Chapter 4

Between Spectacle and Secret: The Politics of Non-Visibility and the Performance of Incompletion

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Since at least 2001, asylum seekers and refugees have been at the centre of the performance of Australian politics: of a whole new set of visual practices, rhetorics and aesthetics and of the production of new political practices and technologies that have both challenged and reconfigured understandings of the nation. At the same time, paradoxically, they have been at the centre of unprecedented levels of official secrecy: excision, redaction, censorship and the ban are key technologies adopted by the state in its management of asylum seekers arriving by boat.

The first isolated and inaccessible camps were established behind razor wire in locations such as Woomera, part of the protected munitions area in the South Australian desert. Official directives forbade the
publication of humanising images of refugees and asylum seekers interned there, while along the coastline, spatio-legal exclusions took the form of the excision of outlying and mainland territories from the migration map; covert disruption programs were undertaken by state agencies to block or terminate boat arrivals.¹ Since 2012, all maritime operations have become classified as covert, with the entire spectrum of ‘on-water matters’ decreed off-limits to journalists. Unprecedented legal penalties (some of them since ameliorated) were put in place for education and health professionals and other employees if they sought to expose conditions in offshore detention camps, while prohibitive costs and immigration requirements continue to restrict independent media scrutiny of these camps.² Such measures, as Maria Giannacopulos points out, are not outside Australian law, but are rather constituted in and through it.³

The characterisation of Australia’s offshore detention places in the Pacific as ‘black sites’ is intended to highlight the forms of secrecy and exclusion that structure these zones, marked by an absence of accountability and exemption from scrutiny.⁴ Yet, these black sites operate within a paradoxical dynamic that is simultaneously constituted by their very visibility, precisely as black sites, that is, as zones that are conspicuously and publicly cordoned off from the space of the nation’s civic life. Declared object lessons in ‘deterrence’, they are designed to showcase the punitive treatment meted out to boat arrivals.⁵ This might be characterised as a politics of non-visibility, rather than invisibility, one that persistently calls attention to that which is hidden, forbidden or redacted, as opposed to that which seeks to render the hidden unnoticeable or imperceptible. This structure of non-visibility necessarily generates as its counterparts practices of exposure, ‘information’ and official ‘fact sheets’ that insidiously work to further the nation-state’s political agendas with regard to asylum seekers and refugees.

Researchers Against Pacific Black Sites (RAPBS), the collective of which we are co-founders, has repeatedly addressed the question of how to intervene in the destructive relation between the spectacle and the secret of refugee policies in Australia.⁶ What are the ways in which we might reframe or exceed the terms of visibility and non-visibility, legality and illegality, as they are authorised by the state? Such a reframing must ground itself in the gaps and spaces between known and unknown, open
and hidden, licit and illicit, as it interrogates the certainties on which terms such as ‘illegal’, ‘nation’, ‘territory’ and ‘citizen’ are pitched. In this sense, the RAPBS project differentiates itself from analysis and activism that are animated solely by an uncritical humanitarianism. The latter, we would argue, tends to leave these terms intact, as refugees become simply those who must be protected or saved, with citizen-advocates playing the role of ventriloquists, protectors, defenders and, too often, white saviours. Even as they mobilise emotions of shock, compassion or grief at the loss of life, these humanitarian tactics disguise or distort the forms of violence practised by the state, as in instances where asylum seeker deaths at sea are mourned as unavoidable tragedies.\footnote{2}

In a recent contribution to a special issue on borders and the politics of mourning in Social Research: An International Quarterly, the social theorist Maurizio Albahari asks

Can there be public mourning, once migrant deaths and needless suffering are understood as not accidental? Can there be mourning when...responsibilities...are located not at sea, or with smugglers’ unscrupulousness, but at the heart of liberal democracy?\footnote{8}

For us, a question that in turn flows from Albahari’s is: what forms might a public mourning take that seeks to bring the dead into view, not as hapless victims of circumstance, but as the targets of official policy, whose deaths are the outcome of a ‘business model’ (to use the official terminology) that has been shaped as much by states as by smugglers? To locate these deaths ‘at the heart of liberal democracy’ calls for both a spatial and a temporal reorientation, one that, as Albahari writes, brings ‘policy, migration, and mourning out of geographical and temporal confines; out of conventional moral and political comfort zones’.\footnote{9}

