grand Jury prize at the 2010 Sundance Film Festival. Hetherington was thereafter in much demand for extensive promotion of the movie, his book, and his installation *Sleeping Soldiers* in the United States and England including interviews and public talks in galleries and universities. The images of the sleeping soldiers were very frequently featured for their evocative power. In early 2011 *Restrepo* was nominated for an Academy Award which brought Hetherington, Junger and the platoon immediate fame and a great deal of public and media attention.

Only six weeks later, in April 2011, Hetherington was killed by mortar fire while taking photographs of the civil war in Libya.

Immediately after Hetherington’s tragic death, countless media articles and posts by his friends and colleagues on the Internet eulogised him and featured the images of
the sleeping soldiers. The images of the sleeping men rapidly became iconic images used to repeatedly memorialise the photographer. Although the soldiers they had been captured in a situation in which protection from death was at no time certain whether awake or asleep they were nonetheless real identifiable living people. Hetherington had at no time been a US soldier and the soldiers were likely drugged and sleeping but not dead. In visual representations, sleep has long had strong connections to death – in classical Greek legend warriors Thanatos (death) and Hypnos (sleep) were twin brothers.156

At this time the soldiers featured in the Sleeping Soldiers had finished their stint in the Korengal Valley in Afghanistan and were being redeployed to further US conflict zones or had left the army and were attempting to readjust to civilian life back in the United States. Soldiers involved in this conflict had a very high incidence of post-traumatic stress disorder that was aggravated by isolation from being part of a tight collective of men and the sudden absence of the high adrenaline demands of combat. Many had received publicity in their home towns due to their connections to the movie Retrepo which, from the few newspaper articles available on the Internet, was generally popularly received by the men who were featured as it conveyed an authentic sense of the kinds of experiences they had been through to civilians at home. Regardless of their personal sense of loss at the death of Hetherington, the isolated images of sleeping were likely to have been at marked odds with any sense of honour the soldiers had in being associated with heroism or with their personal pride in a strong sense of a brotherhood and active masculinity that being in a combat zone conferred. To have added connotations of death is a distortion of personal information and identity as these living individuals were readily identifiable. The issue of consent around the use of their personal images was by this time impossible to enforce as the images were widely disseminated on the Internet; as digital data the images could be ‘cut’ and uplifted from numerous websites, reused and shared in unlimited and uncontrollable contexts. Within a year of his death, Hetherington’s photographs were post-humously included in Magnum Photo Agency archives which made them available on-line for immediate viewing and for ongoing use with the agency’s consent. The images were however already loose on the Internet and available for close scrutiny and use - and to have distorted connotations attached.

156 Naomi Lesham, Sleepers (Zurich & Ra’anana, Israel: Benteli & Even Hoshen, 2011),103.
Hetherington had very deliberately sought to distribute his documentary photographs as extensively as possible through a variety of media technologies and approaches in order to communicate his observations in alternative ways to those used in conventional photojournalism. Many photojournalists from this period have sought alternative means of displaying their photographs and communicating their particular perspectives and witnessed discoveries to the public as traditional news media sources have increasingly used photographs taken by amateurs on camera-phones for greater immediacy and on-the-spot closeness to an event. Alternative strategies have included exhibiting documentary-style photographs as art in galleries and posting photographs directly to the Internet on blogs, however this has also removed the images from any formal editorial input and long-established professional ethical codes such as duty of care to vulnerable subjects. Hetherington may have been inspired by fellow war photographers such as Luc Delahaye who from the late 1990s took control of the use of his own images by calling himself an artist and, in complete contrast to newspaper photographs or television news footage, exhibiting highly detailed very large tableau–sized images on gallery walls. His well-known photograph of a clearly dead young Taliban fighter lying sprawled on the side of the road like a discarded doll has been much discussed for its highly revealing details and the problematic ethics of using such an image of a human being as art. Hetherington’s soldiers were not dead and continued to live real lives which made them susceptible to any stigmatising readings of their identifying photographs.

