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“Emotions and Crime

Towards a Criminology of Emotions”

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“45 Colour Photographs”: Images, Emotions and the Victim of Domestic Violence

Dawn Moore (with Stephanie Hofeller)

Introduction

In 2015, Rashmee Singh and I wrote our first article from our research on the collection of images of injuries as evidence in domestic violence prosecutions. The research was based on case law and focused on one particularly egregious case, *State of West Virginia vs. Peter Lizon*. The case contained every element of evidence collection and prosecution that fueled our initial interests in and concerns with the use of images of injuries as evidence in domestic violence (DV) prosecutions: a non-compliant, far from ideal victim who explained away 45 images of her battered body and, photos taken by a shelter worker and placed in the hands of police without the victim’s knowledge or consent. Later, a preliminary hearing, a grand jury, threats of perjury against the victim and, the victim’s own criminalization culminating in the loss of her children

through family court proceedings; three separate legal proceedings in which the same photographs told near identical stories of the same victim, all heard before the same judge¹. Singh and I theorized the images in *Lizon* (and other cases) work against the victim: they are antagonistic. We knew the images were saturated with emotions, all the predictable ones scripted for DV victims. Meeting the victim herself opened up an emotional landscape that was far removed from the one constituted through legal proceedings by way of these images: the landscape of the victim herself.

Within weeks of that article's publication, I received an email from Stephanie Hofeller (formerly Lizon), the victim (she feels that the term, "survivor" is not appropriate in this context). Stephanie became a key collaborator on our project. She is a writer and, through our collaboration, I am exploring data analysis working with writing, images and, most importantly, foregrounding the voice of someone who could so easily have remained another two dimensional object in our research. Stephanie has her own reasons for participating in our collaboration,

My interest was already piqued, when I had only read the abstract of "Seeing Crime...". I read your CVs and was easily able to confirm my first impression that our points of view were complimentary and our political opinions compatible. I reached out to you because you were the only people, in the whole world it seems, that deemed it appropriate to focus on the travesty of what the state did to me and to my family, rather than whatever did or didn't happen behind the closed doors of my home and within the confines of my marital bed.

This chapter is a methodologically unconventional study of conventions of emotions and victimization. In the spirit of recent appeals to intersectional scholars to 'pass the mic', the backbone is Stephanie's own work, commissioned in a way by me. The principle of 'passing the mic' flags the political act of making space for the voices of those traditionally spoken for. This notion is most recently attached to millennial feminisms as a call to feminists in a position of power to cede the floor to those with lived experiences, enabling them to offer their own stories in their own words. Through the help of the legal clinic at West Virginia University, Stephanie is now in possession of those photographs again. In the spirit of at least sharing the mic, here, together, we explore the emotionality of those images through their expected, scripted emotional invocations and Stephanie's divergent perspectives.

My previous work with Singh (2015, 2018) focused on the establishment of the 'data double' of the DV victim, a docile subject constructed through visual and audio evidence who sits apart from her flesh and blood originator. The data double is a privileged actor in DV prosecutions; she is made to speak while the victim herself remains silent or is forced into silence. The words of victims often encumber the work of investigation and prosecution thus, allegedly threatening

¹ The same judge presided over all three of Stephanie's legal proceedings. A fact I found shocking but Stephanie maintains is the norm in small town America.

the fragility of the promise of justice made to victims (Moore et al, forthcoming). My intellectual collaboration with Stephanie begins with the data double because it was this idea that resonated with Stephanie from the start. Contra arguments that ‘everyday’ people take no benefit from theoretical arguments, Stephanie’s collaboration takes that data double into the emotional world, showing that while she, the data double, may be manipulated to form of an ideal victim who elicits scripted emotional responses, she may also be viewed through other eyes, especially those of her originator. Seen from Stephanie’s perspective, the images enter into an emotional world that inverts and offends the criminal justice system (CJS)’s view of the vulnerable, helpless victim. In Stephanie’s world, willfulness and resilience challenge, if not erase, that stereotype.

45 Colour Photographs – Stephanie’s Story

From Stephanie,

You. The photographs. You remind me of the mine-field that my life is. You remind me of all the forks in the road. Did I go the wrong way? Maybe not, because I’ve heard tell that the high road comes with pain. I can and may agree to be martyred for the benefit of my marriage, my children, my immortal soul...

It’s said, “...no, it can’t be true!” that I, a woman, have strength enough...resolve enough...to choose the faith for which I might be sacrificed. But I do have the strength. And the faith I chose is my own.

