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# The Semiotics of Photographic Evidence

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## **Abstract**

What makes evidence credible? This question is central to the operation of a legal system because it has so much to do with winning or losing a case. Credibility often hinges on semiotic elements of a trial that are not recognized by law, but which every lawyer recognizes as crucial to the presentation of a case. This semiotic dimension of a case is generally perceived as notoriously unpredictable in its impact. Judges and juries can bestow credibility or withhold it based on a witness's sweating brow, fidgeting hands, tone of voice, the racial and gender characteristics of every person involved in a case, the demeanor and dress of every lawyer, of each defendant. While lawyers pay lip service to the ideal of arguing the evidence of a case to a reasonable conclusion, what lawyers hope for is some incontrovertible evidence that stops the debate, a "smoking gun" that dismisses doubt and shuts down the semiotic play that can influence or even determine credibility.

## The Semiotics of Photographic Evidence

Ann Kibbey

What makes evidence credible? This question is central to the operation of a legal system because it has so much to do with winning or losing a case. Credibility often hinges on semiotic elements of a trial that are not recognized by law, but which every lawyer recognizes as crucial to the presentation of a case. This semiotic dimension of a case is generally perceived as notoriously unpredictable in its impact. Judges and juries can bestow credibility or withhold it based on a witness's sweating brow, fidgeting hands, tone of voice, the racial and gender characteristics of every person involved in a case, the demeanor and dress of every lawyer, of each defendant. While lawyers pay lip service to the ideal of arguing the evidence of a case to a reasonable conclusion, what lawyers hope for is some incontrovertible evidence that stops the debate, a "smoking gun" that dismisses doubt and shuts down the semiotic play that can influence or even determine credibility.

What is the nature of the incontrovertible fact, that defines a legal case and irrevocably sends it in the direction of a particular outcome? We are unlikely to find any answers within legal culture because a smoking gun is pre-eminently something that is discovered rather than invented. It is something perceived as self-evidently credible, as objective, as beyond manipulation and beyond interpretation. It is "out there," a firm and unmoving point of reference in a sea of unstable signifiers and manipulative social constructions.

For Roland Barthes, the black-and-white photograph is the paradigm of evidence that places itself beyond argumentation. It holds a power that reaches beyond words and beyond deconstruction:

If the photograph cannot be penetrated, it is because of its evidential power. In the image, as Sartre says, the object yields itself wholly and our vision of it is *certain*--contrary to the text or to other perceptions which give me the object in a vague, arguable manner, and therefore incite me to suspicions as to what I think I am seeing. This certitude is sovereign because I have the leisure to observe the photograph with intensity; but also, however long I extend this observation, it teaches me nothing. It is precisely in this *arrest* of interpretation that the Photograph's certainty resides: I exhaust myself realizing that *this-has-been*; for anyone who holds a photograph in his hand, here is a fundamental belief, an "ur-doxa," nothing can undo, unless you prove to me that this image *is not* a photograph. But also, unfortunately, it is in proportion to its certainty that I can say nothing about this photograph. (Barthes 1981: 107)

Barthes' eloquent homage to the power of the photograph is impressive, coming from a theorist best known for a lifetime of acute critique. The photograph leaves him uniquely speechless in its "arrest of interpretation." His self-portrayal as viewer of a photograph provides us with a useful paradigm for certitude on matters of evidence. To say that something is fully credible is to say as well that it eliminates any awareness of a subjective or political perspective. Its semiotic nature becomes invisible, and the social conditions of its making and its viewing are made to seem irrelevant to its content. It appears as pure objectivity.

It might seem that Barthes is asserting nothing more than what is implied in the rules of evidence, which seek to insure that what is depicted in a photograph has not been staged, nor the image altered thereafter--that it is, in a legal word, authentic. However, Barthes' paradigm is far more complex than this. What Barthes is pointing to is the fact that the concept of authenticity cannot be turned on and off like a spigot, as the rules of evidence imply. The formalities of the court process offer a specious distinction between establishing the authenticity of a photograph, and arguing the meaning of the object or event depicted in it. In fact, says Barthes, this is not what happens. The aura of authenticity generated by the photograph makes interpretation superfluous. Lawyers may exchange words, witnesses may carry on, but the convincing nature of the photograph lies with the photograph itself, not with what is said about it: "It is in proportion to its certainty that I can say nothing about it." When evidence emerges as incontrovertible fact, nothing further can be said. That is what makes a smoking gun effective. Its "authenticity" is privileged, spreading over the whole case. Think, for example, of the impact of the photographs of the Bruno Magli shoes at the civil trial of O.J. Simpson. The defense challenged the authenticity of the photographs, but failed in their aim. Once these media photographs were admitted into evidence, they put an end to manipulative arguments and secured a legal victory for

the Goldman family. The photographs of the shoes were the decisive blow to Simpson's defense--evidence even stronger than DNA evidence--putting an end to the trial. (Petrocelli 1998: 579-94)

Where does interpretation go when it goes away? Lawyers don't ask because it's not in their interests to bring it back: they want to win cases. To an extent, the rules of evidence do not allow a lawyer to engage in meaningful interpretation of an image. The concept of "authenticity" virtually assures its banishment. As any photographer knows, there is no such thing as an objective photograph, a photograph that is not staged. Every photograph has diagonals, verticals, or horizontals that weight certain aspects of an image. These formal aspects of composition, as well as the nature of the focus and the deployment of light and shadow, interpret what is depicted and cannot be separated from our perception of it. As well, every photograph has a fixed frame, whose interpretative power is difficult to underestimate. For Barthes, photographs supply a stabilizing counterweight in the world of uncertainty generated by deconstructionist and post-structuralist cultural theory. Barthes, though aware of the suppression of interpretation, nevertheless bows before it. Consequently, I have chosen to explore this issue through an analysis of film, and in particular, a film about photographs. Although film makes use of the depictive aspect of photography, it does so in a far more self-conscious way. Even more important, cinematography allows a critical perspective on the fixed frame of photography and its meaning because it can provide a changing visual context for photographs. It is no accident that photographs are known in the film trade as "stills," to distinguish them from the moving images of cinematography.