After Hetherington’s death his friends and colleagues actively instigated the public display of his career’s work with several exhibitions being staged in homage to him and his documentary photographic practice. Associated texts largely reflect grief-stricken friends who sought to promote Hetherington as having been a hero and a unique innovator whose impact on the world had been cut short. These gallery exhibitions in London, New York at the Yossi Milo Gallery and at the Corcoran Gallery in Washington DC included the Sleeping Soldiers video installation as well as selected still photographs as published in Infidel but enlarged as glossy C-prints to be dramatically displayed on gallery walls in new juxtapositions. Contextualising information about the soldiers themselves as individuals has tended to be very minimal.
It is not clear what motivations were involved for the curators of the CONTACT photography festival in Toronto in 2012 in deciding to enlarge the photographs taken by Hetherington of the sleeping soldiers to billboard size and to display them in full colour and detail on the sides of public buildings all over Canada for the duration of the festival. [Figure 18] Undignified and highly revealing images of the soldiers taken in the only private space they had in a military outpost in a remote valley in Afghanistan were now available to be viewed by anyone driving or walking past on inner city streets with complete loss of context. In being in part a memorial to Hetherington it may be that the curators’ choice of billboards was intended to evoke connections with Felix Gonzalez-Torres’s famous billboard featuring a black and white photograph of an empty bed that memorialised his lover Ross who had recently died of AIDS. The Sleeping Soldiers photographs as billboards can also be compared to a dramatic series of portraits of young American soldiers titled simply Soldier that were controversially exhibited on billboards beside highways in many locations around the United States. Taken as an art project by photographer Suzanne Opton from 2006 after she eventually found a US army unit that would consent to being involved, she had posed the soldiers who had just returned from active duty in Iraq or Afghanistan, one by one with their heads resting horizontally on a table top. She then deliberately offered no explanation as to what she was doing, while taking some time to prepare the shot using a standardised ‘scientific’ approach at very close range with a large-format portrait camera, in order to intentionally capture a sense of strained vulnerability rather than any sense of military toughness.157 The resulting colour images are both arresting and disconcerting as they feature the very much enlarged heads of young soldiers in close focus and detail but abruptly cut off at the neck by the edge of the photograph as if literally disconnected from the body. Their facial expressions strongly suggest emotional and psychological trauma - and seem mask-like and somewhat reminiscent of Brancusi’s marble Sleeping Muse (1909). Opton’s project was unquestionably exploitative of her vulnerable and identifiable subjects in terms of lack of informed consent and possible misrepresentation however these subjects were awake and aware of being photographed even if thoughts had drifted and there may have been means to refuse involvement. She labeled the photographs with the name of the soldier and the number of days they had spent on active duty.

157 Suzanne Opton’s Soldier images were published in a book Soldier/Many Wars (2011), as well as being included in several international photography exhibitions such as the Brighton Photo Biennial in 2010; they were also displayed on billboards in many states across the United States and on the walls of metro stations in Washington DC. Opton has said her aim was to counter images of soldiers as being ‘faceless drones’. (suzanneopton.com)
which offered some contextualising information around a likely cause of trauma. Opton’s photographs upset many with connections to the military as they exhibit soldiers as highly vulnerable with resonances of death rather than strong or heroic and were seen as being disrespectful.\textsuperscript{158} Hetherington knew of Opton’s project as they had been featured together in presenting their work at seminars which discussed innovative art photography that responded to the War on Terror. \textsuperscript{159}

Doubtless inspired by the Canadian billboard project, a photographic gallery in Liverpool staged a tribute exhibition to Tim Hetherington as his home town had been nearby. This exhibition also featured billboards with hugely enlarged versions of the sleeping soldier photographs as well as still photographs and videos in the gallery itself. The \textit{Sleeping Soldiers} photographs have subsequently been exhibited as a form of public art several times on the sides of buildings in homage to Hetherington or as part of exhibitions of his work. In New York in April to May 2013 they were displayed in greatly enlarged form as suspended semi-transparent images on huge glass windows at ground level on the façade of the International Center of Photography in downtown New York. [Figure 19] Photographs on the gallery website and ones that were taken by the public and posted to \textit{Instagram} reveal people sitting eating their lunch in an outdoor courtyard with a hugely enlarged photograph of Kelso, curled up asleep in his underwear and other identifiable sleeping soldiers floating large and incongruously exposed to the street. Accompanying text beside them on the window gives a bold title ‘Sleeping Soldiers’ but largely outlines information about Hetherington and draws attention to a television documentary about him and his heroic status as a photojournalist who was killed. In stark contrast, a blog post by a US military surgeon reviewing \textit{Restrepo} features an image of Kelso to explicitly honour his role as a medic. In this copyrighted photograph Kelso poses staunchly before the camera in military uniform with eyes completely obscured by dark sunglasses. He looks disciplined and inscrutable.\textsuperscript{160}

\textsuperscript{158} Tyler Coburn (New York: \textit{Rhizome} contemporary art blog, 29 August, 2008) - Opton’s billboard project was cancelled by CBS during the Republican National Convention in August 2008 as they were considered to look too much like deceased soldiers. https://rhizome.org/editorial/2008/aug/29/cbs-outdoor-pull-suzanne-optons-quotsoldierquot-bi/

\textsuperscript{159} Photojournalist Will Michels donated one of Opton’s photographs from the \textit{Soldier} series to the permanent collection of The Museum of Fine Arts, Houston in memory of Tim Hetherington after his death - Tucker, A.W., Michels, W.and Zelt, N. \textit{War/Photography}, plate 448 and accompanying text.

\textsuperscript{160} http://fastsurgeon.blogspot.co.nz/2010/06/film-review-restrepo-from-kitchen.html
Further dissemination of the now iconic *Sleeping Soldiers* images has largely collapsed any connection to the original context in which they were obtained and the original forms of presentation as produced by Hetherington himself. In single-screen video form of the sleeping soldiers alone, they were projected onto the outer walls of a building as part of an exhibition at an alternative gallery space and cocktail bar called WTF Gallery in Bangkok in 2013. Photographs of the exhibition, taken for social media site postings and blogs, reveal customers with drinks leaning against the walls where the greatly enlarged versions of the intimate images of the soldiers in their bunks were projected. The American-born curator Christopher Wise claimed that Hetherington had proposed the exhibition to him as a fellow travel photographer before he died and had suggested casually fixing the photographs directly onto the walls much like the pin-up photographs of naked women that the soldiers had had on their walls at the outpost. This approach was not undertaken. Instead large glossy C-print life-size versions were exhibited as a side-by-side series around the gallery walls; many of the photographs of the exhibition, taken by visitors to the gallery on camera-phones and easily found on the Internet, reveal the images of the young American soldiers being scrutinised very closely by elegantly dressed young Thai women.

