

5-30-2023

Is There a Role for Conflict Photography in Conflict Resolution? It's Complicated

Joseph Clift

Follow this and additional works at: <https://digitalcommons.pepperdine.edu/drlj>



Part of the [Dispute Resolution and Arbitration Commons](#), and the [Photography Commons](#)

Recommended Citation

Joseph Clift, *Is There a Role for Conflict Photography in Conflict Resolution? It's Complicated*, 23 Pepp. Disp. Resol. L.J. 202 (2023)

Available at: <https://digitalcommons.pepperdine.edu/drlj/vol23/iss2/5>

This Article is brought to you for free and open access by the Caruso School of Law at Pepperdine Digital Commons. It has been accepted for inclusion in Pepperdine Dispute Resolution Law Journal by an authorized editor of Pepperdine Digital Commons. For more information, please contact bailey.berry@pepperdine.edu.

IS THERE A ROLE FOR CONFLICT PHOTOGRAPHY IN CONFLICT RESOLUTION? IT'S COMPLICATED

Joseph Clift, EdD, MPH, MS*

Let the atrocious images haunt us. Even if they are only tokens, and cannot possibly encompass most of the reality to which they refer, they still perform a vital function. The images say: This is what human beings are capable of doing—many volunteer to do, enthusiastically, self[-]righteously. Don't forget.¹

I. INTRODUCTION

Images of war may be the most powerful images known to humankind.² Such photos communicate human vulnerability and injustice; thus, these images can “become the object of our collective reflection, empathetic emotion[,] and transformative action.”³ But are these and similar images useful in conflict resolution?

June 2022 marked the fiftieth anniversary of the iconic photo “Napalm Girl.”⁴ In this photo, a naked young girl suffering from

* Dr. Joseph Clift is currently pursuing a Master in Legal Studies in Public Law and Policy degree at Northeastern University School of Law. This article was written in fulfillment of the scholarly writing requirement when he was at the University of Baltimore School of Law.

¹ SUSAN SONTAG, REGARDING THE PAIN OF OTHERS 115 (2003).

² REPORTING WAR: JOURNALISM IN WARTIME 115 (Stuart Allan & Barbie Zelizer eds., 2004) (citing BARBIE ZELIZER, WHEN WAR IS REDUCED TO A PHOTOGRAPH (1st ed. 2004)).

³ Lilie Chouliaraki, *Improper Distance: Towards a Critical Account of Solidarity as Irony*, 14 INT'L J. CULTURAL STUD. 363, 377 (2011).

⁴ Oscar Holland, “*Napalm Girl*” at 50: *The Story of the Vietnam War's Defining Photo*, CNN STYLE (June 9, 2022), <https://www.cnn.com/style/article/napalm-girl-50-snap/index.html>.

burns is running from a bomb containing napalm.⁵ Later identified as Phan Thi Kim Phuc, she was photographed by Associated Press photographer Nick Ut shortly before being taken to a hospital for treatment.⁶ Phuc has since spent her life advocating peace while Ut continues to advocate for the use of conflict photography.⁷ The Pulitzer Prize-winning photograph would go on to be an iconic image of anti-war sentiment despite little evidence that it had any real impact on the United States' departure from Vietnam (which was already being negotiated) or that it had any impact on American public opinion toward the war (already anti-war by that time).⁸ After reflecting on this iconic image, I started researching whether there is any linkage between the use of conflict photography and conflict resolution. Specifically, I was interested in understanding how conflict photography could be used to support conflict resolution.

In this essay, I argue that conflict photography has an important and useful role in conflict understanding and resolution. While conflict images' usefulness has been debated,⁹ I argue that its importance has not. I start with a description of conflict photography and then provide a short historical account of the camera and its use in documenting conflicts. Next, I discuss conflict resolution and present examples of conflict resolution strategies. I then present evidence of how conflict photography can be a useful tool to support some of those strategies. Afterwards, I discuss the complicated nature of conflict photography's usefulness. I conclude with a summary and final thoughts about conflict photography's role in conflict resolution.

In this paper, I draw upon images and discussions of conflicts both within the United States (such as civil rights conflicts) and internationally (such as war and humanitarian crises). I do so because images—like many conflicts—do not know borders. Additionally, conflicts in the United States could be considered international depending on the location of the reader. There is no evidence that conflict photography solves conflict. However, I believe that conflict photography can be viewed as a conflict resolution tool. Similarly, I view humanitarian assistance—despite

⁵ *Id.*; see generally Gregory T. Guldner & Curtis Knight, *Napalm Toxicity*, STATPEARLS (2022) <https://www.ncbi.nlm.nih.gov/books/NBK537127/> (stating napalm is a mixture of different chemicals that is highly flammable and was used in weapons as early as 1944).

⁶ Holland, *supra* note 4.

⁷ *Id.*

⁸ *Id.*

⁹ See generally *infra* Section VI.C (discussing debate regarding whether conflict photography is useful).

its trials and tribulations in the literature¹⁰—as a transformative conflict resolution strategy. I do so based on the definition of conflict resolution used in this paper, which is to prevent or mitigate conflict.¹¹ Not all conflicts can be prevented, and as is often the case for intractable conflicts, the best we can hope to do is mitigate.¹²

II. WHAT IS CONFLICT PHOTOGRAPHY?

Broadly, conflict photography is a field of photojournalism wherein photographs of conflict are taken.¹³ Conflict photography documents everything from civil rights conflicts to war to even humanitarian crises.¹⁴ It can include photos during and after conflict. The images are real, raw, and emotional.¹⁵ They are intended to document a moment in history and provide witness to events.¹⁶ They may be used to promote advocacy,¹⁷ understanding,¹⁸ and have also been used as evidence.¹⁹ Historically, these photos have had an agenda to document what is happening, to showcase what could happen, to invoke a viewer's emotional response, and, ideally, to put pressure on governments to improve the situation.²⁰

¹⁰ See Andrew Rigby, *Humanitarian Assistance and Conflict Management: The View from the Non-governmental Sector*, 77 INT'L AFFS. 957, 958–62 (2001), <https://www.jstor.org/stable/3095605>.

¹¹ See Committee on International Conflict Resolution, *infra* note 54, at 2.

¹² Alan Jenkins, *Understanding and Managing Intractable Conflicts: A Critical Assessment of the "System Dynamics" Approach* (2018), <https://www.cairn.info/revue-negociations-2018-1-page-39.htm>.

¹³ LAUREN WALSH, CONVERSATIONS ON CONFLICT PHOTOGRAPHY 5 (1st ed. 2019).

¹⁴ Lauren Walsh, *What's the Point of Conflict Photography?* (Jan. 29, 2020), <https://witness.worldpressphoto.org/whats-the-point-of-conflict-photography-ee565909f778>.

¹⁵ See, e.g., Holland, *supra* note 4.

¹⁶ Walsh, *supra* note 14.

¹⁷ See WALSH, *supra* note 13, at 285–87; Rigby, *supra* note 10, at 957–58.

¹⁸ *The Power of a Photograph: The Lynching of Emmett Till*, U. MD. BALT. CNTY., <https://fatwts.umbc.edu/the-power-of-a-photograph-the-lynching-of-emmett-till/> (last visited July 16, 2022) (outlining the reasons why Emmett Till's mother decided to show the horrific image of her child).

¹⁹ See generally Vladimir Petrović, *Power(lessness) of Atrocity Images: Bijeljina Photos Between Perpetration and Prosecution of War Crimes in the Former Yugoslavia*, 9 INT'L J. TRANSITIONAL JUST. 367 (2015).

²⁰ Heide Fehrenbach & Davide Rodogno, "A Horrific Photo of a Drowned Syrian Child": *Humanitarian Photography and NGO Media Strategies in Historical Perspective*, 97 INT'L REV. RED CROSS 1121, 1126 (2015).