### **A Film About Photographic Documentation**

*Before the Rain*,<sup>1</sup> a film written and directed by Milcho Manchevski and released in 1995, is by no means a typical lawyer film. Although crimes are committed, there are no trials, not even arrests. Both in Macedonia and London, the two locations of the film, the police and the law are peripheral to events. The only presence of the law among any of these three stories is the United Nations in Macedonia, their vehicles cruising through the streets of Skopje or trundling over the steep Macedonian hills, conspicuous only in their ability to arrive after the event. London is no better. When a fistfight breaks out between a patron and a waiter in a restaurant, the owner explains sardonically that he has called the police and "they're on their way. They should be here any day now." In Macedonia, U.N. personnel prevent nothing and punish nothing. Instead they document after the fact. As a Macedonian doctor cynically observes, the stance of the United Nations is, "Have a nice war. Take pictures." Because the film declines to make legal action central to its plot, it raises the issue of how the law relates to society, and it provides an implicit answer: through photographs. Instead of laws or court processes, this film foregrounds the issue of credible evidence as the delicate link between how society lives and how the law is practiced. The main male character, Aleksander, is a war photographer, not a lawyer, and he works for a photojournalism agency, not a law firm.

The film explores as one of its themes the credibility and function of documentary photographs, especially as they were used to document the atrocities of the wars in the former Yugoslavia in the 1990s. Like autopsy or crime scene photographs in criminal trials in the U.S., these photographs have carried a compelling power of authentication--for Western news media, the United Nations, the governments of such countries as the U.S. and Britain, and more recently for the international court on war crimes. The film evokes this context because one of its scenes includes a close up of a famous photograph--an emaciated man with protruding ribs staring out at us from a Serbian refugee camp. (Cukovic, no date given) This photograph was widely distributed in English and American television and print news condemning the Serbian aggression in the Bosnian war. However, *Before the Rain* is itself a dramatic film, not a documentary. The deployment of photographs within the film is a complex matter and draws on a sophisticated understanding of semiotics.

The film's creator, Milcho Manchevski, is a native Macedonian who is very familiar with the conventions of American and Western European film. He is also well acquainted with newer media forms. For example, he made an award winning video for MTV. He went to film school in the U.S. and, having spent years in the U.S. and London, he returned to Macedonia in the early 1990's to make *Before the Rain*, the first feature film supported by the new government of Macedonia. Distributed internationally, the film was nominated in the U.S. for an Oscar for best foreign film in 1995, but it's "foreignness" is of an unusual nature because it is a commentary on American and British cultural values as well as a dramatic representation of Eastern European conflicts.<sup>2</sup>

## The Theory of Photographic Images

Within film theory and cultural theory, there has been a long association between the photograph and death, not because of the subject matter of the photograph, but because of what a photograph--any photograph--is. Reaching back at least to Andre Bazin's critical theory, and taken up by subsequent theorists such as Roland Barthes and Peter Wollen, the persistent conceptual link between photography and death is summarized and explored further by film theorist Christian Metz. (Bazin 1967: 9-16, Barthes 1981: 92, Wollen 1972: 123-26, Metz 1985: 81-90) The association between photography and death arises from the qualities of stillness and immobility that figure both. (Metz 1985: 83) At this symbolic level, the photograph evokes the symbolism of death by wresting an object from its spatial and temporal context in "an instantaneous abduction of the object out of the world into another world, into another kind of time," into a death-like silence and immobility. (Metz 1985: 84) He explains further, "In all photographs, we have this same act of cutting off a piece of space and time, of keeping it unchanged while the world around continues to change." (Metz 1985: 85) This unchanging nature of the photograph is what makes it attractive as definitive evidence.

However, the photograph also has its point of contiguity with the world of change, in the moment the photograph is taken. It conveys a "past presence," as Metz says. (1985: 85) This is different from pure timelessness. The photograph signifies an irreversible linearity, the object that *was* and the photograph that *is* lay out a temporal sequence that affirms linearity--so strongly that Metz himself does not realise that it is the "timeless" photograph that has paradoxically created it. This linearity amounts to a fetishistic suppression of the object in favor of its photographic image, to the point that the image takes the place in the present of the object that was. So, there is a paradox here: the photograph both preserves the object in the present and memorializes the object as past. Evoking the once present object, it also announces its absence. Metz remarks that photography has often been compared to shooting, and the camera to a gun, a metaphor that emphasizes the power of the photograph to absent the referent--to kill it by replacing it with its image. (1985: 84)

I have been speaking here, as Metz frequently does, as if the object and image were considered two completely separate things. The American semiotician Charles Sander Peirce interpreted the photograph indexically, in contrast to the symbol or conventional sign (which is arbitrary), and in contrast to the icon (which has a relation of "likeness" of exterior form to its referent).<sup>3</sup> (Pierce 1931:4.447) The indexical sign has an *intrinsic* relation to its referent: where there's smoke, there's fire, for example. Metz, too, introduces the concept of the index, but he initially attempts to limit its significance by saying it refers only to the *method* of photography: chemically, the image produced necessarily bears an intrinsic relation to the object photographed.<sup>4</sup> (1985: 82) However, from a cultural rather than a scientific point of view, indexical meaning also underlies the idea of the photograph as a sign, the manner in which it is interpreted. Following the French theorists Andre Bazin and Roland Barthes, Metz relinquishes his attempt to reduce the importance of indexicality to chemistry and yields, as his predecessors do, to the idea that the photograph carries with it some existential relation to its object of a different order than physical science: "Photography is a cut inside the referent, it cuts off a piece of it, a fragment, a part object, for a long immobile travel of no return." (1985: 84) Metz calls this "abduction," a kidnapping.<sup>5</sup> (1985: 84) We usually think of the sign and the referent are two separate things, but the whole point of indexical meaning is that they are *not* separate. There is some intrinsic relation between the two. This is what distinguishes indexical meaning from other kinds of signs, and (according to Barthes) what distinguishes photography from other kinds of art. (Barthes 1981: 76) This intrinsic relation is also why a fetish is believed to have power. And this is why a photograph is so firmly tied to the object it depicts. In some sense it bears within it the qualities of the object. The image can compellingly take the place of the object because in some sense it *is* the object. This is why Umberto Eco excludes the index as such from his semiotics. In his view, the intrinsic relation, the direct connection with the referential world, makes the index something other than a sign. (Eco 1976: 178)

What Eco, Metz, Bazin, and Barthes all ignore, or perhaps suppress, is the real social and artistic issue here. Indexical meaning is not about what *is* an intrinsic relation. Indexical meaning is about what *is believed to be* an intrinsic relation. Nothing could be more obvious if we turn to the works of Charles Sander Peirce, himself. A biological determinist and ardent racist, Peirce's own beliefs about the racial inferiority of African-Americans were a set of beliefs about physiognomy as an index of character and mental ability. In contemporary terms, he believed in racial profiling. (Brent 1998: 30-31, Pierce 1929:

271) In a case like this, where beliefs are so obviously socially constructed, it is easier to see that indexical meaning is, in fact, a system of signs.