As discussed by Sekula in the late 1970s, documentary images of real and identifiable situations are particularly susceptible to any number of readings out of context and have a complicated relationship with other images in a series and accompanying text in suggesting possible readings. The relationship between Hetherington - a highly educated 40 year old British war photographer who sought to use his camera and a variety of outlets and media to explore new and sophisticated means of communicating his ideas about conflict and catastrophe with as wide an audience as possible, and young American men in their late teens and early twenties who had been thrown into a fierce and foreign war zone using high-tech weaponry and a strong sense of brotherhood, but with very limited experience of the world, was unavoidably complex. It is impossible to imagine that either the photographer or the photographed men would have envisioned that images that surreptitiously recorded a temporary sedated escape from boredom and fear in the middle of an overpoweringly hot day in a remote valley in Afghanistan in 2008 would be regularly used in 2015 on image-

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collecting social media site *Pinterest* by young women seeking to memorialise young men they had loved and lost. Photographs from the *Sleeping Soldiers* series are simply labeled ‘Tim Hetherington’ or ‘sleep’ as part of improvised collections of ‘inspiring photographs’ alongside others compiled on themes such as fashion, food and interior design.

The Magnum Photo Agency website now features the *Sleeping Soldiers* photographs as a separate ‘exhibition’ and three of the photographs have the tag ‘iconic images’. Searching for ‘Hetherington Sleeping Soldiers’ using Google images now produces more than 180,000 results and of these the vast majority link to webpages that reveal extensive context collapse. Some versions lead very easily to sites which name the soldiers and the particular platoon they served in and where – and even the American town they grew up in. These are far from images of the atrocities of war that are frequently discussed due to ethical concerns around how they can be appropriately represented. However, in terms of the ethics of informational privacy and dignity, these identifiable and potentially stigmatising images of young American soldiers asleep, whose images were stolen, are now very searchable and able to be viewed on the screen of a digital device almost anywhere in the world at any time. They are regularly casually used and shared by people who do not and will never know them, but also can be easily found by potential employers, insurance providers or other data compilers. Personal identifiable visual information with strong connections to personal identity, self-image and dignity is now widely disseminated without any possible control.
DISCUSSION:

To photograph is to appropriate the thing photographed. It means putting oneself into a certain relation to the world that feels like knowledge – and, therefore, like power.

Susan Sontag On Photography (1977)

Informational privacy has been identified as one of the most urgent, complicated and concerning issues currently facing individuals globally. Privacy is at risk of being significantly compromised if individuals lack the ability to control who has access to information about them. Informational privacy is closely linked to visual information and photographic images in particular. A camera is a recording device that captures visual information in producing photographic images as recognisable patterns of light that document whatever is in front of the lens in the real world in a particular time and place. In recent decades, often identified as the Information Age, rapid developments in digital technology have enabled the capture, storage, display and dissemination of vast quantities of visual information about identifiable individuals in unprecedented ways; issues of consent and choice about who controls personal information and who has access to identifying facts about individuals has become an urgent and complex ethical dilemma. Luciano Floridi, Professor of Philosophy and Ethics of Information at University of Oxford, has written with concern about informational privacy in response to the current age of globalised individualism in which individuals are encouraged to act with little regard for particular or significant effects on other people’s wellbeing or dignity.

An embarrassing or undignified photograph may be entertaining to some observers or merely annoying to the individual who received unwanted attention, however unwanted and unwelcome disclosure of visual information about an individual for others’ scrutiny may also threaten his or her security and economic or psychological well-being. The information revealed may be stigmatising with lasting damaging effects if previously undisclosed details disrupt a person’s reputation and relationships with family members, friends and colleagues and alters important aspects of personal

identity and sense of dignity. Almost all individuals, with the capability to do so, actively control the personal information they disclose to others to avoid being discredited and risking stigmatisisation. Disquieting, threatening or even privacy violating effects of photographs are magnified if images were captured when photographed people involved were unable to be conscious of their image being taken nor aware of the photographs’ subsequent use, and thus lacked the capacity to control who has access to visual information about them.