While the case is a node, this is not a study of *The State of West Virginia v. Lizon*. This is the story of the tension Stephanie describes above. This is ultimately a study of how emotions stick to images of violence. Specifically this is a study of *Lizon (images) v. Lizon (mother, woman, human, activist, writer²)*, an analysis of how images of an injured body become the primary driver for the criminalization of the person inhabiting that body. Following Stephanie’s words, this is a study of how images turn into landmines and force martyrdom on the very person they are meant to ‘save’, for a cause she herself opposes. This is a story of acceptable and unacceptable emotions and, the consequences for a victim who makes the wrong choice.

In the summer of 2012, Stephanie had been in a relationship with Peter Lizon for 12 years, married for ten. Their first child was stillborn in 2009, but they now had a living son, who was just over one year old. Painfully and visibly injured, Stephanie took an opportunity to run. She hid in a store and eventually made her way that night to a women’s shelter. The shelter was not an active choice on Stephanie’s part. Her desire was simply to book a hotel room and let things with Peter cool down. But without identification or a credit card, options are limited and the women’s shelter was the ‘least distasteful’ as Stephanie puts it. At the shelter, Stephanie gave a

² These descriptors are self chosen by Stephanie.

fake name and refused to disclose any abuse to anyone. At a certain point she had to take a shower, which meant removing the dressings from her wounds. In the aftermath, Stephanie's injuries became harder to conceal and she disclosed their existence to her roommate at the shelter. This disclosure and the injuries became a point of interest to shelter workers who "berated and blackmailed" (Stephanie's description) Stephanie, coerced her consent, then photographed her injuries. Stephanie does, however, take credit for her own, eventual, consent to be photographed, with the important caveat that her consent was obtained with the solemn promise of control; the images were for Stephanie alone, 'just in case'. Contrary to policy and Stephanie's clear instructions, the shelter retained copies of the images. Days after the pictures were taken, Stephanie's former shelter roommate brought the Lizons to the attention of the prosecutor. Within the week, manipulations of policy and law landed Stephanie's file in the hands of the Sheriff's office. Although Stephanie was still unaware of it, the saga of the 45 colour photographs had begun.

The photos initiated both criminal and family proceedings, as well as a startling amount of sensationalized press coverage. Charges were laid against Peter whose bond was set at an unusually high \$300 000 (USD). During the three months it took Stephanie to arrange his release, she spoke to Peter daily. When Peter was released, Stephanie defied the bond order, returned to him and conceived her third child. The following summer, her daughter was born. A few days later, criminal charges against Peter were dismissed. Proceedings in Family Court, however, continued. In May 2014 Stephanie's (and Peter's) parental rights were terminated. Both filed appeals to the West Virginia Supreme Court that upheld the lower court's decision. The photographs of Stephanie, especially their emotional content, played significant roles in each proceeding and served as strong evidence to terminate her parental rights in the face of 'emotional neglect by failure to protect from witnessing domestic violence'.

Here Stephanie describes what happened,

Peter and I met in late summer of 2000, and were married just over two years later. Together we were artists and activists, and met the coming of the new American Fascism with consistent indignation and resistance. In 2004, just before the election, we were arrested during a direct-action political protest. It became more and more obvious that homesteading in a remote locale would be the best option for us. We ignored concerns based on what we felt must simply be outdated prejudice against rural folk. Surely, we thought, we won't be singled out, and made examples of, simply for being different...

As regrettable as this is, it cannot be disputed that DV is a normal problem. West Virginia is no different than the rest of the world, and women are the victims of gender-based violence on a daily basis. Peter and I had normal problems. What was "abnormal" about us, was our appearance, our accents, our political,

religious, and social viewpoints, the crazy, weird music we listened to, the imported beer. The gossip began almost immediately, but it was years before our usual problems, mingled with our unusual choices, resulted in full-blown scandal.

During the process of acquiring a birth-certificate for our born-at-home son, we came to the attention of the local Department of Health and Human Resources and Child Protective Services.

It wasn't long before fighting them off became our full-time jobs. Somehow, we managed to force the Department to close, "without findings", not one, but two cases against us. The government's demand to "help" us only served to increase the tension in our relationship, and with that, increased the level and frequency of violence.

When I made that, now famous, getaway, in late June of 2012, it was without a plan for the future, without an ID, without any money, and WITH a visible limp and bruises on my face. I didn't really feel that I had any choice other than a DV shelter. Surely there, I could have a moment to breathe, and figure out what to do.

And there I went, headlong into cruel optimism (Berlant, 2003). I was immediately at odds, politically, and socially, with the staff at the shelter. Once again, it seemed that I was too uppity. It was a combination of resentment, misunderstanding, and full-on populist crusade, that lead to my outing at the hands of both the shelter (to CPS – Child Protective Services) and one of the other residents (to the Prosecutor). But they, unlike I, spoke a "language" that the court understood well...and liked very much.