III. HISTORY OF THE CAMERA AND CONFLICT IMAGES

The camera was invented by Joseph Nicéphore Niépce in 1825 and was based on technology called Camera Obscura.²¹ Prior to use of photography, graphic images were drawn, such as the violence committed against slaves depicted in books such as UNCLE TOM'S CABIN.²² The earliest photograph of a conflict originates from 1847 during the Mexican–American War (1846–1848) and depicts an amputation on the battlefield.²³ Because photography was still in its early stages of technological advancement, taking these photos required a lot of equipment that was difficult to move; as such, many of the images were portrait-like.²⁴

The Crimean War (1853–1856) was the first conflict that was extensively documented, with over 300 photographs.²⁵ According to the Library of Congress, there were no photographs of actual conflict because transporting the camera to the location and

²¹ National Film Institute, *When Was the Camera Invented? Everything You Need to Know*, <https://www.nfi.edu/when-was-the-camera-invented/> (last visited July 8, 2022) ("Camera obscura, meaning 'darkroom' or 'dark chamber' in Latin, was the first camera ever created. It wasn't a camera as we know it now, but relatively little gloomy rooms with light entering only through a small hole. As a result, the adjacent wall was cast with an inverted picture of the outside scene. This approach was used to see solar eclipses without harming one's eyes and, later, drawing assistance Although it is unclear who originated the camera obscura, the oldest known written recordings of this idea are by Han Chinese scholar Mozi (c. 470 to c. 391 BC). In the fourth century, Aristotle observed that sunlight traveling through spaces between leaves projects a picture of an overshadowed sun on the ground. The Greek architect Anthemius of Tralles, who utilized a form of camera obscura in his experiments in the 6th century, was aware of this occurrence.").

²² Sonya de Laat, *The Camera and the Red Cross: "Lamentable Pictures" and Conflict Photography Bring into Focus an International Movement, 1855–1865*, 1 INT'L REV. RED CROSS 417, 421 (2020), <https://international-review.icrc.org/sites/default/files/reviews-pdf/2021-03/camera-and-red-cross-lamentable-pictures-and-conflict-photography-913.pdf> (noting UNCLE TOM'S CABIN is an anti-slavery novel by Harriet Beecher Stowe published in 1852).

²³ *Id.* at 429.

²⁴ *Id.* at 428 ("Fenton's photographs were always products of careful composition. With exposure times measured in seconds or minutes (as opposed to today's fractions of a second), heavy box-type large-format cameras, and the need to develop the plates immediately after being exposed, the technology at the time prevented him from taking candid exposures or action shots, and limitations on the subject matter may have also been imposed by his commission. The result is that his pictures have since been described as dull.").

²⁵ WALSH, *supra* note 13, at 5.

setting it up was difficult; thus, most of the images are of war participants and of the landscape.²⁶ During the Battle for Solferino (June 24, 1859), Jean-Henri Dunant witnessed the horrors of war, which incentivized him to advocate for the Geneva Conventions.²⁷ Through his writings and images, Dunant helped establish the International Committee of the Red Cross (ICRC).²⁸

It was not until the late 1880s that camera technology advanced with smaller, easier-to-use devices.²⁹ The maker of Kodak created a box camera with 100 exposures which were then later developed at its New York plant.³⁰ Soon, inventors created cameras that allowed for rolls of film to be changed.³¹ This new technology enabled Alice Seeley Harris to document the atrocities occurring in the Congo under King Leopold's rule, such as pictures of mutilated men, women, and children.³² These pictures, depicted in Figure 1 below, led to one of the earliest humanitarian action campaigns.³³

²⁶ U.S. LIBR. CONG., *Fenton Crimean War Photographs*, <https://www.loc.gov/pictures/collection/ftcnw/background.html> (last visited July 8, 2022).

²⁷ De Laat, *supra* note 22, at 419.

²⁸ *Id.* at 424.

²⁹ Mia Fineman, *Kodak and the Rise of Amateur Photography*, MET (Oct. 2004), https://www.metmuseum.org/toah/hd/kodk/hd_kodk.htm.

³⁰ National Film Institute, *supra* note 21.

³¹ *Id.*

³² Christina Twomey, *The Incorruptible Kodak*, in *THE VIOLENCE OF THE IMAGE: PHOTOGRAPHY & INT'L CONFLICT* 9 (Liam Kennedy & Caitlin Patrick eds., 2014) (stating King Leopold of Belgium had control over the Congo; monopolized the demand for rubber; and, under his rule, murder, sexual violence, and cutting off limbs were used to enforce compliance and quotas).

³³ *Id.*



Figure 1. Photographs of mutilated Congolese children (c. 1900–1905).³⁴

³⁴ Alice Harris, *Photography of Mutilated Children from Congo*, in MARK TWAIN, *KING LEOPOLD'S SOLILOQUY: A DEFENSE OF HIS CONGO RULE* (1905) (engaging in political satire with aim of exposing atrocities committed by King Leopold). The photos are in the public domain and available at <https://commons.wikimedia.org/wiki/File:MutilatedChildrenFromCongo.jpg>.

The camera brought images of conflict during World War I (1914–1918)³⁵ and World War II (1939–1945)³⁶ to newspapers, magazines, or theatres. But it was not until the Vietnam War (1955–1975) that quickly transmitted images allowed for wider distribution on the now-household-staple television sets.³⁷ Images during that time took about twenty-four hours to be available for the news,³⁸ but by the Persian Gulf War (1990–1991), images were immediately available.³⁹

Many conflict photos receive iconic status, such as “Napalm Girl” and the Pulitzer Prize-winning photograph from Kevin Carter of a starving Sudanese child who collapsed at a feeding station while a vulture watches in the background.⁴⁰ Taken during the 1993 Sudan famine, the picture was published in *The New York Times* on March 26, 1993,⁴¹ with the aim to put a human face to consequences of war.⁴² The image itself had limited impact; there is some anecdotal evidence that government action, donations, and aid resulted.⁴³ Unfortunately, the ethics surrounding the photo overshadowed its importance.⁴⁴

³⁵ U.S. LIBR. CONG., *World War I in Pictures: An Overview of Prints & Photographs* Division Collections, <https://www.loc.gov/rr/print/coll/wwicoll.html> (last visited July 8, 2022).

³⁶ Maddie Ward, *Vietnam: The First Television War*, U.S. NAT’L ARCHIVE (Jan. 25, 2018), <https://prologue.blogs.archives.gov/2018/01/25/vietnam-the-first-television-war/>.

³⁷ *Id.*

³⁸ DAVID PERLMUTTER, PHOTOJOURNALISM AND FOREIGN POLICY: ICONS OF OUTRAGE IN INTERNATIONAL CRISIS 3 (1998).

³⁹ *Id.*

⁴⁰ To view this photo, see Yung Soo Kim & James D. Kelly, *Photojournalists on the Edge: Reactions to Kevin Carter’s Sudan Famine Photo*, 20 VISUAL COMM’N Q. 205 (2013). Alternatively, the photo is widely available via Google search for “Kevin Carter photo of Sudan famine.”

⁴¹ Donatella Lorch, *Sudan Is Described as Trying to Placate the West*, N.Y. TIMES (Mar. 26, 1993), <https://www.nytimes.com/1993/03/26/world/sudan-is-described-as-trying-to-placate-the-west.html>.

⁴² Merlijn Geurts, *The Atrocity of Representing Atrocity: Watching Kevin Carter’s “Struggling Girl,”* 1 AESTHETIC INVESTIGATIONS 1, 3 (2015).

⁴³ PERLMUTTER, *supra* note 38, at 24–25.

⁴⁴ See Reena Shah Stamets, *Were His Priorities out of Focus?*, TAMPA BAY TIMES (Apr. 14, 1994), <https://www.tampabay.com/archive/1994/04/14/were-his-priorities-out-of-focus/>. The photographer committed suicide after winning the Pulitzer Prize, with speculation that it was due to the ethical fallout from the photograph. *Id.* There was a great debate about whether the photo should have been taken or if the photographer should have done more to help the child. See Kim & Kelly, *supra* note 40.