Ever since it was invented, photography has been used to record information about people, places, objects, activities and situations that might otherwise be transient or go unseen, and photographic images have facilitated the scrutiny of otherwise overlooked details. Photographic images often reveal or pay unwanted attention to aspects of life that individuals would prefer to have go unseen. When people receive unwanted attention they may feel violated, especially if a photograph reveals personal details they prefer to conceal or if an image displays them in an undignified manner. Most individuals wish to choose when and to whom and in what situation they reveal information about themselves to others. Roland Barthes, in the first section of his book Camera Lucida, described how a portrait photograph had been taken of him and published for public viewing and how he found it highly disconcerting that the resulting image seemed to bear no resemblance to his conception of himself. He wrote:

‘others - the Other- do not dispossess me of myself. They turn me ferociously, into an object, they put me at their mercy, at their disposal, classified in a file, ready for the subtlest deceptions… (The “private life” is nothing but that zone of space, of time, where I am not an image, an object. It is my political right to be a subject which I must protect.)…For me, the Photographer’s organ is not his eye (which terrifies me) but his finger: what is linked to the trigger of the lens…”

This experience was a factor in prompting Barthes to explore, in highly personal and philosophical terms, what photographs mean in terms of viewing and meaning, memory and connections with death, loss and human vulnerability. New Zealand art photographer Neil Pardington has spoken of the voyeuristic nature of some of the documentary photographs he makes of otherwise hidden away and unseen places

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165 Erving Goffman highlighted the deeply discrediting effects of being depicted as part of a group of individuals with associated negative connotations, or being portrayed as having a blemished character such as laziness and unreliability. There is associated loss of sense of self and loss of full social acceptance. Homelessness is particularly stigmatising. Goffman, E. Stigma. (London & New York: Penguin, 1963), 1-4

166 Privacy scholar Allan Westin identified the functions of privacy as solitude, intimacy, anonymity and reserve. Westin A. Privacy and Freedom (New York: Atheneum,1967), 31-32

which could be interpreted as a form of exploitation but equally can invoke empathy, of taking the time to see.\textsuperscript{168}

Several exhibitions in the past decade have explored issues of privacy and public exposure. Pardington was a featured artist in \textit{The 2\textsuperscript{nd} Auckland Triennial} which took the complexities of intersections of public and private lives as its theme. An acclaimed exhibition curated by art historian Sandra Phillips titled \textit{Exposed: Voyeurism, Surveillance and the Camera since 1870} at Tate Modern and San Francisco Museum of Modern Art in 2010 to 2011 displayed numerous photographs made without the explicit consent of the people depicted and drew attention to issues of invasive looking including the agency and powerlessness of watching and being watched.\textsuperscript{169} The accompanying text emphasised the spectator – the photographer and viewer of the resulting images, rather than any possible impact on those looked at and captured in the photographs. Issues around shifts in control of the privacy of personal information in the current Information Age were explored in a touring exhibition titled \textit{The New Normal} curated by Michael Connor for Independent Curators International.\textsuperscript{170} This exhibition which toured the United States, Canada and Spain in 2008 to 2010 included some focus on the subjects of the images however mainly explored the voluntary exposure of private information as a form of self-disclosure. Individuals who are the subjects of photographic images while asleep have no capacity to directly control how they are disclosed. Emphasis in exhibitions and scholarly art writing in recent decades has been greatly focused on the viewer, or the photographer as spectator, rather than on the viewed subjects of images and any potential impact on identity and well-being.

Photographic images have been used since the nineteenth century for collecting information as evidence. Documentary photographs are by definition taken with the intention of sharing the real-life information the images contain. While documentary photographs have long been published for public consumption in newspapers, books and magazines, analogue photographs were fixed to the pages they were printed on and could only be duplicated by re-photographing them or re-printing them as further

\textsuperscript{168} Ngahiraka Mason and Ewen McDonald, \textit{Public Private -Tumatanui Tumataiti. The 2\textsuperscript{nd} Auckland Triennial.} (exhib. publ.) (Auckland : Auckland City Art Gallery, 2004)


fixed images. Digital images, by contrast, are patterns of information that can be immediately viewed, easily stored in vast quantities, and attached to webpages from which they can be readily cut and reused. Digital images are extensively released for public viewing on websites, on blogs and on social media, searched for using increasingly sophisticated search technology, duplicated in an extensive range of sizes, rapidly uplifted, uploaded and re-used, and shared through dissemination on the Internet to unlimited places and billions of potential viewers. A photograph quickly taken on a camera-phone of an unconscious individual in an undignified position can be distributed widely to any number of known and unknown observers in seconds, or even to global news media conglomerates who may publish it to reach an enormous number of readers in print and online. Once a photographic image is shared on the Internet it is, for the vast majority of individuals in the world, impossible to retrieve it. Copyright restrictions now have little validity as once photographic images are shared and on-shared in their billions on blogs or social media self-publishing sites such as Instagram, Pinterest and Tumblr, it is virtually impossible to trace the multiple occasions in which the image has been used. While this has implications for the person who took the photograph, it may have very serious implications for an identifiable individual who is revealed through a photograph in multiple ways entirely without their control or consent. This is magnified when an image becomes part of an iconic art work linked to the name of a famous photographer or artist, whose name and works are very easily searched for using on-line search engines such as Google Images. This means that any problematic and unwanted attention an identifiable individual receives through being the subject of a particular photographic image is uncontrollably multiplied through that image being very easily found and viewed.