Albahari’s words, written from the front lines of Europe’s current struggles over refugee arrivals, can be juxtaposed with a statement from another key stage in the post–World War II history of refugee arrivals in the global north. In 1981, Michel Foucault was the spokesperson for a collective intended to mobilise international action against pirate attacks on refugee boats fleeing Vietnam. Its founding was staged, significantly, outside UNHCR headquarters in Geneva, and announced the formation
of an International Committee Against Piracy. In his impassioned statement, Foucault claims the rights of subjects who have in common only their status as the governed, ‘to always confront the eyes and ears of governments with the human suffering for which it cannot truthfully be denied that they bear responsibility’, and asserts ‘the right of private individuals to intervene actively and materially in the order of international politics and strategy’.10 ‘The will of individuals’, Foucault insists, ‘must be present and expressed in the order of reality which governments have sought to monopolise’.11

The statement has been described as a formative moment of a ‘humanitarian international’, and is most often invoked in the context of a claimed international citizenship, yet it is also clearly directed at the internal actions of a state. Indeed, Colin Gordon argues that ‘the interpretation of governments is integral to the action plan Foucault describes’.

One might even think that [Foucault] is inventing something more like a counter-citizenship. He is proposing a new role which is additional to those existing political relationships and which, by definition, crosses the boundaries of the state community. It is a supplementary citizenship which is not based in anything, on any condition or qualification.12

This notion of a counter-citizenship that is not based on any official condition or recognition by the state, but activated as part of a community of ‘the governed’ or, as Gordon puts it, of those ‘unable not to be governed’, forms the ground for the right to ‘intervene actively and materially in the order of international politics and strategy’ and to counter the ‘order of reality that governments have sought to monopolise’:

An important if not essential component of what Foucault identifies as the performatively enacted (to put it in terms which are now favoured, but which have only become current since Foucault’s time) right of international citizenship, understood as a solidarity of the governed – is a dialogue of the governed with (implying in turn some form of access to, and de facto recognition by) governments, mediated via an international public space (such as that of a press conference in Geneva).13
In Human Rights Week 2015, RAPBS staged a performance, *Call to Account*, across three Australian cities, marking the Australian government’s failure to uphold UN conventions with regard to refugees. The performance, which was subsequently made into a film, began with a formal declaration:

We are meeting today to call to account the Australian government for its role in the perpetration of grave violations of the human rights of asylum seekers and refugees both in its offshore detention camps and in the precarious and livable conditions outside them.

In this International Human Rights Week we call attention to the rights that Australian governments have long declared are important to be respected by all, regardless of who we are, or how we came to Australia. Successive governments have ratified a range of UN human rights treaties, including the Refugee Convention that offers protection for those seeking asylum from persecution; the Convention on the Rights of the Child that guarantees children access to education, care and freedom from imprisonment; and the Convention against Torture and other cruel, inhuman and degrading forms of treatment and punishment.

The Australian government has prided itself on its adherence to these tenets that are essential to membership in the international community, but its actions towards refugees and towards those seeking asylum are not consistent with these obligations and responsibilities.

In Gordon’s terms, the *Call to Account* can be understood as a ‘performatively enacted...right of citizenship...a dialogue of the governed with governments, mediated via an international public space’ – in this context, the international public space afforded by International Human Rights Day. The ‘solidarity of the governed’ who participated in the event included non-citizens and never-to-be citizens (asylum seekers, permanent residents, temporary visa holders) as well as citizens, who collectively interpellated the Australian state in the terms of the international human rights conventions and treaties to which it is legally bound.

We distinguish our use of the terms ‘society of the governed’ or the ‘unable not to be governed’ from recent theorisations based on
the conditions of ontological human vulnerability and precarity, such as that popularised by Judith Butler. Our use of the terms ‘solidarity of the governed’ and ‘community of the governed’ draw, rather, on Jean-Luc Nancy’s theorisations of the ‘inoperative community’, as an entity that refuses facile fusions and the collapsing of differences. Call to Account, we argue, is a staging of community as constituted precisely by its ‘incompletion’, or, to be more precise, by the incomplete ‘activity of sharing’ that simultaneously marks the asymmetries of power and resources that inscribe the respective spaces of the performers. Sharing, in this ethical schema, refuses to position refugees and asylum seekers as wholly and reductively victims beholden to others for benevolent expressions of sympathy or paternalistic assistance. Rather, it marks relations of exchange that at once mark asymmetries of power without effacing resistant agencies, as a form of ‘being with’.