Today, with the availability of cameras on phones and with estimates that over four billion people had smartphones in June 2021, conflict photography (and video) is being shared instantaneously.⁴⁵ For example, there are an estimated 55,000 photos of tortured and executed Syrians from the ongoing Syrian war.⁴⁶ Some argue that this availability of images led to “compassion fatigue.”⁴⁷ Others suggest that the availability of too many images overwhelms our senses where our minds seem to become numb.⁴⁸ Hoskins argues that in today’s digital age of instant photographs and live-streaming videos, there is a new phenomenon of compassion fatigue where people have become desensitized due to the overabundance of images and videos.⁴⁹

Prior to the digital age of photographs and videos on Facebook, Instagram, Twitter, and the like, images of human suffering and conflict were portrayed on the news. For example, the 1980s Ethiopian famine was shared on the news across the United Kingdom and United States; this led to emergency donations from the then-European Economic Community (EEC) and started Live Aid to raise awareness and money to support the humanitarian crisis.⁵⁰ Today, however, reflecting on the ongoing Syrian and Yemeni wars—which are occurring in the digital age—there is little global outrage to the extreme humanitarian suffering occurring in these wars.⁵¹ Hoskins argues if the “persistent view of human suffering and death in history[] cannot ultimately mobilize global action, then it is difficult to imagine what will.”⁵² This specific point is why a discussion of the usefulness of conflict photography is necessary because, as history has demonstrated, conflict images have not always had an impact.⁵³

⁴⁵ *Strategy Analytics: Half the World Owns a Smartphone*, BUS. WIRE (June 24, 2021), <https://www.businesswire.com/news/home/20210624005926/en/Strategy-Analytics-Half-the-World-Owns-a-Smartphone>.

⁴⁶ Andrew Hoskins, *Media and Compassion After Digital War: Why Digital Media Haven’t Transformed Responses to Human Suffering in Contemporary Conflict*, 102 INT’L REV. RED CROSS 102, 134 (2020).

⁴⁷ *Id.* at 122.

⁴⁸ Paul Slovic, “*If I Look at the Mass I Will Never Act*”: *Psychic Numbing and Genocide*, 2 JUDGMENT & DECISION-MAKING 79 (2007).

⁴⁹ Hoskins, *supra* note 46, at 122.

⁵⁰ *Id.* at 128.

⁵¹ *Id.* at 138–40.

⁵² *Id.* at 143 (referencing the Syrian and Yemeni wars).

⁵³ *See* discussion *infra* Section VI.

IV. CONFLICT RESOLUTION & STRATEGIES

I use the term conflict resolution in line with how the National Research Council defined it as “efforts to prevent or mitigate violence resulting from intergroup or interstate conflict, as well as efforts to reduce the underlying disagreements.”⁵⁴ There are four broad types of conflict resolution strategies: (1) power politics; (2) transformational efforts; (3) structural prevention; and (4) normative change.⁵⁵

Power politics are traditional methods of managing conflict and include both military means (e.g., threats of war) and economic means (e.g., sanctions) to prevent or mitigate conflict.⁵⁶ For example, the United States entered World War II after Japan bombed Pearl Harbor in Hawaii.⁵⁷ While it is unknown if the images from the Pearl Harbor attack were the reason or simply the attack itself, this is an example of power politics.⁵⁸ More recently, the United States—while not actively participating in the 2022 war in Ukraine with “boots on the ground”—nevertheless issued sanctions against Russia the day the latter invaded Ukraine⁵⁹ and subsequently increased sanctions following publication of photographs of the massacre in Bucha.⁶⁰

Transformational efforts attempt to reach agreement or accommodation between parties to the conflict and work towards

⁵⁴ Committee on International Conflict Resolution, *Conflict Resolution in a Changing World*, in INTERNATIONAL CONFLICT RESOLUTION AFTER THE COLD WAR 2 (Paul C. Stern & Daniel Druckman eds., 2000) (ebook) [hereinafter Committee].

⁵⁵ *Id.* at 5.

⁵⁶ *Id.* at 3.

⁵⁷ See *Decision to Drop the Atomic Bomb*, U.S. NAT’L ARCHIVES: HARRY S. TRUMAN LIBRARY & MUSEUM, <https://www.trumanlibrary.gov/education/presidential-inquiries/decision-drop-atomic-bomb> (last visited July 8, 2022).

⁵⁸ See Committee, *supra* note 54, at 3.

⁵⁹ *U.S. Treasury Announces Unprecedented & Expansive Sanctions Against Russia, Imposing Swift and Severe Economic Costs*, U.S. DEP’T OF TREASURY (Feb. 24, 2022), <https://home.treasury.gov/news/press-releases/jy0608>.

⁶⁰ Natasha Turak, *Russia Faces Barrage of New Sanctions After Accusations of Atrocities in Bucha, Ukraine*, CNBC (Apr. 4, 2022, 3:46 PM), <https://www.cnbc.com/2022/04/04/ukraine-russia-facing-new-sanctions-after-alleged-atrocities-in-bucha.html>; *Promoting Accountability for Human Rights Abuses in Russia and Belus and Taking Action Against Sanction Evaders*, U.S. DEP’T OF STATE (Apr. 20, 2022), <https://www.state.gov/promoting-accountability-for-human-rights-abuses-in-russia-and-belarus-and-taking-action-against-sanctions-evaders/> (referencing, in part, the images from Bucha and other Ukrainian cities).

“reconciling tensions, redefining interests, or finding common ground.”⁶¹ This may include actions like facilitating meetings between those involved in the conflict to understand respective positions in order to work toward peaceful resolution.⁶² For example, parties can use photography to share their stories to support resolution and peacebuilding.⁶³ Through transformational means, conflict photography draws attention to conflicts⁶⁴; through negotiation or other means, humanitarian aid can address crisis needs like food, transportation, shelter, and healthcare during and after the conflict. It is here that I argue that humanitarian aid fits within the scope of transformational efforts.

Structural prevention includes efforts to create and establish systems to sustain conflict resolution.⁶⁵ Examples include establishing laws, creating commissions to address conflict, protecting elections, and creating policies to reflect differences (e.g., ethnic or religious).⁶⁶ Many countries—including the United States—have held truth and reconciliation commissions in efforts to understand conflict, seek truth, and provide an opportunity to begin healing.⁶⁷ Sometimes, photos and videos from the conflict are used in these commissions.⁶⁸

Finally, normative strategies involve instilling policies and expectations to aid in conflict management and may include responsibilities of the parties to prevent conflict.⁶⁹ Examples include promoting human rights policies and advocating for group autonomy in lieu of secession.⁷⁰ Not only have photographs been used to document human rights abuses, but they have also been used as evidence in war crime

⁶¹ Committee, *supra* note 54, at 5.

⁶² *Id.* at 6.

⁶³ See Valentina Baú, *Participatory Photography for Peace: Using Images to Open up Dialogue After Violence*, 10 J. PEACEBUILDING & DEV. 74, 74 (2015).

⁶⁴ *Id.*

⁶⁵ Committee, *supra* note 54, at 6.

⁶⁶ *Id.*

⁶⁷ Bennett Collins & Alison M.S. Watson, *Examining the Potential for an American Truth and Reconciliation Commission*, CARNEGIE ETHICS ONLINE (Feb. 15, 2015), <https://www.carnegiecouncil.org/media/series/ethics-online/examining-the-potential-for-an-american-truth-and-reconciliation-commission>.

⁶⁸ See e.g., Greensboro Truth and Reconciliation Commission, *Final Report* 29 (May 25, 2006), <https://greensborotrc.org/> (indicating the Greensboro Truth and Reconciliation Commission used Greensboro Police Department (GPD) internal records, including photos and “slow-motion new footage” in their research).

⁶⁹ Committee, *supra* note 54, at 7.

⁷⁰ *Id.*

tribunals.⁷¹ Using photographs as evidence of war crimes supports both structural resolution efforts: first, through reconciliation by holding those accountable for war crimes; and second, through normative efforts to protect human rights by prosecuting individuals who violate international law.

V. HOW CAN CONFLICT PHOTOGRAPHY AID IN CONFLICT RESOLUTION?

In this section, I focus on three specific ways in which conflict photography can be used to support conflict resolution: (1) humanitarian aid; (2) reconciliation; and (3) evidence of war crimes. As the title of this paper suggests, the usefulness of conflict photography has had a complicated history, especially with respect to humanitarian aid. With that in mind, however, I argue—based on the definition of conflict resolution used in this paper and strategies presented above—conflict photography can play an important role in these resolution strategies.