Hetherington’s Sleeping Soldiers images are easily found in vast numbers in high resolution on the Internet by a simple search of the photographer’s name, even without including the title of the work, as they have become tightly linked to memorialising exhibitions showcasing him and his documentary-making career. The young American soldiers photographed by Hetherington as they slept during the day are highly unlikely to wish this to be the defining impression attached to them in relation to being engaged in active combat in a fierce war zone while serving their country. In most societies sleeping men are conceived of as being non-heroic and as

171 Instagram was invented in the United States in 2010 and by 2015 it was used by more than 400 million people worldwide. In the past five years more than 40 billion photographs have been uploaded and more than 80 million photographs and videos are uploaded every day.
representing vulnerability. Sleep may represent a savored escape from the demands of the world, a way of ensuring fitness and good health or as a stigmatising representation of inattention or laziness. If the soldiers are perceived as being serenely asleep they run the risk of being viewed as being free of demands, of not taking adult responsibilities seriously, or even neglecting their duty to be vigilant in protecting fellow soldiers. Soldiers returning from Afghanistan have had an extremely high rate of post-traumatic stress disorder, which impacts greatly on their capacity to return to civilian life, to maintain and establish meaningful personal relationships and to gain employment. The sleeping soldiers photographed by Hetherington are identifiable individuals whose eligibility for compensation or required support might be compromised by any evidential interpretations of the images. While some of the men may have no concerns about the images, others may find them very disturbing. It is notable that in more than two years of researching the work *Sleeping Soldiers* and its increasing public profile, and despite the work being very extensive discussed in connection to Hetherington in the media and in online blogs, it has not been possible to find a single comment or response by any of the featured soldiers about his inclusion in the work and subsequent exposure.

In other contexts, the images of sleeping soldiers might facilitate discussions around vulnerability that would perhaps otherwise be difficult for soldiers who have long been expected to be stoic. Information about private experiences that otherwise would go unseen might trigger more realistic understanding of the experiences of war beyond official sources and facilitate social connections. Hetherington had been particularly drawn to the sense of strong brotherhood between the young men at Restrepo who shared their fear and affection openly in ways that were seldom possible outside of such an isolated environment. Behaviour that would be commonly perceived as embarrassing or inappropriate or lacking in dignity was acceptable due to the levels of trust that had been established. While the images of the sleeping soldiers appear to present the men as separate individuals each engaged in their own private withdrawal from the world, they are most often displayed collectively which gives an ongoing sense of their connection as part of a platoon. Junger has recently highlighted in an article for *Vanity Fair* magazine the enormous issue of post-traumatic stress disorder amongst returning US soldiers returning from Afghanistan.172 The loss of the

experience of brotherhood, and associated disconnection from shared experiences, sense of collective privacy against the world and unspoken codes of interaction, is a major factor in the difficulties faced by soldiers in terms of mental health when they go separate ways on returning to small towns all over the United States. Disruptions to a sense of identification, personal pride and connection are a significant concern when images like *Sleeping Soldiers* become separated and used on the Internet in isolated ways far beyond their original context. All of the soldiers documented in the photographs are likely to have Internet access and readily able to find these images of themselves and the ways they have been recontextualised. This must undoubtedly heighten their susceptibility to confused identity and uncertainty over how they might be perceived on returning to civilian life. Having become so strongly connected through photographs to an English photojournalist with whom they may have had a rather distant relationship, in contrast to a strong identification with fellow platoon mates and the US army, creates many ambiguities.

The United States has been very divided over the nation’s involvement in the War on Terror and the response to returned soldiers tends to be polarised between highly laudatory or very critical of the ineffectiveness of military action and the damaging effects of war on civilians. In the aftermath of the release of the images of atrocities committed by US soldiers against Iraqi prisoners at Abu Ghraib prison that were taken by the perpetrators themselves on cellphones and uploaded to the Internet, public confidence in the appropriate actions of soldiers when out of public view was greatly shaken. Hetherington’s sleeping soldiers may have been deliberately depicted as ‘innocent sleepers’ in this context, although it is clear from interviews that after leaving the warzone many soldiers were greatly troubled about the innocent Afghans they might have killed without being aware of it. A potential sense of ongoing shame that might arise in looking back on actions that took place within the all engulfing experience of very active combat and fear might greatly heighten a sense of disconnection; to additionally be depicted in public in intimate, revealing, embarrassing and undignified photographs of being asleep as a violation of privacy, especially when displayed greatly enlarged on the sides of buildings in cities in the United States and Canada, is not likely to increase any sense of confident connection to a worthwhile cause. From the interviews conducted with the soldiers at Restrepo, and from both Hetherington’s and Junger’s accounts of their personal experiences there and observations, it is very clear that any sense of worthiness in being involved
with the US army was very tightly connected to a sense of belonging to the platoon and a sense of courage in protecting fellow soldiers even if it meant sacrificing one’s own safety. Being reduced to aesthetic images on the Internet, and open to being collected as ‘scrap-book’ items on any theme, is unlikely to enhance a continued sense of belonging and purposeful connection to a group which had enormous personal significance for all the men who experienced Outpost Restrepo. Context collapse increases exposure to public view in multiple uncontrollable ways while greatly disrupting any sense of trust or belonging associated with being strongly connected to a particular group or situation in a specific time and place.