The fundamental lack of respect for my right to self-determination was evident early-on. Dragging my husband into court will make me less, not more, safe, I said. They didn't seem to care. These particular feminists, were more interested in punishing him, than helping me orchestrate my escape. My safety-plan? Hah! How could someone as backwards as me ever climb out of the pit-trap of complete denial?! I don't even have enough smarts to not be seduced by a foreigner. It was the shelter staff, that planted those fruitful seeds – Stephanie, the slap-addled. She's crazy, you know? She's suffering from some trauma-induced syndrome that preys on the spiritually vulnerable woman who thinks she's in love. Not a single one of our appearances in the media failed to mention the tidbit that my husband was from, some-other-country-not-the-one-he's-actually-from.

I entered the shelter simply wanting to exit the immediate situation, which I judged to be an ongoing emergency. Yes, of course, I sought relief from my pain, I hoped to eventually treat my injuries, both physical and psychological. I craved to make a home with my son that was safe and loving. But all I really asked for was a bed and a roof. And what did I get? That, I guess, and, oh, I got antibiotic cream, and Tylenol 3. But more than that, I got the angry, foul-mouthed, and careless, total intervention and destructive force of absolute hegemony.

I did then, and will continue to, insist that, how, exactly, it unfolded is (although an interesting story) not the important, or even pertinent, question.

And it was for this very attitude that I was really put on trial. I continued to resist, and complain, and show myself a whole person, fully desirous of exercising my natural right to life and liberty and, conscience. I was found guilty and punished accordingly. Disobedience is the official finding.

At the end of all the litigation, I found myself right back where I started, only now, all of my resources were spent, stolen or destroyed, my children, kidnapped. In this excerpt from “Claws” (2017), I explore the metaphor of the runaway, returned home by force.

I embody the unruly woman-child, who is in such dire need of supervision and discipline that her physical safety and freedom of thought and conscience are considered a collateral loss, and any restraint or crippling that might slow her next flight, a regrettable but ultimately necessary means toward the end of protecting the status quo and silencing troubling dissent. As any subordinate, the “battered wife”, cannot be humanized, because that evidence of humanity makes it so much more difficult to blame the victim, and justify the captivity of one deemed, “lesser”.

As for the 45 colour photographs that played such a role for so long? Stephanie tells the rest of their story, excerpted here. While Stephanie requested that the photos be taken for her own reasons, the shelter worker had them developed and gave them, without Stephanie’s permission, to Stephanie’s father, who had simply come to the shelter to pick her up. Stephanie believes that this breach of confidentiality was an intentional, strategic maneuver.

I had many, lengthy conversations with lawyers, PIs, advocates, and, oh, yes, the West Virginia Coalition Against Domestic Violence. They didn’t even TRY to defend the shelter Director for doing any of those horrible, and possibly illegal

things I said she did. No, there was no point. They simply denied that she could have, or did, do or say any of it. But I had the answer; “it’s the pictures,” I said, “they are kind of graphic. They seem to elicit irrational emotional responses.” “I don’t know how that could happen,” was the coalition’s response. But it doesn’t matter that they didn’t see how. It did happen. And then it happened again, and then again, and again, and again another time, as one after the next, literalist, bigot, misogynist and xenophobe, got to gasp at those pics, and see in them, whatever they wanted to see, and exhibit them for the promotion of their rigid, personal, emotional agendas.

Given how quickly the images were spread, it is hardly surprising they made it into the hands of the local prosecutor as well as CPS. The violence they enabled through their emotional weight, as Stephanie says, is far more important to chronicle than the abuse itself.

Emotions of the Image of Violence

Emotions, in Ahmed’s (2004) words, stick. The adhesive quality of emotions suggests both generalized affective responses to certain emotional assemblages and, also dictates a script of relationality indicating in what manner, for how long and under what circumstances we are intended to have an emotional reaction to an image. Axiomatically, images, especially of real people and things, incite emotional reactions. The graphic images of maladies that adorn packages of cigarettes are meant to revolt. Pictures of sad children with big eyes look out from transit ads for a children’s charity illicit solemnity, pity and perhaps guilt. These are scripted responses.

The image as evidence animates the argument. Critical scholars point to the truth affect of the image (Biber, 2006, 2007; Butler, 1993 ; Edmon et al., 2009; Fiegenson, 2011; Mnookin, 1998; Sekula, 1986, Sontag, 2003 ; Young, 1996). These same scholars point to the capriciousness of that truth. While an image may format a particular truth, the familiar contestation of the meaning of an image in the course of a trial serves as a reminder that those truths are neither self-evident nor universal. Images, after all, are consumed as though they begin and end at the click of the shutter, making that microsecond of time a permanent record of a much bigger truth. The shutter click is only one step in the process of creating and consuming an image, a step that sits somewhere in the middle of an assemblage of technical, cultural and political factors (Sekula, 1986). These factors, spoken or not, affect the ways we respond emotionally to an image (see Sekula, 1986; Sontag, 2003).