A. HUMANITARIAN AID

Humanitarian organizations use conflict photos to raise funds to support their missions or to campaign for particular causes.⁷² For example, missionaries used photos of victims from the Upper Congo to bring attention to the atrocities committed in the late 1890s by the Anglo-Belgian Rubber Company.⁷³ While earlier printed photos of the conflict outraged readers, humanitarian effort did not result until humanitarian missionaries used the photos in a campaign coupled with their domestic and international network.⁷⁴ Other examples include a 1921 Christmas campaign by Save the Children to fundraise for relief in Armenia, Syria, Persia, and Palestine.⁷⁵ Save the Children juxtaposed a conflict photo of starving children against a picture of Santa Claus to encourage people to “share your Christmas with the orphans ‘over there.’”⁷⁶ Organizations also used conflict photographs to raise funds in support of famine relief in Soviet Russia during the 1920s.⁷⁷ Images of starving children accompanied by poems elicited an emotional

⁷¹ See Lindsay Freeman, *Digital Evidence and War Crimes Prosecutions: The Impact of Digital Technologies on International Criminal Investigations and Trials*, 41 *FORDHAM INT’L L.J.* 283, 298 (2018).

⁷² See Fehrenbach & Rodogno, *supra* note 20, at 1129–31.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.* at 1138.

⁷⁶ *Id.*

⁷⁷ *Id.* at 1139.

response from donors in Western Europe and the United States who feared the rise of communism.⁷⁸

Humanitarian responses require significant resources for immediate aid and ongoing support.⁷⁹ According to the United Nations *Global Humanitarian Overview 2022*, over 274 million people worldwide will need humanitarian aid in 2022, yet funding is insufficient.⁸⁰ The United Nations estimates that aid will only be able to assist 183 million people at a cost of \$41 billion, falling short of the 274 million people that need relief.⁸¹ In 2021, humanitarian aid was only able to cover about 46% of global need: Approximately \$37.7 billion was needed but only \$17.2 billion was raised.⁸² Out of millions of nongovernmental organizations worldwide, tens of thousands work in humanitarian fields, with many using conflict photography to support their respective missions;⁸³ I will discuss a select few in the following section.

Médecins Sans Frontières (MSF), also known as Doctors Without Borders, is a humanitarian organization with an advocacy-oriented mission.⁸⁴ MSF started in 1971 as a response to the Biafra crisis during the Nigerian Civil War to provide medical humanitarian aid.⁸⁵ MSF operates in a neutral manner, but that neutrality does not mean it is silent.⁸⁶ MSF has a duty to advocate on behalf of the people it serves and bring attention to crises happening around the globe.⁸⁷ MSF does not tend to rely on very

⁷⁸ *Id.* (The poem, entitled “Tartar Refugee Children at Saratov” and authored by Israel Zangwill, reads: “Alas! for the wizened infants / Sucking at stone-dry breasts; / Alas! for the babies writhing / In the grip of plagues and pests. / They are fever-stricken and famished, / They are rotten of skin and bone; / Yet their mothers must die and leave them / To suffer and starve alone; / And any one of these children / Might be your very own.”).

⁷⁹ U.N. Office for the Coordination of Humanitarian Affairs, *Global Humanitarian Overview 2022*, at 4–5 (Dec. 2, 2021), <https://humanitarianaction.info/overview/2022#:~:text=Humanitarian%20Overview%202022-,Download,-PDF>.

⁸⁰ *Id.* at 9.

⁸¹ *Id.*

⁸² *Id.* at 64.

⁸³ *Non-Government Organizations: Humanitarian Relief*, UNIV. OF CAL.: BERKELEY LIBR., <https://guides.lib.berkeley.edu/c.php?g=496970&p=3626027> (last visited Feb. 6, 2023).

⁸⁴ *Our History*, DRs. WITHOUT BORDERS/MÉDECINS SANS FRONTIÈRES, <https://www.doctorswithoutborders.org/who-we-are/our-history> (last visited July 8, 2022).

⁸⁵ *Id.*

⁸⁶ *See id.*

⁸⁷ *Id.*

graphic images, but focuses on images that showcase their work for fundraising efforts.⁸⁸ MSF uses conflict photography to draw attention to “hotspots” and humanitarian crises that need attention.⁸⁹

The United Nations International Children’s Emergency Fund’s (UNICEF) mission is to protect the rights of children globally.⁹⁰ UNICEF uses images to tell the story of the children involved in their mission—which are often in conflict zones—such as child soldiers and victims of famine or rape.⁹¹ According to Ellen Tolmie, Senior Photography Editor at UNICEF from 1990–2013, UNICEF uses images as evidence about something that is happening in the world.⁹² For example, it is more likely that people will believe girls are being raped in Sudan if there is an image of a girl in Sudan looking back at them.⁹³ UNICEF often uses images of the impacts after intervention, such as after a child is fed or vaccinated.⁹⁴ It has found that this supports its fundraising efforts more than using graphic images.⁹⁵

Human Rights Watch (HRW) is a humanitarian organization that focuses on human rights violations and engages in advocacy to stop violations.⁹⁶ Its aim is to generate international action to stop atrocities and hold violators of international humanitarian law accountable.⁹⁷ HRW uses conflict images to fundraise, raise awareness, and document evidence of human rights abuses.⁹⁸ For example, HRW has posted very graphic images, such as soldiers smiling in front of a burning body in the Central African Republic, because it wanted to “arrest people’s attention. [HRW] want[s] viewers] to say, ‘Wait a minute. What the hell is happening in the Central African Republic?’”⁹⁹

International aid, however, is not always a guarantee. Under international law, countries are responsible for providing for the

⁸⁸ *Id.*

⁸⁹ WALSH, *supra* note 13, at 280.

⁹⁰ UNICEF, <https://www.unicef.org/what-we-do> (last visited July 8, 2022).

⁹¹ *See* UNICEF, <https://www.unicef.org/stories#photo> (last visited Feb. 21, 2023) (linking various stories “through the lens” of children in conflict zones).

⁹² WALSH, *supra* note 13, at 305.

⁹³ *Id.* at 305–06.

⁹⁴ *Id.* at 311.

⁹⁵ *Id.*

⁹⁶ Human Rights Watch, <https://www.hrw.org/about/about-us> (last visited July 8, 2022).

⁹⁷ WALSH, *supra* note 13, at 285–87.

⁹⁸ *Id.*

⁹⁹ *Id.* at 288.

needs of their respective citizens.¹⁰⁰ In countries where the aid is needed, the countries themselves can advocate for aid directly, or organizations providing aid often negotiate to enter or otherwise provide aid.¹⁰¹ Countries that refuse or block aid may be liable for breaking international law,¹⁰² which is guided by the Geneva Conventions of 1949.¹⁰³

Humanitarian aid was originally used in a neutral manner to provide aid to the victims of war.¹⁰⁴ The field of emergency public health started after the Nigerian Civil War.¹⁰⁵ The United States intended its involvement in Nigeria to avoid a catastrophic humanitarian crisis after Nigeria cut the supply of food to the Biafra region off following the latter's declaration of independence.¹⁰⁶ After conflicts in Somalia and the former Yugoslavia in the 1990s, governments began to fund nongovernmental organizations to provide services in addition to humanitarian aid, such as peacekeeping, conflict management, and conflict resolution.¹⁰⁷ Some have argued lines between humanitarian relief and advocacy are blurred when the organization providing the aid also has an advocacy arm publicizing human rights abuses,¹⁰⁸ or that humanitarian aid is a rather weak strategy for conflict management.¹⁰⁹ However, publicizing conflict is necessary to bring

¹⁰⁰ Moira Spooner, *The Legal Implications of Humanitarian Blockades*, CONVERSATION (Feb. 10, 2021, 1:42 AM), <https://theconversation.com/the-legal-implications-of-humanitarian-aid-blockades-154847>.

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ See CORNELL LAW SCHOOL LEGAL INFORMATION INSTITUTE, *Geneva Conventions and their additional protocols*, https://www.law.cornell.edu/wex/geneva_conventions_and_their_additional_protocols (last visited July 8, 2022). Currently, 194 states are party to the Geneva Conventions. *Id.* These conventions cover victims of armed conflict, and address rights of civilians, soldiers, and prisoners of war. *Id.* For example, the conventions require humane treatment for all persons, forbid attacks on hospitals and healthcare facilities, and ban torture. *Id.*

¹⁰⁴ Rigby, *supra* note 10, at 957–58.