Although the sleeping individuals captured by Alýs on the streets of the historic centre of Mexico City for his series Sleepers may be less readily identifiable by name (although with facial recognition software this becomes increasingly possible), they nevertheless would recognise themselves and would likely be recognised by others who knew them. In addition the images have been repeatedly labeled as being of homeless people which is unquestionably stigmatising in most European countries and the United States especially in conjunction with sleeping rough on the street which is frequently linked to alcoholism, illicit drug dependence and mental illness and is forcibly discouraged in many urban spaces.

While many of the individuals ‘collected’ as examples of sleepers by Alýs may have been marginalised and destitute, ‘homeless’ is a far too narrow categorisation and simplistic misrepresentation of individuals who might have come to the inner city seeking employment or who snatched a nap out of the direct sun between several jobs in a day that did not allow time to return home due to long distances travelled. While a huge number of Mexico City residents are unquestionably economically compromised, the connections emphatically made by many British, European and North American curators and writers to the sleepers in Alýs’s work representing the hopelessness of the entire country and even the misery of all of Latin America is a highly reductive and narrow perspective and has strong imperialistic resonances. It is difficult to know to what extent Alýs recognised the stigmatising stereotypic associations of daytime sleeping with Mexican culture in terms of backwardness and laziness that has been fought against by Mexicans for decades. As a Belgian with a liking for the famous Tintin comic books by his countryman Hergé, it is possible that he intended to draw ironic allusions to amusing characteristics of foreign cultures. It
was perhaps a surprise to him that *Sleepers* has been described in such simplistic terms as it is clear from interviews with him that he intended to draw attention to a particular pattern of human behaviour that was characteristic of a particular place and at risk of dying out. This is a particularly humanistic agenda and one long undertaken by documentary photographers since the nineteenth century, such as August Sander in Weimar in the 1930s, who wished to systematically document social aspects of his society at risk of disappearing due to progressive modernisation. Sander was representing his own society even if in doing so he crossed many class boundaries prevalent at the time. Alýs recorded observations of a culture that was not his own and a collection of isolated individuals caught sleeping in a particular area of a huge megalopolis which might be assumed to ensure their anonymity. Alýs’s approach can be regarded as highly ethnographic and is therefore open to the same criticisms and ethical concerns that ethnography attracts, including stereotyping, instrumentalisation, reductionist approaches and lack of respect for local customs and practices, loss of dignity for examined subjects, and lack of consent. As discussed in an interview with Anna Dezeuze in 2010, Alýs admitted that he felt his *Sleepers* work violated privacy and that he constantly walks a line of damage control due to a real risk of having the work be viewed as patronising and voyeuristic. The perhaps puzzling aspect of this is that the *Sleepers* series has been produced in multiple further successive versions, although it is likely that this is largely at the instigation of his dealer galleries in wishing to meet demands from collectors of Alýs’s work. The work was originally produced to be exhibited in a commercial gallery setting. A subsequent version was recently exhibited at Art Basel Miami and commentators who reviewed the art fair expressed discomfort in viewing such a work in the midst of extensive expressions of wealth. It is tempting to speculate that reasons behind the *Sleepers* series’ ongoing popularity with international institutional and private collectors include the colourful and almost abstract aesthetic of the photographs with their sense of realism enhanced by clear single point perspective, the slide format that invokes associations with travel photography or scientific presentations, and that it represents an emerging and collectable area of international contemporary art from Latin America while specifically documenting recognisable and almost stereotypic aspects of Mexico City life. It may be that slides suggesting sleeping in the street give philanthropic collectors a sense of social consciousness but since the sleepers depicted are more ‘exotic’ than those regularly observed in their own cities they likely invoke less direct feelings of personal
responsibility or discomfort. It is possible for the work to invoke a strong sense of ‘us’ and ‘them’.

Alÿs’s own sense of belonging and connectedness was clearly complicated in recent decades. He was typically identified as being Belgian but was increasingly well-known as representing Mexico City in the international contemporary art scene, and this involved frequent travel all over the world and giving interviews and talks usually in English to European and American audiences. He had lived and worked in the historic centre of Mexico City for a decade and worked closely with Mexican curators, writers and artists but was not a Mexican citizen. It seems that in producing *Sleepers* he wished to document a way of living that he found fascinating and that might otherwise be overlooked or even disappear from memory, doubtless in part as an urban planner with a curiosity for adaptive and inventive private uses of public space, but also out of a sense of personal belonging to a particular community. This insider’s view is particularly evident in the small book he produced with Mexico City essayist Carlos Monsiváis that firmly situates the images in the context of the historic centre of Mexico City with its distinctive approaches to dealing with adversity. The current residents of Mexico City regardless of economic status are increasingly likely to have camera-phones and some Internet access enabling them to represent themselves in photographs. Indeed, the exhibition in London at the Lisson Gallery that first featured the *Sleepers* slideshow included the website of the Zapatista movement that was groundbreaking for marginalised indigenous groups in terms of revolutionary self-representation. Global shifts in the capacity for self-representation, due to new technologies even amongst those living in poverty, has been extensively studied in recent years in connection to slum tourism, which has included *favelas* on the outskirts of Mexico City.\(^\text{173}\) Rather than just being exotic spectacles for visiting tourists, the inhabitants are increasingly proactive in controlling the ways they are interacted with and represented and seek to control their own informational privacy and sense of personal and cultural dignity. Art historian Ariella Azoulay, in her influential book *The Civil Contract of Photography*, proposed that photographs implicate the photographed, the photographer and viewers of images in a mutual connection of citizenship and unavoidable political engagement and responsibility no matter how disadvantaged the photographed individuals might be and whether consenting or not; this assumes that