However, such pronounced evasion of the issue of credibility by semiotic theorists suggests that there is a further defining dimension to indexicality: it suppresses interpretation. The nature of the sign, as sign, "disappears" because indexical meaning claims to be beyond interpretation, as the smoking gun points to the criminal without ambiguity or equivocation. Throughout his essay Metz, following Barthes, contrasts film and photography, stressing that photography is "pure index" but film is not because the images bear an important relation to each other--the montage of film. (1985: 83, Barthes 1981: 89) Cinematography is composed of the movement and the plurality of images in film, to the continuous shifting of the frame as well as the image, to the meaning of sound. By contrast, a still photograph always has a fixed frame. Where film images are inevitably caught up in the movement and multiple dimensions of film, photography is isolated from this interplay of images. Metz's discussion of the importance of framing does not go far enough. Relying on still photography as his model, he talks only about frames in a literal, material sense, what is included or excluded by the frame of the photograph, and so analogously, from the frame of a single film image. Movement of images for him simply means that a character may be out of one frame, but present in the next. (Metz 1985: 86) While this kind of framing certainly matters, a more expansive route of investigation lies in a broader interpretation of what underlies montage in film: the frame of reference. Since Sergei Eisenstein, film theory has recognized the critical importance of the juxtaposition of images. (Eisenstein: 49-50) An image that precedes another image frames the succeeding image. *Before the Rain* repeatedly raises this larger issue of frame of reference, of how it is established and broken--in film and in life. Through the medium of film, Manchevski offers a radical critique of the ideas expounded by Metz and theorists before him who have accepted (or dismissed) indexical meaning of the photographic image as actually having an intrinsic element binding them in a fixed relation to the referential world. *Before the Rain* demonstrates that, in the social world, an individual's perception of indexical meaning is an act of belief, a leap of faith, a highly subjective attribution of meaning. The cross-cultural dimension of this film, which takes place both in rural Macedonia and urban London, is fertile ground for exploring what indexical meaning as a social concept really involves, how it is socially constituted and how it functions in social conflicts as a sheer act of belief. As he shows, indexical meaning is heavily situated, not free of its context but always subordinate to it. He takes up these issues at a reflexive as well as a representational level. The conflicts and misperceptions engendered by indexical beliefs occur not only between characters, but also between the film and its viewers. The deployment of black-and-white photographs within the film eventually becomes the focal points of misperception for the viewer, at least for the American viewer.

To understand this deployment and its impact, we need to understand first how indexicality functions in general in the social texture of the film. In conclusion, I will return to the topic of photographs to show how the social structure of this film redefines the meaning of the photograph. In what follows, I write necessarily as a critic who brings an American frame of reference to the film.

### **A Montage of Stories**

*Before the Rain* is a "tale in three parts"--"1. Words," "2. Faces," and "3. Pictures"--that correspond roughly to three stories. The first, "Words," is a story of love between a young Macedonian Christian, Kiril, and a young Albanian Muslim woman, Zamira. Set in rural Macedonia, where ethnic antagonisms of the former Yugoslavia pit Albanian Muslims against Christian Macedonians, the conflicts of their cultures both initiate and destroy their relationship, which ends when Zamira is shot to death by her brother. The second story, "Faces," acquaints us with the dilemmas of a young English woman, Anne, whose daily life in London has become an intolerable imbalance between her husband, her mother, her job, her pregnancy, her political convictions, and her lover. As each aspect of her life conflicts with another, we come to know Anne's lover, Aleksander, a Pulitzer prize-winning war photographer and a native of Macedonia. Aleksander is the focus of the third story, "Pictures." Disillusioned with his work, which has involved him in a killing, he abruptly quits his job as a war photographer and returns home to Macedonia, to the same rural area where the first story takes place. Having been away for sixteen years, he wishes to remain neutral in the ethnic conflicts that have arisen in his absence. Cordial to his Christian relatives, he also seeks out an Albanian Muslim, Hana, his old high school sweetheart. However, both sides quickly draw him into their disputes. Already haunted by the deaths he has seen and the one he has caused, he becomes a willing victim.

While the three stories can be separated as distinct plots up to a point, their meaning cannot be separated. The originality of the film lies in the way these apparently disparate stories are interwoven and juxtaposed, so that ultimately none of them is contained within any one of the named and numbered segments. They spill over into each other, as distinct framings and reframings repeatedly give way to overlapping elements of plot, character, and culture. More than this, the film itself spills out into other media forms--the mass culture of sports clothing, popular music, and news photos, to name a few. The frame of reference is continually shifting, and consequently the viewer experiences multiple points of orientation while watching the film, as each act of perception reframes other elements of the story.

To take an example, in the prelude to the first story, the viewer perceives rural Macedonia initially through the eyes of two priests from an ancient monastery. They are in a hilltop garden, and one of them remarks--indexically--"It'll rain. The flies are biting." We see their monastery in the distance. Its ancient square church, perched on a rocky cliff above the sea, looks like a picture postcard, its stillness more suggestive of the photograph than the film image. It implies fixed, secure, unchanging boundaries and an unchanging, timeless view of the world. Within the monastery, this impression is repeated--the images of medieval Christian art, the towering stone walls, the religious ritual within. As the priests gather for a religious service, several strange men appear at the doorway. We dimly see guns held by the men in front of the group, but these are blocked from our view as the camera closes in on a man behind them who is wearing an A's baseball cap and sunglasses. He slowly pulls off the sunglasses and stares in awe at the beautiful church walls. The image is evocative of an American tourist. The cap, the glasses, the gestures of awe at what he sees, but most of all the cap--an American viewer readily selects these recognizable indexes and draws conclusions from them. More than that, the character, though we know nothing about him, instantly becomes a point of orientation for an American in a foreign country, even a figure of the film's viewer. This is the "abduction" that Metz describes. We mentally select out the baseball cap and frame it according to our own cultural frame of reference. We also select out (frame) the man who wears it and his relation to his surroundings. Read as an index, the baseball cap and sunglasses are momentarily freed of any cultural associations except the ones we impute--our own. There is an act of identification here, the social surface of a believed intrinsic relation between sign (the character) and us (the viewers), but this identification is more like appropriation, like "abduction." It is not that we are like him, but rather that he is like us. Provoked by these material indexes, we rename him in our own image.