¹⁰⁵ James Phillips, *Biafra at 50 and the Birth of Emergency Public Health*, 108 AM. J. PUB. HEALTH 731, 732 (2018).

¹⁰⁶ *Id.* at 731–32.

¹⁰⁷ Rigby, *supra* note 10, at 957.

¹⁰⁸ *Id.* at 958.

¹⁰⁹ Joanna Macrae & Nicholas Leader, OVERSEAS DEV. INST., *Shifting Sands: The Search for “Coherence” Between Political and Humanitarian Responses to Complex Emergencies*, HPG Report 8 (Aug. 2000), <https://cdn.odi.org/media/documents/299.pdf>.

attention to atrocities that are occurring in our world.¹¹⁰ In addition, as discussed below in more detail, humanitarian aid can be an important contributor to ending conflict when coupled with mediation.¹¹¹

Some research has suggested humanitarian aid increases the longevity of conflict and may be ineffective as a conflict management strategy because providing the aid sustains the parties in conflict.¹¹² However, more recent research suggests combining humanitarian assistance with conflict mediation strategies may help increase the likelihood that conflicts end with peace and ceasefire agreements.¹¹³ Greig conducted an analysis of over 352 conflicts in eighty-six different nation-states between the years 1950 and 2008.¹¹⁴ He found when mediation was combined with humanitarian assistance, it increased the likelihood of conflict termination,¹¹⁵ and the effect was seen with both high and low levels of humanitarian assistance.¹¹⁶ Because conflict photography has been—and will likely continue to be—a trigger for nation-states to intervene in conflicts and/or offer humanitarian aid, Greig’s research suggests doing so will likely not harm conflict management or resolution efforts.¹¹⁷

B. RECONCILIATION EFFORTS

Film—including feature films—has been used to support reconciliation efforts.¹¹⁸ Here, I argue photography, like film, can be a useful tool to aid in conflict resolution efforts, such as bringing

¹¹⁰ See generally Alexandra Schultheis Moore, *Témoignage and Responsibility in Photo/Graphic Narratives of Médecins Sans Frontières*, 12 J. HUM. RTS. 87 (2013).

¹¹¹ See generally J. Michael Greig, *Helping Without Hurting: Ameliorating the Negative Effects of Humanitarian Assistance on Civil Wars Through Mediation*, 47 INT’L INTERACTIONS 79 (2021).

¹¹² See José Ciro Martínez & Brent Eng, *The Unintended Consequences of Emergency Food Aid: Neutrality, Sovereignty and Politics in the Syrian Civil War, 2012–15*, 92(1) INT’L AFFS. 153, 153 (2016); see also Reed Wood & Christopher Sullivan, *Doing Harm by Doing Good? The Negative Externalities of Humanitarian Aid Provision During Civil Conflict*, 77 J. POL. 736, 736 (2015).

¹¹³ See generally Greig, *supra* note 111.

¹¹⁴ *Id.* at 92.

¹¹⁵ *Id.* at 95.

¹¹⁶ *Id.* at 96.

¹¹⁷ See *id.* at 101–02.

¹¹⁸ See Derrick Alan Everett, *Public Narratives + Reparations in Rwanda: On the Potential of Film as Promoter of International Human Rights and Reconciliation*, 7 NW. J. INT’L HUM. RTS. 103, 103 (2009).

opposing groups together to facilitate understanding and to begin reconciliation and peacebuilding.

Photography can be used to create dialogue among opposing groups after conflict.¹¹⁹ For example, Baú conducted a participatory photo project in Kenya seven years after the violence that ensued during the 2007–2008 election that left over 1,000 dead and 600,000 displaced.¹²⁰ Participants representing different ethnic groups from the conflict were instructed on using a camera and told to take pictures representing certain feelings (e.g., happiness, sadness) and themes (e.g., conflict, fear).¹²¹ After taking the photographs, the groups met and used the photographs, along with storytelling, to share their perspectives of the current situation within their respective communities.¹²² While more research is needed, Baú's work in Kenya suggests photography can be a useful tool to get opposing groups into dialogue as a start to post-conflict repair.¹²³

Historical narratives have utilized similar work. Using history can also be a means of facilitating conflict resolution and working toward reconciliation.¹²⁴ The goal of using history is to create a joint narrative for those involved in the conflict, which can lead to a better understanding of the history of each side in the conflict.¹²⁵ This idea is similar to the narrative composed through truth and reconciliation work because, as explained by Lawry-White, a truth narrative “encapsulates victims’ stories [and] is easier to trust and harder to challenge.”¹²⁶ Conflict photography can also play an important role in supporting the historical narrative. This is evident through the use of photography as part of a truth and reconciliation project in Peru.¹²⁷ A study of the impact of the conflict photography exhibit, which documented the decades-long conflict in Peru, found that the exhibit had a positive impact on reconciliation efforts.¹²⁸

¹¹⁹ Baú, *supra* note 63, at 74.

¹²⁰ *Id.* at 77.

¹²¹ *Id.* at 79.

¹²² *Id.* at 82.

¹²³ *Id.* at 86.

¹²⁴ Elizabeth Barkan, *Engaging History: Managing Conflict and Reconciliation*, 59 HIST. WORKSHOP J. 229, 229–36 (2005).

¹²⁵ *Id.* at 233.

¹²⁶ Merryl Lawry-White, *The Reparative Effectiveness of Truth Seeking in Transitional Justice*, 64 INT’L & COMPAR. L. Q. 141, 145 (2015).

¹²⁷ See generally Robin Hoecker, MA Thesis, *The Role of Photography in Peru’s Truth and Reconciliation Process* (Dec. 2007) (on file with author).

¹²⁸ *Id.* at 71.

In 2000, the United States had its first ever truth and reconciliation commission in Greensboro, North Carolina.¹²⁹ In 1979, the Ku Klux Klan and American Nazi Party members massacred five labor rights protestors who were supporting workers' rights in a predominately African-American area.¹³⁰ No one was convicted despite photographic and video evidence.¹³¹ As part of reconciliation efforts to bring the community together, a group called Active Voice used a documentary film that included photographs and video from the massacre and interviews from current community members to encourage the community to engage in dialogue about the incident to work toward healing.¹³²

The International Center for Transitional Justice (ICTJ), which supported the work in Greensboro, works to address human rights violations.¹³³ The ICTJ, which operates in over fifty countries including the United States, helps communities find truth, resolve conflicts, and lay the foundation for peace.¹³⁴ For the twenty-fifth anniversary of the Lebanese Civil War, the ICTJ created a youth photography contest for young people to showcase photos about how they understood the war as part of both the past and present and to encourage truth-seeking.¹³⁵

C. CONFLICT PHOTOGRAPHY AS EVIDENCE

Prosecutors can use conflict photography as evidence of war crimes. In light of the Russian attack on Ukraine in 2022, HRW began gathering photographic evidence of war crimes to be used against Russia.¹³⁶ Lindsay Freeman, an author on digital evidence and war crimes recorded in photos, provided a historical account of

¹²⁹ Joshua Inwood, *Righting Unrightable Wrongs: Legacies of Racial Violence and the Greensboro Truth and Reconciliation Commission*, 102 ANNALS ASS'N AM. GEOGRAPHERS 1451, 1451–67 (2012).

¹³⁰ Greensboro Truth and Reconciliation Commission, *supra* note 68.

¹³¹ *Id.*; see also Inwood, *supra* note 129, at 1456.

¹³² See GREENSBORO: CLOSER TO TRUTH (Longnook Pictures 2007).

¹³³ *Vision and Mission*, INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE, <https://www.ictj.org/vision-mission> (last visited July 16, 2022).

¹³⁴ *Where We Work*, INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE, <https://www.ictj.org/where-we-work> (last visited July 16, 2022).

¹³⁵ “*The War as I See It*”: *Photo Contest Invites Lebanese Youth to Show Effects of the Civil War Through Their Eyes*, INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE (Oct. 23, 2015), <https://www.ictj.org/news/photo-contest-invites-lebanon-youth-show-civil-war-through-their-eyes>.