Images must be both captured and seen. Both these acts are subjective, contingent and political (Butler, 1993; Songtag, 2003; Bourdieu, 1990). In her essay “They Are Objects”, Stephanie offers this reflection:

All that YOU can see, when you look [at the photographs] is one exposure, one flash of light, illuminating my skin for a fraction of a second. I am the only one who knows the entire story behind them, because I was the only one that was there, inside that skin. I was there, in that body, beginning to end. I was there for every assault, every accident, and not just the ones you carelessly pasted in that little scrapbook of exhibits. I'm talking about each of those long hours, when the actual damage was done, the injuries that counted to ME, inside and out, to body, mind and soul. I was there when I posed for your evidence collection. I was the once and perpetual driver for their existence, and the only one who actually felt emotions, those pictures don't feel anything, not even simple pain. No matter how detailed your study, no matter how persuasively you interrogate them and threaten them, no matter how vivid your hallucination and how plaintive the voice you hear, they [the photographs] will not tell you the truth. They won't tell you the truth because they don't know the truth, they don't actually know anything.

As Stephanie suggests in her address to you, her reader, the 'vivid hallucinations' of images of injuries, as images of truth, are not merely figments of a legal imagination. They are part of a cultural imaginary that can only read battered female bodies through a singular narrative, one saturated with dictated vulnerability (Walklate, 2011).

Controlling Emotion / Controlling Victims

Sanger (2001: 110) reveals the dangers of victims with emotions,

When an emotional response is not only involved in the legal process, but required by it, emotions may lose their very authenticity as a marker of human experience... We seem now to have an array of officially approved emotions.

In its very definition, the crime of domestic violence involves emotions. It is, after all, a crime defined by an emotional connection between victim and assailant (Walklate, 2011; Spencer et al, 2013). The performance of particular emotional states, distress, trauma, shame, sorrow, fear, are crucial to the success of a DV prosecution. Demeanor, especially the victim's demeanor, matters very much in the course of criminal prosecution of DV. Demeanor is, itself, swelling with emotion and kept under tight surveillance in courts. As such, the victim, as she appears, must embody the drop-down menu of 'officially approved emotions' to secure a successful prosecution. She must be compliant, submissive, consistent, somber, sad and respectful. Of course, mandatory charge policies did not increase the number of 'ideal' victims. On the contrary, victim commitment to the criminal process remains precarious. Victims are suspicious of the CJS and see its promises as 'cruelly optimistic' (Berlant, 2003). Once a victim becomes

known, charges are inevitable. Left with no exit, victims recant at rates we have yet to accurately measure but anecdotally know to be high. The corrective is the ‘victimless prosecution’ (Moore and Singh, 2018). The emphasis is on evidence collection, as much and as fast as possible to capture a ‘true’ account. Police tellingly refer to this as the ‘pure version’. This aggressive policing model includes video statements, photographs of injuries, written statements and witness accounts as well as physical evidence and crime scene investigation. The policing rationality is twofold. Benevolence suggests this investigation model offers a way of protecting victims from retraumatization by eliminating their need to be in the courtroom. Practically, victimless prosecutions seek to document the event before ‘memories change’ or ‘people have time to think about things’. Victimless prosecution is insurance against recantation and ultimately the victim herself.

This sort of rationality relies on the notion of the vulnerable victim. Walklate (2011) argues that DV is tightly bound to assumptions of vulnerability ultimately manifesting in a ‘politics of pity’ for the victim. Walklate’s important documenting of the link between victim and vulnerable makes visible what she theorizes, borrowing from Aradau (2004 cited in *ibid*), the politics of pity in DV rests on, “...the foregrounding of trauma ... disguises the historically present structural dimensions of those people’s everyday lives and their capacity for managing those structural conditions” (Walklate, 2011: 189 see also Aceh et al 2009).

This foregrounding of trauma is the lynchpin of rationalities underlying the victimless prosecution. The traumatized victim is a pathological actor and descriptors of PTSD remind us that trauma breeds all manner of erratic and irrational behaviors that lead victims into emotional traps (often referred to as trauma bonds) of their own making (Moore and Singh, 2018). Taken as a whole, the victim cannot be trusted because she **is** pathological. The only way, then, to protect the victim from both her abuser and herself; to both capture the appropriately vulnerable victim while protecting against her volatility, is to create a second victim, through images and other forms of evidence (ie videos, medical reports – see Mulla, 2011), who is completely controlled by police and prosecutors.