The moment of indexical identification is fleeting, for as soon as he moves inside the church, we see he carries a machine gun, too. When he removes his cap, the aura of indexical certainty is gone. Our concept of the character instantly changes: he is a dangerous man, a Macedonian gunman. The imputed indexical meaning is dislocated with a jolt and the cap and sunglasses become something else: an unnerving indication that the rural Macedonian community may know much more about American culture than Americans know about Macedonia. The tables are turned, and we Americans become the naive ones. Our sense of this rural community changes, too. Its cultural boundaries are fluid--not closed, framed, still or fixed like the picture postcard photograph of the solitary church by the sea. This character continues to serve as a focal point for our misperceptions. He seems to specialize in provoking indexical readings from the viewer. His eagerness to shoot off his gun is frightening, as a terrorist is frightening. He flaunts his eagerness when he shoots a stray cat on the roof as they search the monastery. For American viewers, who fear that "foreigners" might actually kill animals in making films--that the film image has an intrinsic, indexical relation to its referent--the moment makes us cringe in horror. <sup>6</sup> He next appears with another index of Western culture, a boom box, playing a song by the Beastie Boys, an American rap music group. He shoots off his gun into the air, like a drunken cowboy in an American western. Not a very astute guardsman, the fugitives he is hunting literally step over him while he sleeps when they leave the monastery at night, as he pathetically murmurs in his sleep for the "kitty" he has just killed. In the third story, we find out how this mannish-childish Macedonian got the machine gun he brandishes in the first story. While he is sitting by the roadside in the country embracing his donkey as if it were his pet, his uncle comes over and offers him a machine gun. He removes his arms from around the donkey and takes the shotgun with glee. Like the boom box, it will make a lot of noise. By the end of the film, he is both frightening and pathetic in his recourse to violence as play, and he is unnerving in his recourse to the indexical symbols of Western capitalist pastimes. In sum, he is a danger to cultural and physical boundaries of all kinds, committed to the symptomatic appropriation and thoughtless expression of Western culture's indexicality.

The "tourist" image, brief and incidental as it is, has nothing to do with the immediate plot line--the gunmans' intent to capture Zamira--but it stands out as an image. It influences the meaning of the story because it sets in motion a sequence of images that make the issue of cultural context, and the indexical act of thoughtless appropriation, overt for an American viewer. This early image shows us how to read the film, and lays bare our tendency to misread it, for writ small in this instance is the montage of cultural collisions that characterizes this film at deeper levels. *Before the Rain* repeatedly engages our cultural bent for indexical images and then shows us our cultural misreading. We presume an actual contiguity in the referential world, only to discover that this image, too, is arbitrary and bears no necessary relation to what we thought it represented. The montage of the film moves us through a succession of images that jolts us as we recognize the naivete of our initial impression. These jolts are a modern version of what Eisenstein called a montage of collisions, but they differ from Eisenstein's paradigm because the collisions have a centrifugal force, preventing closure or a unified system of meaning, other than the activity of indexicality itself.<sup>6</sup> (45-63)

The character of Zamira in the first story presents a similar dilemma for the American viewer. We first see her as a fugitive in the monastery when Kiril discovers her at night in his secluded cell. With little light, many viewers aren't even sure whether this slender teenager is a girl or a boy because her hair is cut very short, in a crew cut style, and she wears an athletic shirt, blue synthetic with a white stripe along the shoulder. We initially assume she has cut her own hair as part of her rebellion against traditional Muslim ways, but when she and Kiril are caught by her grandfather, we find that he is the one who has given her the haircut--to punish her for going out alone. He supposes the haircut is sexless and humiliating, but the American viewer cannot help but think that if she were in the U.S., it would be a very fashionable, contemporary cut. Context matters! Indexical meaning is deeply dependent on the cultural conditions and belief systems in which it occurs. We don't see that because dependence is effaced in the act of belief that a sign has intrinsic meaning. We can see a lack of cross-cultural awareness similar to our own in Zamira's grandfather. He has no idea that this punishment is not on in a Western European or American context. In many other moments, the film shows us cultural ignorance and provincialism on all sides, so that no cultural viewpoint is privileged in this film, either as a dominant culture, or as a sentimental "native" culture.

The development of Macedonian characters in this film also proceeds by a similar method of undoing our initial impressions. We have a sense of characters changing as we watch the film, but these are not the changes that a character undergoes in a traditional novelistic development. Instead, the characters change with their circumstances: put them in a different place and we see a completely different side to them. This change isn't caused by something the character learns. These are things we as viewers learn about the characters, that we did not expect to see from our first impression of them. For example, Zamira's mother, Hana, appears in the third story when Aleksander visits her home, ostensibly to see Hana, whom he once courted and who is now a widow. Oddly, from an American perspective, Alex sits and converses with her father, not with Hana. At one point Hana comes, speaks a perfunctory greeting, and serves them drinks and a little food. As Hana holds the tray for Aleksander, a kerchief covering her hair, her gaze is opaque. She seems to act as if she is utterly indifferent to his presence, refusing to look back at him as he looks at her. She appears to be the epitome of the traditional Muslim woman, completely under the control of her father and enclosed within the walls of the family home. When Aleksander leaves, he sees Hana looking out at him from a small window. It is a poignant moment, as Hana appears to care for him, but she makes no motion, doesn't even wave. However, shortly after this scene, Hana travels at night to Aleksander's house in a different village. She seems to know the way, including the way into his bedroom. As she stands before him, he wakes up. They speak comfortably with each other, and it's suddenly obvious that they know each other quite well. Hana takes his hand and asks him to find her daughter, the fugitive Zamira, and take care of her "as if she were yours." Hana seems like a different person, so different that we suddenly suspect Zamira might secretly be their illegitimate child. However, it isn't Hana who has changed as a person. The frame of reference has changed.