¹³⁶ *Ukraine: Russian Forces’ Trail of Death in Bucha. Preserving Evidence Critical for War Crimes Prosecutions*, HUMAN RIGHTS WATCH (Apr. 21, 2022), <https://www.hrw.org/news/2022/04/21/ukraine-russian-forces-trail-death-bucha>.

how prosecutors have relied on “digital evidence,” such as photographs, to prosecute war crimes, genocide, and crimes against humanity beginning with the Nuremberg trials.¹³⁷ More recently, with the fast accessibility of cellphone cameras and social media posts, prosecutors began using photographic evidence to corroborate testimony at the International Criminal Court (ICC).¹³⁸

A 1992 photo depicting a Serbian kicking a recently shot Muslim woman was used as evidence of crimes against humanity against brutal militia leader Željko “Arkan” Ražnatović for ethnic cleansing of over 100,000 people in the Bosnian War.¹³⁹ Similar photographs of Muslims imprisoned in concentration-like camps during the Bosnian War, like the famous one involving Fikret Alić,¹⁴⁰ were used as evidence of the Bosnian Serbs’ motives for brutal ethnic cleansing.¹⁴¹

Leaked photographs of prisoner abuse and torture at the hands of the U.S. military at Abu Ghraib highlighted that even a country like the United States is capable of such atrocity.¹⁴² The irony of abuse by Americans—who were involved in the war to help free the Iraqi people and promote democracy—was on full display for the world to see.¹⁴³ The photos led to investigations, prosecutions, and a rare public apology to the world.¹⁴⁴ While then-President George W. Bush failed to issue any policy changes on torture, President Barack Obama implemented Executive Order 13491, which banned the use of torture, when he took office.¹⁴⁵

VI. CONFLICT PHOTOGRAPHY’S COMPLICATED USEFULNESS

Until now, I have suggested conflict photography has a role in conflict resolution by supporting humanitarian and reconciliation efforts, or as evidence of war crimes. But, what about its usefulness? Well, it’s complicated. The following discussion explores times

¹³⁷ Freeman, *supra* note 71, at 286.

¹³⁸ *Id.* at 327–29.

¹³⁹ Spencer Hurt, *Snapshot: Communicating Compassion Through Photography*, 40 HARV. INT’L REV. 28, 28–31 (2019).

¹⁴⁰ David Campbell, *Atrocity, Memory, Photography: Imaging the Concentration Camps of Bosnia—The Case of ITN Versus Living Marxism, Part 2.*, 1 J. HUM. RTS. 143, 143–144 (2002).

¹⁴¹ *Id.* at 143.

¹⁴² Neil Henry, *Picture Power: The Image in Wartime and the Digital Age*, 19 NOTRE DAME J.L. ETHICS & PUB. POL’Y 475, 475 (2005).

¹⁴³ *Id.* at 476.

¹⁴⁴ *Id.* at 475.

¹⁴⁵ Douglas Johnson, Alberto Mora & Averell Schmidt, *The Strategic Costs of Torture: How “Enhanced Interrogation” Hurt America*, FOREIGN AFFS. (Sept.–Oct. 2016), <https://www.foreignaffairs.com/articles/united-states/strategic-costs-torture>.

when conflict images have made a difference and times when they have not.

A. WHEN CONFLICT PHOTOGRAPHY MADE A DIFFERENCE

Earlier, I mentioned examples of conflict photography's impact, such as in regards to the atrocities committed against the Congolese.¹⁴⁶ Here, I will explore additional examples, as well as times when the conflict photography did not generate an impact.

Photographer Marcus Bleasdale documented the use of conflict minerals in the Congo, which eventually led Intel, a major computer microprocessor manufacturer, to stop using minerals from conflict mines.¹⁴⁷ Bleasdale's photographs documented horrible working conditions where people—often children—were forced to work for precious minerals used in electronic devices.¹⁴⁸ Bleasdale stated he purposefully used his pictures to influence policymakers to “effect change in some way.”¹⁴⁹

After the Pulitzer Prize-winning photo, “Napalm Girl,” was shared around the world, people were once again reminded of the horrors of war.¹⁵⁰ While there is no evidence the photo had an immediate impact on the war,¹⁵¹ later that same year, the United Nations adopted a resolution classifying napalm as a “category of arms viewed with horror.”¹⁵² It is believed the photo was instrumental in creating the United Nations resolution.¹⁵³ Nearly ten years after publication of “Napalm Girl,” napalm was officially banned.¹⁵⁴

Like the impact of “Napalm Girl,” photographer Ron Haviv provided photographic documentation of the conflict brewing in Panama under then-de facto leader General Noriega that spurred international response.¹⁵⁵ At the time, there were attacks on U.S.

¹⁴⁶ See Twomey, *supra* note 32.

¹⁴⁷ WALSH, *supra* note 13, at 38.

¹⁴⁸ *Id.* at 36–38.

¹⁴⁹ *Id.* at 37.

¹⁵⁰ Judith Coburn, *The Girl in the Photograph*, L.A. TIMES (Aug. 20, 1989), <https://www.latimes.com/archives/la-xpm-1989-08-20-tm-999-story.html>.

¹⁵¹ PERLMUTTER, *supra* note 38, at 22–23.

¹⁵² G.A. Res. 2932 (XXVII), at 16 (Nov. 29, 1972).

¹⁵³ Stephen Goose & Bonnie Docherty, *White Phosphorous: The New Napalm?*, HUMAN RIGHTS WATCH (June 8, 2012), <https://www.hrw.org/news/2012/06/08/white-phosphorous-new-napalm>.

¹⁵⁴ U.N., *supra* note 152.

¹⁵⁵ Eric J. Prince, *Can a Photograph Change History? Sitting Down with Ron Haviv*, MERION W. (July 6, 2018)

troops by the Noriega regime.¹⁵⁶ Then-President George H.W. Bush addressed the United States on December 20, 1989, and mentioned Haviv's photographs in part as justification for the Panama invasion to protect both human rights and the neutrality of the Panama Canal, and addressed drug-trafficking issues within Panama that threatened the United States.¹⁵⁷

Photos have also prompted governments to support efforts to address conflicts.¹⁵⁸ For example, a 1963 Charles Moore photo showed police dogs attacking Black protestors in Birmingham, Alabama, and put pressure on politicians to pass the Civil Rights Act of 1964.¹⁵⁹ In 2007, a photo of mountain gorilla carcasses being carried away by over a dozen men showcased not only human conflict in the area, but also the conflict between animals and the environment.¹⁶⁰ This photo led nine African countries to sign a treaty to protect mountain gorillas.¹⁶¹ In 2015, a photo depicting a dead Syrian boy, Alan Kurdi, who washed up on the shores of Turkey, went viral around the world; soon after, European countries opened their previously closed doors to Syrian refugees.¹⁶²

B. WHEN CONFLICT PHOTOGRAPHY DID NOT MAKE A DIFFERENCE

Unfortunately, conflict images do not always make a difference. For example, Ron Haviv went to former Yugoslavia because of reports of an impending war, which later became the Bosnian War.¹⁶³ In an interview, he expressed hope that showing images of the unfolding slaughter would prompt intervention, but it did not.¹⁶⁴ The United States—along with other countries—provided support to the war but did not officially intervene until

<https://merionwest.com/2018/07/06/can-a-photograph-change-history-speaking-with-ron-haviv/>.

¹⁵⁶ President George H.W. Bush, *Address to the Nation on Panama* (Dec. 20, 1989), <https://millercenter.org/the-presidency/presidential-speeches/december-20-1989-address-nation-panama>.

¹⁵⁷ *Id.*

¹⁵⁸ See Hurt, *supra* note 139, at 30–31.

¹⁵⁹ *Id.* at 30–31 (meaning to reference Civil Rights Act of 1964 but incorrectly listing year as 1994).

¹⁶⁰ *Id.* at 30.

¹⁶¹ *Id.*

¹⁶² *Id.* at 31.

¹⁶³ Elizabeth Renstrom, *A Photographer Looks Back on the Horrors of the Bosnian War*, VICE (Dec. 15, 2015), <https://www.vice.com/en/article/nn953m/photos-of-the-bosnia-war>.