Images are especially important to the victimless prosecution because they present a docile victim for viewing and carefully curate the evidence she provides, things you cannot do with a living victim. There is no chance to see the resiliency Walklate seeks to reveal in challenging tropes of vulnerability. Images presented as evidence cannot show defiance and resistance, all traits of the flesh and blood DV victim that do not fit with the ‘good victim’ (ie the docile, vulnerable victim) performance required to secure a conviction. As Stephanie observes in her piece, “Tough Sledding”, the ideal victim is lifeless and thus neutralizing the threats posed by her flesh and blood counterpart.

...I wasn’t really the Madonna, and I wasn’t really the whore. I could not be effectively categorized simply because I was still alive, to brazenly resist being

called either one...and those murder victims, before their bodies were rendered lifeless (including their mouths and hands and eyes and ears and pussies) were complex creatures. Complex creatures are tiresome to litigate against. Those photographs were so quiet compared to me, and in most of them, you don't get to see the look on my face, a look that prosecutors and judges...and fathers and husbands...find insubordinate.”

While the goal is to constitute the ideal victim with the appropriate drop-down menu of emotions by recreating her through virtual means, this is not exactly the practice. Images may make victims, but victims are also made, in the street sense of having one's cover blown, through the process of image capture.

Making the Victim / Making the Image

In *R. v Stewart*³, images of an alleged victim's battered face are captured by a police officer. During testimony, the officer explains that the images do not accurately reflect the nature or severity of the injury. The officer is then invited to provide his own verbal description of the injuries, suggesting the bruising was darker and more extensive than depicted. The victim was co-operative at trial. Not only did she confirm that the photographs were of injuries she sustained through an assault at the hand of Stewart, despite one initial recantation, she maintained the proper demeanor of a victim throughout Stewart's investigation. Among other things, she agreed to have the photographs taken in the first place. The trial judge references the victim's co-operative behavior as an indicator of her credibility and cites the photographs as corroborating the victim's claims.

Based on the evidence of the complainant, as corroborated by the pictures..., I am satisfied beyond reasonable doubt that the accused assaulted the complainant, in the manner that she described.⁴

The victim in *Stewart* was ideal. Her story only once⁵ strayed and the photographs (despite their attested poor quality), while framed as corroborative evidence, are also character witnesses. They confirm the victim is a good victim, a hurt victim, a vulnerable victim, a cooperative victim who recognized her own helplessness and sought the appropriate forms of help through the police. This victim exhibited fear, shame and sadness throughout the investigation and trial. The importance of the fact that the photos were taken by a constable must be underscored. The victim seemingly willingly revealed her injuries, participating in evidence collection that conforms to the expected standards. Who is holding the camera matters and shapes the emotional

3R. v. Stewart

4Ibid at 31

5 A deviating narrative can itself work in favour of the victim. As psy discourses of the 'trauma bond' become common lingo in the courtroom, a memory lapse may well, presented correctly, prove additional suffering and the veracity of the overall claim that this is an abused woman (see Moore and Singh, forthcoming).

content of the image. What else, after all, is a police officer capturing with a camera if not criminal evidence?

R. v. Felix presents an uncooperative victim who hides from police, changes and recants her story. The victim in *Felix* took her own photographs of her injuries from the assault in question. Despite the clear images (as noted by the judge) and the fact that police had observed prior injuries on the victim, Felix was ultimately acquitted because the victim lacked credibility, a perplexing plot twist as compared to *Stewart*, a case in which unclear images narrated by an observant police officer and corroborated by the victim are sufficient to secure a conviction. The same elements are present in Felix, photos (even higher quality), police observations, testimonial corroboration by the victim. What is the difference?

The victim in *Stewart* embodied vulnerability. Not only did she allow herself to be passively photographed, but she also cooperated and, was pregnant at the time of the assault, a fact that is definitely not forgotten in the judgement. The victim in *Felix*, in contrast, was actively directing her own survival. Instead of vulnerability, again following Walklate, she displayed resilience and, resistance. The victim evaded police and changed her story several times. She was also known to police and had a reputation for substance abuse. It is as if, in taking her own images, the victim in *Felix* blew her own cover of vulnerability. Helpless, vulnerable victims do not ask for or take photographs. The victim's own agency leaches the expected emotional content from the images. Felix's victim was made colloquially, her willfulness could not be hidden once it was established she willingly/fully took the images herself. After all, which is definitively pitiful: a photo of a battered pregnant woman clearly taken by someone else (*Stewart*) or a photo of a battered, dubious woman, formatted as selfies (which are always narcissistic - *Felix*)?