Such shifts affect entire scenes as well as individual images or characters. At different points in the film, the same scenes mean something quite different. For example, in the first story, we initially see the Macedonian band of gunmen when they are gathered at a funeral. We don't know whose funeral it is at this point, nor does it seem to matter. The scene appears to be primarily ethnographic, its purpose to show us certain ethnic rituals of burial. After the film ends and we think back to this scene, we realize it was likely Aleksander's funeral. We didn't, couldn't know this at first viewing the scene because we had



no idea who Aleksander was. He doesn't appear "live" until the second story. For an American viewer who is used to always being able to recognize the "hero," the main male character, Aleksander's anonymity in the first scene and his later death are disturbing because they overturn basic conventions of American mainstream film. Imagine, for instance, not knowing that Clint Eastwood is being buried in an early scene in one of his films, or that he is killed, a defeated man, at the end of a film. We read many such film conventions as indexes, *Before the Rain* suggests, without an awareness that we are interpreting what we see. Like a photograph, their certainty seems beyond question and therefore beyond thought.

## Violent Deaths

As we go deeper into the major plots of the stories, the film continues to probe the phenomenon of cultural misrecognition. This sense of misunderstanding, of continuous misperception, infuses the general sense of lawlessness that pervades the three stories, each of which culminates in a violent death. In each of these stories, there is no expectation that the killer will ever be brought to a court of law, much less convicted, even though there are many eye-witnesses to each death. What do the witnesses see? A willful act of fatal violence, but one that nonetheless is treated as an accident or mistake. Murder is not murder in Macedonia because the supposedly definitive cultural imperatives that the characters believe to be true do not explain these deaths. The internal ethnic conflicts of Macedonia are drawn between Macedonian Orthodox Christians on the one hand, and Albanian Muslims on the other. Each reads the other indexically, as if being Albanian or Macedonian automatically determines who one loves and who one hates, who is good and who is evil. Yet the killings that occur do not reflect these conflicts. What we view instead is how the thoughtlessness that characterizes the self-evident truth of the index prevents people from thinking about what they see.

Zamira's brother is the first to commit a killing. Her brother is one of an armed band of Albanians led by Zamira's grandfather. When they find Zamira and Kiril alone on a hilltop, we fear for Kiril's life because he is the only Macedonian there, and he is unarmed. They grab him, rough him up, and denounce him as "Christian scum." However, Zamira's grandfather orders them to let Kiril go. He tells Kiril to "clear off." Zamira protests and runs after Kiril, who is walking away. Her brother yells, "Sister, no!" When she doesn't stop, he shoots her. The other Albanian men respond with surprise, frustration, and regret. Although the paradigm of ethnic conflict led to the incident, caused it, the outcome is not according to paradigm. Instead of killing a Macedonian, they have killed one of their own. They perceive the killing as an accident, an impulsive misjudgment, because it does not fit their expectations. It leaves the concept of ethnic conflict intact, indeed reinforces it, for apparent counter-evidence carries no weight against its basic precepts.

In England no less than in Macedonia, the frame of reference fails to define where the real threat of violence lies. In the second story, the main character, Anne, says it's important to "take sides," to be against violence. For her, the boundaries are drawn between "we" in England who are at peace, and "they" in the Balkans who are at war. Notwithstanding the Irish terrorism in London, she believes it is safe as Macedonia is not. When she and her husband Nick are dining in a restaurant, a brawl occurs. Despite what they see, she doesn't believe they are really in danger and she urges Nick to stay. The man who started the fight has left, but he soon returns with a gun and sprays the restaurant with bullets, killing Nick and several others, turning the restaurant into a scene of screaming chaos. We never find out who the man was, why he was there, or why he quarrelled with the waiter. Nick's death is a capricious event because it has no relation to the victim as an individual. It is circumstantial in the sense that the victim happens to be in the "wrong" place at the "wrong" time. Again context matters, because here context determines victimage, however "right" it may have seemed to them to be dining at a chic London restaurant.

Aleksander's death in the third story takes place in an equally confusing scene of Macedonians who have armed themselves against Albanians. Following Hana's wish, Aleksander searches for Zamira and finds her in his cousin's cabin at the sheepfold. Aleksander's cousin, Zdrave, objects to his taking Zamira away, and pleads with him not to. His cousin is far from impulsive. His threats sound more like entreaties and he doesn't shoot when he might. But the band of Macedonians hunting Zamira suddenly arrive and urge Zdrave to shoot. When he still hesitates, they belittle Zdrave. He finally shoots to prove his Macedonian loyalty. He misses Zamira, who flees, and hits Aleksander, who dies as his Macedonian cousin bends over him in tears, assuring him that he will be alright. It is an accident, a

regrettable

mistake.

In the scenes of violent death in Macedonia, death is a cultural mistake or an accident because their frame of reference cannot account for the deaths except to see, after the fact, that they don't fit the paradigmatic conflict between Albanians and Macedonians. Projecting the threat of capricious violence, they literally fall victim to their illusions. The sense of lawlessness comes from the failure to see where the threat of violence actually exists, the refusal to recognize actual killings as anything other than inexplicable accidents. Each story shows, not the ubiquitousness of violence, but the failure of the frame of reference of Self and Other through which characters construct their fears and perceive sources of chaos. The film emphasizes this failure by showing us the plausibility, the realism of individual motives and actions. We can see these because, as outsiders, we do not share the partisan hatreds of ethnic conflicts in Macedonia. What is harder to see is the same pattern in the London story, where the conceptual opposition between England and the Balkans is much closer to our own thinking. Here there is a similarly misguided sense of what is safe and what is dangerous, and we react much more strongly to the horror of this killing. We *are* surprised when this happens.