¹⁶⁴ *Id.*

1995.¹⁶⁵ The war ended when the United States negotiated the 1995 Dayton Peace Agreement.¹⁶⁶

Similarly, the war between Yemen and Saudi Arabia—which started in 2015 and continues as of 2023—did not receive much media attention in the West.¹⁶⁷ It took nearly three years after the start of the war for there to be a focus on the humanitarian crisis in Yemen.¹⁶⁸ This only happened because *The New York Times* published an image of a gaunt, starving girl.¹⁶⁹ These types of images are necessary to show the world that conflicts continue to exist and that—in this case—children continue to starve and die.¹⁷⁰

Darfur is another example of when conflict images did not make much difference in resolution.¹⁷¹ The massacre that started in 2003 was well documented with conflict images and news reports.¹⁷² Yet, despite firsthand accounts from Gen. Colin Powell—including that a genocide was occurring—neither the Bush nor Obama Administrations did much to stop or mitigate the conflict.¹⁷³ Why?

C. UNDERSTANDING WHY

As suggested by the title, the reason why conflict photography is not always impactful on resolving conflicts is

¹⁶⁵ Ivo H. Daalder, *Decision to Intervene: How the War in Bosnia Ended*, BROOKINGS INST. (Dec. 1, 1998), <https://www.brookings.edu/articles/decision-to-intervene-how-the-war-in-bosnia-ended/>.

¹⁶⁶ *Bilateral Relations Fact Sheet: U.S. Relations with Bosnia and Herzegovina*, U.S. DEP'T OF STATE (Aug. 27, 2021), <https://www.state.gov/u-s-relations-with-bosnia-and-herzegovina/>.

¹⁶⁷ Aisha Jumaan & Donald A. Smith, *Corporate Media Fail to Cover War in Yemen Due to US Support for Saudi Arabia*, TRUTHOUT (June 2, 2022), <https://truthout.org/articles/corporate-media-fail-to-cover-war-in-yemen-due-to-us-support-for-saudi-arabia/>.

¹⁶⁸ WALSH, *supra* note 13, at 319–20.

¹⁶⁹ See Declan Walsh, *The Tragedy of Saudi Arabia's War*, N.Y. TIMES (Oct. 26, 2018), <https://www.nytimes.com/interactive/2018/10/26/world/middleeast/saudi-arabia-war-yemen.html>.

¹⁷⁰ *See id.*

¹⁷¹ Ahmad Sikainga, “The World’s Worst Humanitarian Crisis”: *Understanding the Darfur Conflict*, ORIGINS (Feb. 2009), https://origins.osu.edu/article/worlds-worst-humanitarian-crisis-understanding-darfur-conflict?language_content_entity=en.

¹⁷² *Id.*

¹⁷³ Paul Slovic, *When (In)Action Speaks Louder than Words: Confronting the Collapse of Humanitarian Values in Foreign Policy Decisions*, 2015 U. ILL. L. REV. SLIP OPS. 24, 25 (2015), <http://www.illinoislawreview.org/wp-content/uploads/2015/04/Slovic.pdf>.

complicated. One reason for the United States may lie in the aftermath from the Vietnam War, which had low support among the American public.¹⁷⁴ Since then, the United States has been careful about when to participate in war for fear of repeating a similar failure.¹⁷⁵ This rationale seems plausible considering the inaction of the United States in stopping conflicts or otherwise addressing the humanitarian crises in Yemen, Darfur, and other places.¹⁷⁶ Countries may get involved in conflict because there is a national security concern, which helps to explain why the United States was involved in the Iraq War when Iraq was under Saddam Hussain's rule but did not immediately get involved in Darfur.¹⁷⁷

Research and experience by different scholars offer some additional insights as to when conflict photographs impact action or inaction.¹⁷⁸ Dr. David Perlmutter, Dean of the College of Media & Communication at Texas Tech, has published on the topic of the power of images and has studied its effects on people.¹⁷⁹ His research has suggested that while images—such as those from conflicts—may have the *power* to influence action, the evidence that these images *actually do so* is not there.¹⁸⁰ One reason suggested is that many iconic photos are of the “unknown ‘other.’”¹⁸¹ That is, people may value those suffering who look like them.¹⁸² This has led some to suggest this is the reason why there is so much outrage about what is happening currently in Ukraine compared to war in other countries like in the Middle East and North Africa.¹⁸³

Perlmutter and his colleagues also studied the impact of a Pulitzer Prize-winning photograph of the anti-war-protest-turned-massacre at Kent State University in 1970 on perceptions of the

¹⁷⁴ Barry M. Blechman & Tamara Cofman Wittes, *Defining Moment: The Threat and Use of Force in American Foreign Policy Since 1989*, in INTERNATIONAL CONFLICT RESOLUTION AFTER THE COLD WAR 90 (Paul C. Stern & Daniel Druckman eds., 2000) (ebook).

¹⁷⁵ *Id.*

¹⁷⁶ See, e.g., WALSH, *supra* note 13, at 319; Slovic, *supra* note 173, at 25.

¹⁷⁷ Slovic, *supra* note 173, at 28.

¹⁷⁸ PERLMUTTER, *supra* note 38; David Domke, David Perlmutter & Meg Spratt, *The Prime of Our Times? An Examination of the “Power” of Visual Images*, 3 JOURNALISM 131 (2002); David Perlmutter, *Photojournalism and Foreign Affairs*, FOREIGN POL’Y RSCH. INST. 109 (Winter 2005).

¹⁷⁹ See generally PERLMUTTER, *supra* note 38; Domke, Perlmutter & Spratt, *supra* note 178; Perlmutter, *supra* note 178.

¹⁸⁰ Domke, Perlmutter & Spratt, *supra* note 178, at 147 (emphasis added).

¹⁸¹ PERLMUTTER, *supra* note 38, at 28.

¹⁸² *Id.*

¹⁸³ See Moustafa Bayoumi, *They Are “Civilized” and “Look Like Us”*: *The Racist Coverage of Ukraine*, GUARDIAN (Mar. 2, 2022, 10:35 AM), <https://www.theguardian.com/commentisfree/2022/mar/02/civilised-european-look-like-us-racist-coverage-ukraine>.

Vietnam War.¹⁸⁴ They found that after viewing the photo, participants' pre-conceived notions about the war and government were unchanged and tended to support those against the protestors.¹⁸⁵ This finding, they argue, goes against the standard thinking that these types of photos drive public opinion.¹⁸⁶ Perlmutter shared with me that while there is not clear evidence that conflict photography actually changes people, in his opinion, that does not mean conflict photography is unimportant.¹⁸⁷ He argued that the impact from viewing images has been “oversimplified” and that our own internal biases, prejudices, and feelings about events is what impacts our interpretation of images.¹⁸⁸ He sees the importance of conflict photography for its documentation value, such as evidence of war crimes or helping to keep the conflict cause and sympathy alive.¹⁸⁹

Others have a different opinion. Dr. David Campbell, for example, believes in the power of the image to persuade.¹⁹⁰ He rejects the idea of compassion fatigue with respect to conflict images¹⁹¹ and argues that the disturbing images from conflict should be seen so that people can see the impact—which is often death—that these images portray.¹⁹² He argues that historically it is the media that have been reserved with showing such images, reflecting on examples such as the body of James Byrd in Texas, who was dragged to his death and the pictures never published,¹⁹³ and photos of the dead from the wars in Iraq, Sarajevo, and other places that were shielded from public view by media outlets because of their graphic nature.¹⁹⁴ He argued that “[s]eeing the body and what has been done to it is important.”¹⁹⁵ This point is also echoed by Dr. Ashraf Rushdy, who argued that “images of terror—used responsibly—can foster a climate in which terror is no longer

¹⁸⁴ Domke, Perlmutter & Spratt, *supra* note 178, at 139–40.

¹⁸⁵ *Id.* at 147.

¹⁸⁶ *Id.*

¹⁸⁷ Telephone Interview with David Perlmutter, Dean, College of Media & Communication, Tex. Tech University (June 23, 2022).

¹⁸⁸ *Id.*; see also David D. Perlmutter, *Wisdom We Can Teach from Images of War*, 69 EDUC. DIG. 20, 24 (2003).

¹⁸⁹ Telephone Interview with David Perlmutter, *supra* note 187.