Pushing ahead with the "flipping of the script", Stephanie offers analysis of MY experience. In January of 2018, I sported a conspicuous black eye. It was an injury I suffered trying to break-up a physical altercation between two people I didn't know. Colleagues, friends, students, indeed every person who saw that black eye reached the same, scripted, albeit completely incorrect, conclusion: I was hit, by a man I knew, maybe even loved, and was probably in need of help.

From Stephanie, to me:

I asked you how this gross misrepresentation of your character made you feel. You responded with words like, "humiliated" and "angry", and without thinking, I said, "you too!" and then, a moment later, "wow, #metoo"!!

Now, you are no longer a successful, credible, educated person, you are, simply, a woman. And with the label of "victim", your majority is stolen. Everyone, I mean everyone, looks at you differently.

So, what is to be done with the victim that doesn't really see themselves as a victim? Many of us simply won't embrace the role. You knew that you had the privilege to refuse the script, and yet, you still felt the fear of being exposed. You were right to be afraid, now that you are a child, your resilience is seen as arrogance not befitting your station.

The sight of an injured woman has only one affect in this construct. How do I exit the script of the oppressed within a society whose entire existence is built on the foundation of my submission?

Stephanie was also condemned for deviating from the drop-down-list of acceptable emotions. In an editorial, Daleen Berry (2012) highlights not only exactly how damning photographs can be, but also how that damnation is amplified when their originator follows an entirely different emotional script. Berry's editorial is an indictment of Stephanie who 'simply refuses to speak to authorities about anything that happened.' Berry goes on to explain Stephanie's overall demeanor in the courtroom as seemingly in support of her then husband and notes apparent collusion between Stephanie and her husband's lawyer. Berry concludes,

Now for the sad part: Either this woman is terrified of her husband – not an unreasonable possibility, given the extent of her severe injuries – or she has Stockholm Syndrome. Or both because her loyalties definitely seem to be with the defense, rather than the prosecution.... Mrs. Lizon adamantly denied being a victim. Instead she tried to convince the court that her husband accidentally injured her or that she herself is accident prone, and simply a klutzy farmer.

Berry is convinced of Stephanie's piteous state because the photographs did not show 'mere cuts and bruises'. In the words of the prosecutor, the images show 'severe, disfiguring and horrendous burns.' In the face of Stephanie's steadfast denial that those injuries were the result of violence, the State called witnesses to testify against Stephanie, making her an expanding target. The State subpoenaed the same shelter staff who took the photographs of Stephanie, the photographs they non-consensually shared with authorities. The testimony effectively given by the images themselves directly contradicted Stephanie whose unacceptable emotional presentation in court was made all the more acute in the face of the shelter workers' statements that Stephanie had in fact disclosed abuse to them.

Berry offers us two options for understanding Stephanie's behavior. Both come from the same assumptions: that to stay in a violent situation, to actively defend one's abuser, can only be an act of madness, driven by fear, trauma or both. Stephanie, according to Berry at least, had lost control of her faculties to such an extent that she was no longer capable of making her own decisions. Stephanie describes her position that day as a stonewall, an open and notorious refusal to acknowledge the court's jurisdiction over her life and her mind. But, in the face of

those photos, Stephanie is reduced to stubborn, hurt child who would rather suffer in denial than do what is best for her. The infantilization of women is nothing new. Nor is it new that images of a woman's battered body will find insanity in their originator who fails to take scripted steps to end the violence. What is new is that the person involved, the victim, may well have an entirely different emotional response to those images, one that is more willful than crazy.

The Willful Victim

How bad must the images be to compel an unofficial finding of insanity on a woman, a finding with such high adhesion it sticks in three separate legal proceedings? As objectively as anyone can claim to view an image, they are awful. In one there is a clear imprint of a skillet seared onto Stephanie's breast. Others show her swollen, infected foot from different angles. The sheer volume of images suggests there was no part of Stephanie's body free of injury. Taken together, the photos show all of Stephanie in segments. The whole person is never produced, leaving the consumer to literally piece together a version of Stephanie based on the fragmented images.

Seeing this Stephanie is to feel pity, revulsion, disgust, and frustration as her antagonistic flesh and blood counterpart stubbornly refuses to acknowledge the pieced together Stephanie. Seeing this Stephanie is to see a woman betrayed by another version of herself, a breathing self who inhabits an emotional word that can only be pathological lest she actually do SOMETHING to protect all of the pieces of her we see in the images.

This Stephanie is forced into the script of vulnerability Walklate describes. It is, to follow the inspirations offered by cultural criminology (Ferrell, 1999, Young, 1996) and the emergent field of cultural victimology (Walklate, 2011), exactly the Stephanie judges, lawyers, police and, as Berry's editorial illustrates, the general public, are meant to see. But the script of vulnerability is not the only way to see this Stephanie nor are the emotions popularly stuck to this Stephanie the only available emotional lens through which to view her.