the photographed individual is conscious as an unconscious person has no capacity to either engage or withdraw.\textsuperscript{174}

It is evident that both Alÿs and Taylor-Wood have a strong interest in conceptual complexities connected with photographic documentation of individuals during performances and events and the ways in which the camera can frame and record those involved in actions and situations using carefully selected camera angles. It is interesting that Alÿs made a video ‘performance’ work at the National Portrait Gallery in London in 2004 which documented a fox let loose in the gallery at night using the galleries closed-circuit television surveillance monitors which were of a type which made their presence obvious by displaying the captured footage on small screens in the gallery’s public spaces.\textsuperscript{175} In juxtaposing wild life normally excluded from modern inner cities and the very formal traditional spaces of an urban public institution that highly controls the interior environment to protect valuable artworks, Alÿs also drew attention to the extent to which private activity could be observed and recorded in public spaces. Taylor-Wood’s video portrait made in the same year of David Beckham sleeping in a private space was displayed in the less formal contemporary spaces of the same gallery on a plasma screen not too dissimilar from security ones. Given Beckham’s anxieties about protection of his personal privacy and security, this may not have been a coincidence.

While small and portable cameras have facilitated surreptitious taking of photographs of unsuspecting individuals at their most natural for more than a hundred years, the requirement of light has meant that photographs documenting individuals while sleeping, which generally requires low light conditions, was until recent decades much more limited than extensive representations of sleep in other visual media. The use of flash typically woke the sleeper up and low light conditions precluded getting a focused image. Advances in digital camera technology have increasingly facilitated the taking of photographs in much dimmer light conditions. At the time the video portrait of David Beckham was produced, video cameras could record in low light particularly if fixed in one place rather than hand-held; this included webcam cameras attached to personal computers. It was not uncommon in the early 2000s for


individuals to set up such cameras to record themselves while asleep and live-stream this to the Internet. Exposing one’s own behaviour in real time to large numbers of ‘followers’ or unknown observers was a novelty. However such practices raised considerable concern about the boundaries this crossed between private and public spaces and associated concerns around informational privacy. Individuals who set the cameras up to film themselves likely had no particular concerns about exposing their own potentially embarrassing or undignified behaviour to observers. However another person who was filmed in the same situation without their knowledge or consent might feel that his or her privacy and sense of autonomy and dignity had been violated by being publicly shamed. Privacy is to have personal space that enables us to engage in some activities undisturbed.

It is evident that Alÿs, Taylor-Wood and Hetherington all recognised that the men they documented sleeping during the day were engaged in a private activity regardless of the public, temporary or crowded conditions in which they were observed. Documented aspects of everyday life – the quotidian, were very common in the international contemporary art world particularly from the mid 1990s, as were deliberately transgressive works in a variety of media featuring identifiable individuals. It is clear that all three artists were aware of that they risked violating the privacy of the sleeping subjects through displaying the images to a public audience, and all three works – Sleepers, David and Sleeping Soldiers were originally produced using carefully selected photographic media to control the way the images were viewed in particular art gallery settings. All three works were initially exhibited as projected photographic images – analogue photographs presented as a slide show, a real-time video played on a digital plasma screen, and as part of a large three-screen immersive video installation. The use of projection gave the artists control over how and for what duration the sleeping subjects could be scrutinised, including the scale and distance at which they could be viewed.

Once the images were printed in publications the images were altered in scale and resolution and became fixed to a page in a book and much more open to prolonged visual examination of every detail. Typically only a selection of photographs from

176 Solove, D.J. Understanding Privacy.
178 Julian Stallabrass “Contentious Relations: Art and Documentary.” in Stallabras, J (ed.) Documentary, 12-20
Alýs’s documented series of sleeping individuals was printed which drew particular focus to the identifiable people revealed – details of facial features and clothing and location were discernible. David Beckham had the capacity to specify tight control over any publication or further use of his image from his portrait and specified a single flattering black and white still from the video as the sole image to be used in any publications which he insists on personally vetting in advance. Hetherington’s photo-essay book *Infidel* contains the photographs of the sleeping soldiers in deliberate juxtaposition with contextualising information and as a series of portraits to be viewed one at a time while a reader holds a small book in the hands for intimate and discrete viewing. It is likely that at least some of the soldiers were aware their images might be published in a book as they were all highly aware of being filmed for a documentary movie by Hetherington and Junger. However, only a few of the twenty soldiers in the platoon present themselves openly to the camera, and it is likely that many of the soldiers who were documented sleeping were unaware of having been photographed until the images appeared in the book. The book was an expensive publication and it unlikely that many of the young veterans, who were in the midst of readjusting to civilian life or had been re-deployed and were still in active combat, viewed or bought a copy for themselves.