The violent deaths that end each story do not bring closure because these deaths are not meaningful as deaths in the characters' frame of reference. Instead, the deaths disrupt interpretation, leaving everyone speechless. The stories don't end so much as they just stop. They shut down because they have nowhere to go. In this sense, there is no significant difference between the color cinematography of death and the black-and-white still photography of death. Both function as indexes where the iconic as well as the indexical aspects of the image fuse iconic form and indexical content into a tightly-bound, univocal message of death.<sup>8</sup>

### **The Context of Photographs: A Montage of Temporalities**

Much of what I have described above involves a substantial dependence on the indexicality of depiction. That is, up to a point the film can be viewed (and the director supposes it will be viewed) in a manner that takes for granted, reads indexically, an objective depiction of objects and events. We change our interpretations of what we see, but conceptually we think we still know "what we see," that there is no conceptual uncertainty about the depicted content of the image--a girl with short hair, an open grave at a funeral, and so on. However, as the film progresses, *Before the Rain* digs much deeper than this. It creates a montage of temporalities that makes us as viewers question "what we see" at the basic level of depiction, casting doubt on our ability to see any pure, objective depiction anywhere in the film, to say "what" is on the screen at any given moment.

The wedge of definitive uncertainty makes its way into the film by questioning the concept of linear time. By presenting different temporal systems, the film creates a sense of disorientation in the American viewer that reaches a profound level--while at the same time we are still able to follow the story at a scene by scene level. Film theorist Teshome H. Gabriel raised the issue of qualitatively different temporalities a decade ago in his contrast between the cognitive characteristics of third world cinema and folklore on the one hand, and the art forms of literate Euro-American culture on the other. According to him, in third world cinema, "Time [is] assumed to be a subjective phenomenon, i.e., it is the outcome of conceptualising and experiencing movement." In Western European and American art forms, especially Hollywood studio cinema, "Time [is] assumed to be an 'objective' phenomenon, dominant and ubiquitous" and "each scene must follow another scene in linear progression." (Gabriel 1989: 42-3) *Before the Rain* inverts Gabriel's typology of temporalities. The linear progression of first world narrative best characterizes the stories that take place in rural Macedonia. The second story, which takes place in London--certainly a center of first world literary, artistic and cinematic culture--is told in the idiom that Gabriel attributes to third world cinema, a subjective time that is the outcome of conceptualizing and experiencing movement. The London story is also where the film deploys numerous black-and-white documentary photographs.

The London story is primarily about Anne, life from her perspective. We see many pieces of her life, one after another in rapid succession, but there seems to be no order to them since one event does not follow from another. Although Anne is in almost every scene, her thoughts, intents, and behavior do not give them unity. Her perspective is often contradictory, her sense of things confused and uncertain despite her efforts to be clear. Her feelings erupt within scenes, heading off conventional closure and creating narrative disorder as she goes. In the absence of juxtapositions that would orient us in a linear

time frame, we focus on Anne's apparently habitual actions--working in a room at the photographic agency, crossing the street, walking down the sidewalk, meeting her mother for lunch, taking a taxi with Aleksander, meeting her husband for dinner, talking on the phone. Since all of these appear to be activities she repeats frequently, a great variety of temporal sequences are possible and no particular order suggests itself. Moreover, it doesn't seem to matter what comes before or after what. The montage conveys an impression of Anne's harried and complicated life. She leads five different lives, each in conflict with the others. We experience a sense of time passing as Anne moves from one place to another and from one person to another, but there is no sense of a linear direction. Often she is alone in shots, but even when she is not, she stands alone psychologically, never permanently tethered to any one person, place, or action--to anything that might help us place her in some fixed or predictable sequence.

The duration of a shot and the juxtaposition of shots (montage) have a great deal to do with how we perceive the temporality of this story. It has fast-paced editing, in contrast with the first story, where shots frequently last over six seconds. The second story begins with shots of two or three seconds duration, more like MTV. We get only a glimpse of what is happening. Moreover, the multiple soundtrack is often about something different from what we are seeing, and the full effect is a sense of too much to see or hear at once, too much to comprehend in an orderly way. We have fleeting impressions of the multiple sources of sight and sound, but there are too many to take in fully. There are long sequences (up to two minutes) where the shots are rapidly paced and the images are semiabstract or fully abstract. For example, we glimpse parts of cars and parts of people as they pass before the camera with the speed of traffic while Anne, in focus, waits on a median to finish crossing a busy street. We hear sirens, jackhammers, passing cars, horns, whistles, the haunting music of Macedonia, and Anne's mother's voice.

At the end of the second story, we view the hills of rural Macedonia from a plane's perspective, and we view them with relief. After the onrush of images and sounds that constitute the second story, we are glad to be going back to the comforts of a convention we know well: linear narrative. As the third story begins, the feeling of familiarity is strengthened when we start to see characters we "know" already from the first story. What we don't know is that "before" and "after" are now the opposite of what we think and that our precious linear narrative has already slipped away from us. We have lost it in the documentary photographs of the London story.

## **Photographs**

At the photographer's agency where Anne works, we see her viewing black-and-white documentary photographs several times. These scenes begin less than a minute into part two. Anne is in a large office with a long viewing table, but she is by herself. The office has little color in it and the white artificial lights coming from the viewing table create a harsh brightness. She first picks up the (now) famous photograph of the emaciated man in a Serbian prison camp, one of a group of photographs she looks through with obvious concern about their meaning. We have only a few seconds to view each photograph, a tempo that leaves us slightly unsure of the content of the photographs. Several show small children, maimed, crying, lying in a corner (possibly dead). One, the American viewer will notice, is wearing a Yale sweatshirt. There are also photographs of men with machine guns, one smiling with a swastika on his arm. There are two photographs of mourners at gravesites. (Cuckovic, Hutchings, Amenta, Chanel, Bisson, Jones, Betsch, no dates given)<sup>9</sup> As she makes her way through these disturbing photographs, the camera shows us the photographs full frame, so that we see nothing on the screen but them. In these moments, the film screen is saturated with the indexicality of the still photographs. The camera makes its way to different details, moving across the photographs, sometimes quite noticeably, as in a vertical pan of the man with the swastika. In other shots, Anne's body partly covers the photographic images as she leans over them, frustrating our wish to see the photographs in pure form. In another shot, the blank whiteness of the back of the photograph covers the lower part of her face as she looks at it. We feel shut out of essential content. In the belief system of the indexical photograph, the viewer as well as the photographer is an inessential element.