The act of ‘being with’, as both Nancy and Donna Haraway note, traces relatedness, compassion and companionship; through the Latin *cum panis*, ‘with bread’, it connects to *companion*, *comrade*, *company*, *communication*, *commonality* and *becoming*. ‘Compassion’, Nancy writes, ‘is not altruism, nor is it identification; it is the disturbance of violent relatedness’. For Haraway, ‘com’ is a cue for thinking relationality with other beings and other species, the space of becoming within ‘constitutive interaction’ and ‘asymmetrical difference’. At the same time, as evidenced in the state’s practices of border protection, in *community*, *communal* and *commune*, ‘com’ reveals its frightening potential, its other faces of territoriality, incorporation, rejection and extermination of the other.

**A call to counter-citizenship**

*Call to Account* aims to document, in all their specificity, the various breaches and crimes of offshore detention, but it is also more than the sum of the individual charges read by the participants. Its effects are cumulative, and the heterogeneity of voices, histories and bodies, together with the asymmetrical and differential ways in which the speakers locate themselves in voicing the charges, act on viewers through accretion, acquiring an affective weight and mass. An important voice cited in the performance is
that of Behrouz Boochani, the imprisoned writer on Manus Island, who has produced some of the most forensic analysis of detention and at the same time written some of the most lyrical poetry to emerge from it. Since the staging of Call to Account, Boochani has acquired a global profile as a journalist and, most recently, film-maker. In his role as unofficial spokesperson for offshore detainees, Boochani cautions refugee advocates against unwittingly performing a mode of ‘advertising’ for the Australian government by amplifying the horrors it perpetrates, and therefore contributing to its official message of ‘deterrence’.

Call to Account seeks to be the antithesis of this kind of ‘advertising’ or amplifying of horrors; instead its form is akin to that of a counter-tribunal, a holding to account of the state in the terms of its own legal obligations and responsibilities. Individual subjects, who are neither anonymous nor undifferentiated, enunciate charges against the state from their locations as members of a polity that includes both notable figures and those who play no public role, as well as others who lack even the protection of citizenship. In this sense, Call to Account is, in Gordon’s terms, an ‘interpellation of government’ that is ‘inventing something more like a counter-citizenship... a new role which is additional to those existing political relationships and which, by definition, crosses the boundaries of the state community’.

The performative aspects of the event – its formal structure and stylistic elements, such as the black clothing donned by the participants, the symbolic presence of olive sprigs, the verbal and kinetic repetitions – are, to a degree, contingent elements that emerged out of its dispersed production across three cities. At the same time, however, they deliberately borrow the formal aspects of a popular tribunal, or counter-tribunal, as they invoke the terms of international treaties and conventions, in opposition to the state’s own constant recourse to terms such as ‘illegal’. These invocations of international law and of holding, or calling, the state to account, again work to differentiate the performance (and subsequent film) from the work of ‘advertising’ or reporting of horrors.

Critically, the performance pivots on the emplacement of the human rights violations it documents within a spatial and temporal framework that includes the settler state’s constitutive histories of incarceration and racialised punishment. The use of island prisons and practices
of racialised removal and deportation are revealed as central to the territorialis- ing practices of the Australian state. These histories are deliberately invoked by the staging of the Perth *Call to Account* at the historic Round House prison in Fremantle, with its outlook towards Rottnest Island prison, now recognised as the site of the highest number of Indigenous deaths in custody in Australia.²³ Yamaji academic Robin Barrington draws a direct link between past and present by positioning the current removal and separation of refugee families against her own family’s histories of incarceration at Rottnest. In Sydney, *Call to Account* was staged at Mrs Macquarie’s Point, one of the most symbolic vantage points of Australian colonisation, a seat literally carved out of the sandstone by convicts for the governor’s wife. The seat looks out over Sydney Harbour and is directly across from the island of Fort Dennison, formerly known as the Pinchgut. The new colony’s undesirables were despatched here for punishment and public display, as marked by the erection of one of its earliest gibbets on this site. As the journalist John Highfield, descendant of these early colonists, marked in his reading at the Sydney *Call to Account*, incarceration and transportation have been continuing penal technologies of the settler state of Australia since its inception.