The significant shift in the means of public viewing of the series of photographic images of sleepers captured by Alýs and Hetherington came with the release of single photographs in high resolution on webpages on the Internet i.e. on-line versions in newspaper and magazine articles, media releases from galleries, and on websites of dealer galleries seeking to promote the artists’ work to collectors and a wide viewing public in keeping with commercial interests. From these webpages the images have become accessible and available to being cut loose and used with extensive context collapse by any number of people anywhere in the world; identifiable individuals in the images have no means whatsoever of controlling intimate and revealing visual information about themselves that was obtained without their knowledge.

While Beckham sought to tightly control the use of his image and his portrait by Taylor-Wood at the National Portrait Gallery, and it is copyrighted so that no images of it appear on the gallery website and no photography of the work by visitors is officially allowed in the gallery, multiple short video clips made on ‘smartphones’ by viewers are available on the Internet. Beckham has recently undertaken greater self-
representation through social media, particularly Instagram, and posted his first photograph to the site on his fortieth birthday in April 2015. The first image he posted was a black and white image taken of himself lying on a hotel room bed with very similar composition to the black and white still photograph from his 2004 video portrait David; in contrast, he looked directly at the camera.

The ethics of the use of the image of individuals who did not consent to being photographed is considerably more problematic, and even illegal if commercial gain is made from them. This is particularly a concern with the multiple versions of Sleepers that have been produced for sale by Alÿs’s dealer galleries and resold by private sale and at auction. Any loss of dignity the sleepers suffered through being included in the work is magnified through increasingly uncontrolled methods of display as more versions of the work are collected. That the images of economically disadvantaged individuals were used for Alÿs’s own career and financial gain without any benefit to them at all is an additional thorny ethical issue.

All three artists had an interest in conveying sleep and vulnerability in a more complex reading than susceptibility to harm, in also alluding to situations of trust, security and collective belonging that ensure wellbeing. Privacy gives individuals the ability to establish and preserve intimate ties to some people by granting them access to information that is denied to anyone else. David Beckham was documented sleeping alone but had personal agency in actively collaborating with an artist in how he wished to stage himself asleep for public viewing. The sleepers whose images were stolen by Alÿs and Hetherington were documented in situations of collective belonging and protection but, through being incapable of being aware, lacked any agency at all.

The art world generally upholds the necessity of freedom of expression for artists and the right of the public to be informed as overriding any legitimate concerns about personal informational privacy. Informational privacy and its connection to the capacity to construct and maintain personal identity and protect human dignity are currently very much under discussion in legal, political, cultural and social spheres globally. In my view, the contemporary art world is not exempt from considering these issues in the current globalised world of information exchange.

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179 By December 2015 David Beckham’s official Instagram account had 17.2 million followers
Although it is readily possible to share information about others that does not mean we should.


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IMAGES:
Figure 1.
Jacob Riis (1849-1914)
*Lodgers in a Crowded Bayard Street Tenement - "Five Cents a Spot"* (1889)
silver gelatin print
Figure 2.
André Kertész
*Boy Sleeping* (1912)
Silver gelatin print
Figure 3.
Francis Alÿs
Sleepers II (2001)
installation view
Art Gallery of New South Wales
Figure 4.
Francis Alÿs
Sleepers I-IV (1999-2011)
Figure 5.
Martha Rosler
*The Bowery, In Two Inadequate Descriptive Systems* (1974-5)
black & white analogue photographs and text
Figure 6.
Francis Alýs
*The Collector* (1992)
photograph documenting a performance
Figure 7.
Francis Alÿs
Zócalo (1999)
still from 12-hour video
Figure 8.
Francis Alÿs
Sleepers II (2001) – detail
society into a very accomplished series of projects and undertakings. There is no sermon, there are no conclusions. Rather a perpetual mise en scène that leads us to reexamine and reformulate our point of view.
Figure 10.
Sam Taylor-Wood
*David* (2004)
video on plasma screen
Figure 11.
Ted Spagna
documentation of sleeping behavior
Figure 12.
Sam Taylor-Wood
*David* (2004)
digital photograph
Figure 13.
Tim Hetherington
Sleeping Soldiers – single screen (2009)
video still
Figure 14.
Tim Hetherington
World Press Photo of the Year, 2007
taken at Restrepo in September, 2007
Figure 15.
Tim Hetherington
Soldiers at Restrepo (2008)
Figure 16.
Tim Hetherington
Sleeping Soldiers (2009) installation view
three screen video projection, 5 mins
Figure 17.
Tim Hetherington
Sleeping Soldiers (2008)
as displayed in Infidel (2010)
Figure 18.

2012 CONTACT Photography Festival
Sleeping Soldiers billboard project
Toronto (above)
Vancouver (below)
Figure 19.
International Center of Photography (ICP), New York
Sleeping Soldiers installation
April-May 2013