Because the photographs fill the screen part of the time in this sequence, we lose our bearings with regard to the temporality of the film's montage. The connotations of the photographs as timeless images interposes, disconnecting them from the other film images, thus breaking up our sense of where we are in the story. As the photographs momentarily suppress our consciousness, we have only a

fleeting sense that the background of Anne's scene of looking changes from the table to the floor carpet--that this is not just one viewing session but several. After Anne puts the group of photographs aside, she turns to another set of photographs in the office and spills coffee on them. The film cuts for about three seconds to yet another black-and-white photograph of a wizened old man. When we see the full face of the man filling the screen, it takes us out of the film's story of Anne. We lose our orientation, and we don't know how long we've been "out of it." When the film cuts away from this photographic image, Anne is on the telephone talking in another part of the room. She can't have gotten there so quickly in "real time" and already be involved in a phone conversation. We wonder for a moment what else may have happened while the photograph filled the screen, and our minds.

The photographs Anne views at the agency impact our understanding of the film in several ways even though they have no direct bearing on the plot development. First, they show us the outside of Anne's office. There is no establishing shot of the place where she works. In the absence of a realist film image, the photographs provide this orientation in a more imaginative way, establishing a different kind of outside to her life, one based on media. Second, they take us outside of the film's temporal movement, disrupting the montage of film images with their connotations of stillness and immobility. The second story moves at a quick pace and through many images whose full content is unclear to us--we become uncertain of the content of the image at the most basic level, unsure of what is depicted in the simplest sense. The photographs, which we associate with stillness (both aural and visual), are islands of calm among the multiple and fast-moving impressions of the second story. What they convey is a sense of time that is different from the subjective temporality of Anne's story. The past-presence of the photographs evoke the qualities of linear narrative. What linear time must be, in effect, is "outside" the story we are seeing, exterior to it, not the outcome of movement but pre-existent to movement, framing and ordering the selected scenes we actually see. The photographs give us this outside, both temporally and spatially. We are drawn into them as the reification of linear time. As this happens, we gain distance from the subjective time that drives the story.

The orientation to linear narrative is completed when, about twelve minutes into part two, Anne again looks at photographs. She has just returned to her office after a long taxi ride with Aleksander. Aleksander has resigned and is leaving for Macedonia, and she has declined to go with him. Back at her office, Anne looks at photographic images again. Again, we see the photographic images, and this time, we recognize the individuals in them: Kiril and Zamira. As the camera pans four photographs spread out on a surface, we see Kiril first--still sitting next to Zamira as we last saw him at the end of the first story. Zamira is still lying on the ground, dead, as investigators surround them, taking photographs. We feel we suddenly know where we are in linear time. Up to this point, the viewer is uncertain how the first story relates to the second in the film. Then these photographs appear, the smoking gun of linear narrative. Photographs of a dead body place their origin firmly after the material fact of the killing, establishing an irreversible linear sequence: first the murder, then the photograph of the murder victim. Since the first story ends with Zamira's death, we assume the second story must follow it and the third story will follow the second in linear time.

It is the documentary photographs of Zamira's death that *generate the concept* of a linear progression: first the death occurs, then the photograph of the corpse occurs. Then and now, the past-presence implicit in the photograph we perceive, extend to the whole film. In a fusion of real time and reel time, our own experience viewing the film tells us that Zamira's death was earlier than the present, and that we know how it occurred, what led up to it--as Anne does not. With this superior knowledge, the viewer has an epistemological dominance over Anne, as all the characteristics of Hollywood linear time fall into place for us. Our superior knowledge is confirmed when Anne takes a phone call--someone calling from Macedonia and asking for Aleksander. We recognize the voice: it is Kiril's. Ironically, as Anne looks at the photograph of Kiril in the middle of their conversation, she does not realize--but we do--that she is looking at the photograph of the man she is speaking to.

Viewers orient themselves by the documentary black-and-white photographs because of the apparent simplicity of their meaning. Unlike the images of Anne's life we are watching, they seem firmly united to what they depict, not subject to interpretation or the multiplicity of meaning that the film's montage creates, and therefore not subject to misinterpretation either. In the confusing surfeit of fleeting impressions that make up the second story, the photographs appear to be a clear and stable point of objective reference. As objective fact, as irreducible fact, as authentic points of reference, the documentary photographs are seen as occupying a cognitive space and time that is both inside and outside the second story.

All is well with the perspective of linear narrative through much of the third story, in which we follow Aleksander's return home to Macedonia. At the end of the third story, however, the linear narrative is suddenly destroyed--or rather, our delusion that it is there is destroyed--when Aleksander dies as he tries to rescue Zamira. As he falls from a bullet in the back, he tells her to run, and she does, escaping over the hills of Macedonia in the moment of Aleksander's death. As she runs, we know she is running to her own death, and we think back to the photographs in the second story with the disturbing sense that we have missed something important about this "tale in three parts."

It is Aleksander's death that incontrovertibly "proves" to the viewer that what seemed to be a linear narrative is not one. Why? In the second story, the photographs of the dead Zamira appear in between scenes with Aleksander, who is very much alive. In the scene before the photographs, he is with Anne, and in the scene after them, he gets in a taxi with a duffel bag, leaving London to go home to Macedonia. The juxtapositions of this montage make no sense from the perspective of linear time because Aleksander appears alive juxtaposed with the photographs that could only have been taken after his death. From a linear perspective, this juxtaposition of scenes is impossible. Even if we consider the element of circularity that binds stories three and one, this juxtaposition in the second story is still temporally impossible, either from a linear or a circular perspective. There is no unifying linear narrative. We made it up, in a vulnerable moment, through our cultural assumptions about the verity of photographs.

How else might we think about black-and-white photographs? The conventional assumptions of the photograph as an index rely on the belief that the camera makes the picture, not a human being (because there can be no interpretation interfering with the certainty of a photograph). We are divested of this idea in the film when Aleksander, late in the third story writes a letter to Anne, telling her how he killed a man in Bosnia on his last assignment. As he writes, we see a set of three photographs when he thumbs through them. They show a man holding a gun to the back of a prisoner's head, and then the prisoner falling toward the ground, just after he has been shot. Aleksander explains in his letter how the photographs came to be, a story that cannot be gleaned from the photographs themselves:

I got friendly with this militia man, and I complained to him I wasn't getting anything exciting. He said, 'No problem,' pulled a prisoner out of the line and shot him on the spot. 'Did you get that?' he asked. I did. I took sides. My camera killed a man.