¹⁹⁰ David Campbell is a world-renowned photographer, academic, researcher, and international affairs expert. See David Campbell, *David Campbell*, <https://www.david-campbell.org/about> (last visited Feb. 2, 2023).

¹⁹¹ David Campbell, *Horrific Blindness: Images of Death in Contemporary Media*, 8 J. CULTURAL RSCH. 55, 61 (2004).

¹⁹² *Id.* at 70–71.

¹⁹³ *Id.* at 58.

¹⁹⁴ *Id.* at 59–60.

¹⁹⁵ *Id.* at 71.

tolerated.”¹⁹⁶ This point is also supported by Emmett Till’s mother, who decided to publicly show the brutal photo of her son.¹⁹⁷

Some have argued there is a psychological component as to why volumes of images of atrocities and war sometimes lead to inaction.¹⁹⁸ Dr. Paul Slovic, psychologist and researcher at the University of Oregon, has also studied the power of images.¹⁹⁹ His work suggests that when there is an image of one person—or if people have the option of helping one person—contributions increase when the victim is identifiable.²⁰⁰ This, he argues, is because statistics from mass genocide or other atrocities have a numbing effect; as such, it is difficult for our minds to focus on the suffering of so many.²⁰¹ This numbing effect also occurred in a study that examined changes in the brain when exposed to large numbers of suffering individuals.²⁰²

Researchers also studied behavioral patterns following the image of Alan Kurdi’s body on the beach in Turkey.²⁰³ The war in Syria had been going on for over four years when the photo of Alan Kurdi was published.²⁰⁴ The researchers found a statistically significant difference in the online searching of the Syrian war and donations to humanitarian organizations prior to and up to eleven weeks after the photo’s publication, suggesting the single photo of one dead child created a behavioral change in individuals that thousands of dead Syrians over four years could not.²⁰⁵

Additional research similarly suggested that the negative feelings about being unable to help other children dull the positive feelings about helping one child.²⁰⁶ Readers may recall television

¹⁹⁶ Ashraf Rushdy, *Exquisite Corpse*, 87 *TRANSITION* 70, 77 (2000) (discussing hiding the images of the Byrd murder).

¹⁹⁷ See *The Power of a Photograph*, *supra* note 18.

¹⁹⁸ See Slovic, *supra* note 48; see also Daniel Västfjäll, Paul Slovic & Marcus Mayorga, *Pseudoinefficacy: Negative Feelings from Children Who Cannot Be Helped Reduce Warm Glow for Children Who Can Be Helped*, 6 *FRONTIERS IN PSYCH.* 616 (2015).

¹⁹⁹ See Slovic, *supra* note 48; see also Västfjäll, Slovic & Mayorga, *supra* note 198.

²⁰⁰ Slovic, *supra* note 48, at 88–90.

²⁰¹ *Id.* at 90.

²⁰² Zheng Ye, Marcus Heldmann, Paul Slovic & Thomas Münte, *Brain Imaging Evidence for Why We Are Numbed by Numbers*, 10 *SCI. REP.* 9270 (2020).

²⁰³ Paul Slovic, Daniel Västfjäll, Arvid Erlandsson & Robin Gregory, *Iconic Photographs and the Ebb and Flow of Empathic Response to Humanitarian Disasters*, 114 *PROC. NAT’L ACAD. SCI.* 640 (2017).

²⁰⁴ *Id.*

²⁰⁵ *Id.* at 642.

²⁰⁶ Västfjäll, Slovic & Mayorga, *supra* note 198, at 22 (reflecting on an example of a photo of a single child who is hungry, where the positive

advertisements for “Save the Children” and other organizations that advocated for donations to “adopt” or save a single child’s life.²⁰⁷ Advertising in this manner (i.e., prioritizing one child) suggests the research findings above are correct. Despite these findings, Slovic believes conflict photography is important because it gives critical meaning to events happening in the world and because images create new knowledge that words alone cannot.²⁰⁸ Consider the example of graphic warnings on cigarette packs: The United States does not currently put these images on packs and there is research that the written warnings alone are insufficient to convey health information.²⁰⁹ Thus, without the image, consumers cannot see the impact.²¹⁰ I would argue the same is true with images of conflict; without seeing what is happening, it is hard to put the statistics and words into perspective.

VII. CONCLUSION

This article asked a question about the usefulness of conflict photographs as a tool in conflict resolution. That question has been answered: Conflict photographs are important and useful.²¹¹ Even if a particular conflict photograph does not generate immediate impact or support for a war, humanitarian crisis, or human rights issue, it does not render the photograph useless or unimportant.²¹² Indeed, some photographs may be more useful in certain situations (e.g., as evidence of war crimes) than in others (e.g., for donations to humanitarian aid organizations). In other situations, conflict photography may be purposely used to document events or for reconciliation effort purposes. The usefulness of conflict photography may, however, be hampered by politics or the human psyche. Nevertheless, conflict photographs are a useful tool in the conflict resolution toolbox; alone, however, they are not a solution.

When I started this research, I knew very little about conflict photography. As a public health practitioner, social scientist, and

feeling of helping this one child is subsequently dulled when reading that there are over 3 million more like this child).

²⁰⁷ See, e.g., Save the Children, <https://www.savethechildren.org/us/ways-to-help/campaign-with-us> (last visited Feb. 21, 2023, 4:23 PM).

²⁰⁸ Telephone Interview with Paul Slovic, Professor of Psychology, University of Or. (June 27, 2022).

²⁰⁹ See David Hammond, Geoffrey T. Fong, Ann McNeill, Ron Borland & K. Michael Cummings, *Effectiveness of Cigarette Warning Labels in Informing Smokers About the Risks of Smoking: Findings from the International Tobacco Control (ITC) Four Country Survey*, 15 TOBACCO CONTROL (Suppl. III) iii19, iii23 (2006).

²¹⁰ Telephone Interview with Paul Slovic, *supra* note 208.

²¹¹ *Id.*

²¹² Telephone Interview with David Perlmutter, *supra* note 187.

current legal studies student, I was familiar with iconic photos of war and humanitarian crises, topics of conflict resolution and humanitarian aid, and many of the conflicts mentioned in this paper. However, I never considered the link between the images and conflict resolution.

Throughout history, conflict photography has been an important tool.²¹³ Without photographic evidence of the atrocities committed against the Congolese under King Leopold, it is entirely possible that no one would know or believe what was happening.²¹⁴ Conflict photography is used by humanitarian organizations to raise awareness of atrocities committed around the world and to raise lifesaving funds to support relief for ongoing and future crises.²¹⁵ As discussed earlier, the amount needed for humanitarian aid is insufficient to meet current demand,²¹⁶ so conflict photography is a necessary evil to correct this imbalance. Photography has been used to support reconciliation efforts by getting opposing groups to the negotiation table to promote healing and peacebuilding.²¹⁷ In addition, prosecutors rely on photographic evidence to prosecute individuals for war crimes, which is important for transformative and normative conflict resolution strategies.²¹⁸

Despite the debate about whether conflict photographs have an immediate impact or can make a difference, I believe the evidence suggests the debate does not diminish conflict photography's importance. Conflicts would have occurred regardless of the camera's invention. But, because of this invention, we have tangible evidence of witnessing in the form of documentation that can support conflict resolution efforts.²¹⁹ As harsh as some images may be to behold, they are needed. As Philip Kennicott's article so eloquently puts it, "Why did it take Ukraine to remind us of war photography's relevance?"²²⁰

²¹³ See, e.g., Holland, *supra* note 4.

²¹⁴ See Harris, *supra* note 34.

²¹⁵ Fehrenbach & Rodogno, *supra* note 20, at 1139.

²¹⁶ U.N. Office for the Coordination of Humanitarian Affairs, *supra* note 79, at 9.

²¹⁷ Baú, *supra* note 63.

²¹⁸ Freeman, *supra* note 71.

²¹⁹ See, e.g., Holland, *supra* note 4.

²²⁰ Philip Kennicott, *Why Did It Take Ukraine to Remind Us of War Photography's Relevance?*, WASH. POST (Apr. 8, 2022), <https://www.washingtonpost.com/arts-entertainment/2022/04/08/ukraine-war-photography/>.