Stephanie herself does not see vulnerability, insanity or any other scripted 'acceptable' feeling in the images nor does she express any of the expected 'drop down' emotions. Instead, she complicates the emotional script.

It really is possible for two different things to be true at once. It really is possible to feel in a multitude of conflicting ways. Possible to have many emotions that war, existing together, as witnessed by the dead in the field.

Did those lovely, hapless photographs, play more than one role. Hapless? They could only be happy if their goal had been to end my family. That's not what their goal was. How do I know? Because I created them. I didn't create them alone, but I am the reason they exist...

And you, “the photographs”, my problem child. I’m not sorry that you exist. Not really sure that I like how you came out, tho. But nature versus nurture...now that’s one for the ages. (Problem Child).

Stephanie could foresee the fallout of her stay at the shelter and the revelation of her identity, hence her reference to cruel optimism above, a phrase she borrows from Berlant (2011). The photographs were for her, just in case. They became something completely different, artefacts that would make her into an abuser and themselves the victim. These are not the images Stephanie had captured that day at the shelter. Those images, while every pixel remains constant, change into images created and conceived by the prosecution, the media, child protective services, but not Stephanie. The pixels are hers, the rest is not of Stephanie’s making. In Stephanie’s words, there are multiple truths. The images I saw as awful, Stephanie sees as exposing a rarely understood truth about DV survivors, that they might just be willful, stubborn and proud. This assertion opens an entirely different emotional script for the victim of domestic violence.

Ahmed, (2014: 43) tells us,

Willfulness is not only what subjects are assigned with but shapes the bodies who receive the assignment. Willfulness could be thought of as a political art, a practical craft that is acquired through involvement in political struggle, whether that struggle is a struggle to exist or to transform an existence. Willfulness might be thought of as becoming crafty.

In the context of DV it would be easy to mistake willful with willing. These may not be exclusive categories but they are not one in the same. To be willing is a question of consent. As Stephanie reminds us, ‘they [are] complex creatures’ and those complexities may well lead to countless strategies of defiant survival that are not consensual though they may be willful and even crafty. Stephanie is willful, I have come to deeply appreciate that truth, and that willfulness is crucial to understanding the relationship between her and her images.

On the topic of the photographs as a whole, Stephanie expands on a conversation she and I are having over email on the topic of exposure. We were comparing notes on how we felt about our own images (my black eye and her images turned evidence). I noted how humiliating the black eye felt because I was all too aware of the assumptions people made as to its origins. Stephanie turned from humiliation to exposure.

Humiliation is only ONE of the emotions that are encompassed within the term exposure. I want to assert that, in feeling exposed, I have felt more than one emotion. The first kind of exposure I felt as a result of these pictures WAS the humiliating

kind. But the kind of exposure I was seeking when I first agreed to take part in their creation, is actually the same kind of exposure I feel now...the kind that **invokes pride in my own courage, my absence of shame. That, to my pleasant surprise, is the emotion that actually stuck.** Pride accompanied by anger, indignation, and resolve. Please see my other images of exposure [Stephanie also sent me a series of photos from her past ranging from her elaborate costumes from her stripper work to mundane images of day-to-day life. In all these images Stephanie looks just as she says, proud, fierce and, happy]...see my proud exposure images. As I view the shelter photographs now, I do feel a certain pride in exposure. When it's you that shares something private and personal, there is a different affect to that exposure. For example, as a stripper, once I got over the awkwardness of being naked onstage, I felt a certain pride, at taking ownership of my own body, my own sexuality, and using it to empower myself. And now, if I can, by taking the risk of exposing myself again, draw attention to the crimes of those in power, well that seems to me the best kind of exposure there is.

This is the pride of Ahmed's willful subject. Stephanie identifies pride as the emotion that sticks. That pride is a direct affront to the narrative of shame meant to be fastened tight to the images. Again, the viewer matters, especially when the viewer is also the subject.

There were two images I found particularly bothersome so I asked Stephanie if we could focus on those. The images are similar enough that I speak to only one here. Figure 1 is the first in the sequence of 22 photos that were entered into evidence. If one were looking through the file of images, this is the first seen.

