

REDACTED - How Copyright and Censorship Derailed The Critical Interrogation of the Photographic Representation of An American Region

In my recently completed PhD thesis I explore the photographic representation of Appalachia. Myriad documentary practitioners have descended upon this US region since the 1960s, and a specific and repetitive visual narrative has emerged from their resulting publications. My thesis is structured around a history of Appalachia and its representation within American culture, identifying enduring tropes, stereotypes, and associations connected with the region across each era. The thesis thus systematically identifies and contextualises the visual narrative that has formed around Appalachia and how it has evolved over time.

These elements are then traced through into contemporary imagery published by documentary photographers operating in the region, via specifically devised categorisation methodologies parsing large number of pictures. The methodology of the image table, in particular, offers a visual lexicon of Appalachian documentary photography, a grid system highlighting similarities and differences across nearly three thousand pictures included in twenty-nine publications by nineteen different photographers.

Or it would have, if not for reasons pertaining to copyright legislation and (self) censorship. The final step towards successful completion of the PhD included obtaining permissions for each illustration used both within the thesis itself as well as in the image table appendix. This would allow the thesis to be made publicly available online via the university library and the British Library.

In my pursuit of obtaining permissions, I ran into myriad issues. Copyright owners were untraceable or did not respond to enquiries. Photographic archives were uncontactable due to the recent US Federal Government shutdown. Gallerists, archivists, magazine and book publishers, film companies, and photographers' estates all appeared to hold differing interpretations of copyright law. As a rule of thumb they played it 'safe': the possibility of fair use or images potentially residing in the public domain was routinely overlooked. Matters were not helped by arcane American copyright legislation, leading to a tangle of dates of creation versus publication, registrations and potential renewals, and varying conditions under which photographs might or might not have entered the public domain. Forms, agreements, attorneys, and demands for financial recompense threw up additional barriers to image use. In an age of generative AI scraping imagery from the

world wide web without permission from the original copyright holders, and with governments actively working towards dismantling copyright legislation to enable further developments in generative AI, my toils in securing permissions, trying to understand copyright legislation, and figuring out precisely which jurisdiction applied, seemed oddly out of joint.

More pertinently, photographers, archivists, curators, gallerists, publishers, and estates often demanded to know how and in which context the images were going to be presented. Sometimes sight of the exact wording was demanded, in other cases permission to use the pictures was flatly denied. In an age where sharp social divides and culture wars dominate social media, the news agenda, and the public square, a fear of criticism and cancel culture seemed to stalk photographers, archivists, publishers, curators, and others alike. If the 'correct' interpretation of the image was not provided, permission would not be granted, or so it was implied. Spooked, I resorted to the 'easy way out' by simply redacting most of the photographs in the thesis.

This form of (self) censorship resulted in the visual lexicon I laboured so hard on transforming from a grid showing precisely how many and what kind of elements repeated across different photographers and their respective publications into a binary matrix solely comprising placeholders obscuring the original data. In other words, the form of the image table remained in place, but the content had disappeared from sight. Thus critical insight into how a much documented region was represented photographically was denied to the reader. An enhanced awareness of how tropes and stereotypes might subconsciously enter image-making was similarly blocked, the possibility of an improved documentary practice stymied.

And yet, the greyed out cells suddenly imbued the image table with an unexpected aesthetic. More importantly, the sheer quantity of grey blocks across certain image categories visualised the initial hypothesis for my research - that a very repetitive visual narrative centred on Appalachia exists - perhaps more starkly than the unredacted version did. However, it also begs the question if peer review can successfully happen under these circumstances, and whether my analysis and conclusions can be challenged in a meaningful way. Could the lack of nuance courtesy of redaction actually lead to stronger criticism of the photographers in the mind of the reader than is maybe warranted?

Using my PhD thesis as a case study - and specifically focusing on the correspondence in relation to image permissions and the resulting redactions - in this conference paper I

will investigate how copyright legislation in the age of generative AI, (self) censorship, and cancel culture work to constrain critical image analysis, and specifically the development of new methodologies parsing large quantities of pictures. I will question how academic research is possible under these circumstances, and whether and how genuine contributions to knowledge can be achieved. I will also interrogate whether redacted data visualisations or other ways to sidestep the issues highlighted above can, in fact, be turned into a strength rather than a weakness.

Keywords: opacity, refusal, copyright, (self) censorship, cancel culture