Aleksander's own actions create the killing he documents. More than that, as a documentary photographer he takes sides *against* the prisoner. His objectivity is an illusion, and so are his anti-war politics. Facts are made, not photographed already in existence. Documentary photography is not an act of compassion. It is a business of deathly indifference and passivity that seeks to hide itself in the guise of objectivity. In seeing himself as having chosen to say what he did, and then chosen to take the photograph instead of trying to stop the killer, Aleksander rejects the idea that the sequence of his actions was inevitable. He can imagine other actions, other frames of reference, another narrative that would have turned out differently. This sense of an alternative situation introduces multiple meanings and breaks the hold of indexicality. The outside observer he thought he was, as exterior as the viewer to the making of the indexical photograph, emerges as the co-creator of the scene "objectively" depicted.

## Conclusion

The smoking gun is legal culture's metaphor for indexicality. The value of indexical meaning, the intensity of its credibility, increases when it is surrounded, as it is in this film, by a confusing multiplicity of meanings and a loss of confidence in discerning social boundaries. It becomes attractive because indexical meaning offers certainty in the midst of uncertainty. It closes down the possibilities for interpretation, denies the tension of multiple significance and alternative perspectives, by asserting an intrinsic relation between the sign and its referent. The invariable signal makes things into facts. Or, similarly, it makes signs into facts. Once the rope of intrinsic relation ties the sign to the referent, the invariable signal results and interpretative consciousness is lost. *Voila*, the "fact."

*Before the Rain* suggests that when people are faced with multiple perspectives and an awareness of

cultural relativism, when we find out how deep the arbitrariness of signs can be, we react with an appeal to something that seems invulnerable to context, resistant to variable signification. The sense of chaos (from a linear perspective) in the second story creates the conditions that make us reach for the documentary photographs as our point of orientation in linear time. Indexical signs like photographs appear to be free of bias, of politics, of opinions, of social conditions and varying interpretations, but this is not so. The strength of their credibility depends on a suppression of multiple points of view. When indexical meaning is privileged, this act of belief may produce the apparently neutral fact of the moment, the smoking gun, but it simultaneously, if implicitly, privileges the systems of prejudice and provincialism that also depend on indexical meaning. There can be no recognition of the subjective nature of indexical meaning for a fact to be a fact, any more than there can be a recognition of the subjective nature of linear narrative if it is to serve as an objective, definitive frame of reference. The absence of interpretative consciousness is essential to both.

## References

- Amenta M *Two Children Dead in Morgue* Frank Spooner Pictures
- Barthes R 1981 *Camera Lucida* trans R Howard Hill and Wang New York
- Bazin A 1967 *What is Cinema?* Vol. 1 trans H Gray University of California Press Berkeley
- Betsch W "Punk Soldier With Swastika Armband"
- Bisson B "Soldiers With Crosses" Sygma
- Brent J 1998 *Charles Sanders Peirce: A Life* rev. ed Indiana University Press Bloomington
- Chanel P "Women in Graveyard" Sygma
- Cukovic R *Emaciated Man--Bosnian Refugee* Camera Press London, n.d
- Eco U 1976 *A Theory of Semiotics* Indiana University Press Bloomington
- Eisenstein S 1977 *Film Form* trans J Leyda Harcourt Brace Jovanovich
- Gabriel T H "Towards a Critical Theory of Third World Films" in Pines et al 1989:
- Hutchings R "Child With Broken Leg" Network
- "Child With Yale Sweatshirt" Network
- "Man With Gun in Village" Network
- Jones J "Men With Gas Masks"
- Manchevski M "The Balkan Pages" <<http://www.igc.org/balkans/milco.html>>
- 1994 *Before the Rain*
- Metz C 1985 "Photography and the Fetish" *October* 34: 81-90
- Peirce, C S, Hartshorne C and P Weiss eds 1931 *Collected Papers* Vol IV Harvard University Press
- 1929 "Guessing" *The Hound and the Horn: A Harvard Miscellany* 2/3: 267-282
- Pines J and P Willems eds 1989 *Questions of Third Cinema* British Film Institute
- Petrocelli D (with P Knobler) 1998 *Triumph of Justice: Closing the Book on the Simpson Saga* Crown Publishers

Sarat A 1999 "The Cultural Life of Capital Punishment: Responsibility and Representation in *Dead Man Walking* and *Last Dance*" *Yale Journal of Law and Humanities* 11/1: 153-90

Wollen P. 1972 *Signs and Meaning in the Cinema* Third Ed Indiana University Press Bloomington

## Footnotes

1 A British, French, and Macedonian co-production, completed in 1994, and released theatrically in 1995. Quotations are taken from the subtitles where spoken lines are not in English (Polygram Video, 1995)

2 For biographical information on the director and actors, see: <<http://www.igc.org/balkans/milco.html>>.

3 Peirce, 1931: 4.447. Peirce describes his triadic signification system in many places, but here he emphasizes the difference between the icon and the index, and gives an example of photography to illustrate his idea of the index. He also discusses the evidentiary value of the photograph.

4 Metz acknowledges that he follows Peirce here, whose reading of the index is based on the science of photography.

5 The word "abduction" is a curious choice. Peirce uses the word to describe a philosophical logic that he associates with the index, but he employs this word to distinguish this reasoning from deduction and induction. Metz pulls out the social connotation of the word and gives it a very different meaning, expressing violation--a meaning it does not have in Peirce's philosophy.

6 The film's credits indicate that no animals were harmed in making the film, but viewers generally believe a cat was really killed when they see the film, and Manchevski goes out of his way to inspire this reaction by having a previous scene in which a real cat appears.

7 Eisenstein conceptualized montage as dialectical.

8 For a further discussion of the cultural meaning of representing death in cinema, see Sarat, 1999. He analyzes two films that highlight execution scenes.

9 Cukovic, Hutchings, Amenta, Chanel, Bisson, Jones, Betsch, no dates given. These are actual documentary photographs made by these photographers in the early 1990's, not photos made by the director for the film.