Figure 1 is in the genre of mugshot (Biber, 2006). Stephanie stares into the camera more or less expressionless, holding up what appears to be a torn piece of paper with her (misspelled) name at her chest. Why, in a women's shelter, create such an obvious affect of criminality from the start? Stephanie responds to my direct question: what reason did they give you for the labels?,

The same as ever, you know the one, "policy", said with the tone that suggests, "...we also have a policy we use on women who ask too many questions". But I got my answer anyway. It might just happen that my pics find themselves on the same memory card as another client, and we need to know where one begins and another ends. How is it ok to put these on the same memory card as another client? Why would you not print and erase the memory card? Oh, ha, that's what we do, that's why it's a silly policy. Well, later that day, I found out that they had gotten them printed at Walmart. And the memory card they swore they had already formatted? Well, two weeks later, when the Sheriff's Department first showed up with the warrant, they didn't have copies. One of those poor shelter workers apparently caved under the pressure and told the scary cops that the

memory card they kept in the camera, would have what they needed, would STILL have what they needed. Arrangements were made, and voila, photographs obtained.

It is as though Stephanie's own condemnation became inevitable from this first piece of evidence. The images, especially figure 1, anticipate Stephanie's scripted vulnerability will emerge as pathological if not criminal resistance, hence the need to create a virtual Stephanie as quickly and easily as possible. This is how the data-double is made.

Equally upsetting is the setting. The shabby, out of date couch on which Stephanie is sitting, the clearly non-clinical environment, the room and furniture are of the genre of women's spaces, worn but comfortable and every effort made to suggest home over institution. This kind of space makes an emotional promise. Women's space is gentle, it is free of coercion, it is safe.

The depiction of this space in the photo signals a profound betrayal on its own as Stephanie explains,

The first thing you have to remember about my devious self, I wasn't green, or stupid enough to believe that, hidden in the women's self-help manuals, and populist policy papers, was a handy-dandy sensible solution to the whole, men-are-from-mars, issue. Most importantly, for years, already, I had been given many opportunities to view, in wide-eyed terror, the workings of the state baby-taking machine, against other families, and mine.

The betrayal. "We don't call CPS. We protect women from CPS", "The pictures will be for you. You'll have the only copy [of the photographs]", "...what's this I hear about a dead baby buried in the yard?!" "Jackie said your husband is from someplace, like, Czechoslovakia...You know, he can't bring his culture here!" "but he has to be held accountable!"

I didn't want the shelter to call the State. I must have done well, that day, because on that day, they didn't. They didn't call the CPS until nine days later, when I complained about their treatment of me, and demanded that they send me what legally should be their only copy of my file. I finally had to call the State Coalition, in order to gain any promise of compliance. "And make sure that you send me any copies of my pictures that you have retained in any format", I said. "We don't have any copies", they replied, "You're the only one that has them".

It is already clear Stephanie's sole proprietorship over the images was instantly offended. Stephanie was both willing and unwilling to have the images taken. She felt tricked by the shelter turning the images over to the police. At the same time, as she indicates above, she

wanted the photos, under the terms she originally negotiated between her and the shelter. Stephanie anticipated her willfulness would be a problem and wanted to create her own arsenal of evidence, just in case. Stephanie was willful and also crafty, two things a victim can never be. And should a victim dare watch out for herself or exercise her intellect and savvy, she is no longer a victim. Stephanie calls herself the abuser to her images for good reason.

Closing Arguments

If Ahmed is right and willfulness is a political art, Stephanie's final reflection on having the photos repatriated is vitally important. In this excerpt from "Tough Sledding", Stephanie's defiance reads to me as willful political resistance and her provocative ambiguity at the end reminds us of the absurdity and mundanity of emotions, ascribed, resisted and expected from, in, for the victim of DV.

Right at this very moment, I don't want to detail and dissect all of the different ways in which I was coerced into submitting to the creation of those photographs. Suffice it to say that I also had my own reasons, AS WELL. For example, I knew that in a situation dominated by reflexive and transferred emotion, a photograph can find itself the MOST reliable source of truth available, not the least. I had to wait a long time before I could use MY pictures for MY purpose. To memorialize, and forever anchor this tall-tale, to the real-life story they represent.

Now, today, a closer look at those photographs will reveal something that "anybody with common sense" can already see. That those are MY pictures, of MY body and MY injuries. And if you'll ask her, that woman in the pics, "what happened?!", she WILL finally say something to you, because now SHE, finally, is allowed to speak for herself, too. She'll say, "I don't answer questions. Why don't you ask her, the only one that knows the truth? And if she won't tell you? Well, then, you'll never know."

Willful women are a problem and the refusal to be a helpless, vulnerable victim of domestic violence introduces an emotional lexicon into the prosecution of domestic violence that, as of yet, cannot be reconciled with the scripted emotions described by both Sanger and Walklate. Regardless of the intelligibility of willfulness in the language of law, victims live complex emotional lives. Here we explore in depth only one emotional relationship; between the victim and the photos that make her body a criminal artefact (Sekula, 1986). It stands to reason that if images can 'make' a victim by revealing her as the undesirable variety, there can only be other, perhaps endless, emotional variability that diverts from the script of emotional vulnerability.

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