The images included in this brief visual essay are mostly from the Sydney and Fremantle stagings of the *Call to Account*. The photographs, mainly by Chris Lewis, Joseph Pugliese and Charandev Singh, powerfully convey the affective force of an embodied, incantatory enunciation, in which participants come forward to name themselves, one by one, before reading out the charges. What is manifested in the images is a collective grieving and lamentation that exceeds the legal confines of the courtroom in its call, not only to law, but also to justice. While grief and mourning are sometimes seen as apolitical or depoliticising emotions, in their introduction to ‘Borders and the Politics of Mourning’, Alexandra Déjano Alonso and Benjamin Nienass explore the possibilities of a ‘proactive form of public grief that can engender and sustain political alternatives and the conditions that…[allow] us to turn grief into an anticipatory force that can address continuing injustices’.²⁴ It is this kind of potential that we would like to anticipate for *Call to Account*, enabling us to turn our collective grief for people’s suffering into ‘an anticipatory force’ that addresses the continuing injustices that so many face at the hands of the Australian state.
People’s suffering must never be allowed to remain the silent residue of politics.
It grounds an absolute right to stand up and to challenge those who hold power.
Michel Foucault, 1998

Figure 1. Noongar Elder Uncle Ben Taylor leads the Fremantle Call to Account at Round House prison
We commence by acknowledging that we are on usurped and unceded Aboriginal land.
Photo: Chris Lewis

Figure 2. Amala Groom, Wiradjuri Nation, leads Sydney Call to Account, Mrs Macquarie’s Chair, Sydney Harbour
This Indigenous land from which we speak is inscribed with layered histories of settler-colonial violence, occupation and ongoing theft of Indigenous sovereignty.
Photo: Joseph Pugliese
Figure 3. Uncle Ben Taylor
We are refugees on our own land
Photo: Charandev Singh

Figure 4. (below)
Sydney Call the Account group
Today, each of us, as members of the Australian polity, calls our government to account for its failures in both law and justice towards refugees.
Photo: Joseph Pugliese
Figure 5. (above) David Whish-Wilson, Baden Offord, Melissa Parke, Suvendrini Perera.
As collective voices of conscience engaged in the Australian polity coming from all walks of life, we call the Australian government to account for creating the conditions that have exposed more than a thousand people to acts of violence that are tantamount to torture and that have resulted in fatalities, sexual violence and systemic abuse of children, women and men. Photo: Charandev Singh

Figure 6. (above) Robin Barrington remembers the histories of her Yamaji forebears. Here at the Round House, an originary site of colonial violence, looking out to the prison island of Rottnest, we remember unjust incarceration, quarantined penal islands, physical and psychological torture practised with impunity, and the classification of some lives as worthless and less-than-human. All of these find their points of origin in such charged sites of settler-colonial occupation.
Figure 7. (above) Sarah Ross and Michelle Bui
We call you to account for the horrific and despairing death of Khodayar Amini. Khodayar set himself alight to escape his intolerable situation and called on us to bear witness to his suffering and anguish. The night before his death he stated, ‘Yes they did this to me... sentenced me to death. My crime was that I was a refugee. They tortured me for 37 months and during all these times, they treated me in the most cruel and inhumane way. They violated my basic human right and took away my human dignity...They killed me as well as many of my friends.’ Photo: Charandev Singh

Figure 8. (below left) Kokila De Silva
I call you to account for the systemic sexual violence against women and girls in the detention camps by those bound to protect them. I call you to account for the 33 accounts of sexual assault of children in immigration detention in Australia between the dates of January 2013 and March 2014. I hold you to account for numerous sexual assaults that go unreported.
Photo: Joseph Pugliese
Figure 9. (above)  
Murdered by Mandatory Detention

*We call you to account for those who have lost their lives as a consequence of your policies of Mandatory Detention and Sovereign Borders, including: Leo Seemanpillai, Reza Barathi, Hamid Kezahe, Chooty, Fazel Chegeni, Reza, Omid Ali Avaz, Omid Massoumali, Rezene Mehrahta Engeda, Mohammad Nasim Najaf, and many, many more.*
Photo: Charandev Singh

Figure 10. (above) Janet Galbraith

*We end this Call to Account with a line from the imprisoned writer Behrouz Boochani: ‘I know a lot of men in Manus prison who are crying and their shoulders and hearts are broken’.*
Photo: Janos Zoltan
Figure 11. Teresa Di Somma, Amala Groom, Joseph Pughese, Evelyn Wong
'I know a lot of those crying in the darkest nights on a remote island hiding their tears.'
Photo: Joseph Pughese

Figure 12. We call you to account for these tears on a remote island. We call you to account for this river of tears.
Photo: Charandev Singh
Notes


9. ibid., p. 288.


11. ibid.


13. ibid.

14. *Call to Account* was organised and convened by RAPBS’s three founding members: Janet Galbraith, Suvendrini Perera and Joseph Pugliese. The events were staged in Federation Square, Melbourne; The Round House, Fremantle; and Mrs Macquarie’s Chair, Sydney.


20. Boochani’s works include the film *Chauka: Tell Me the Time* (co-directed with Arash...
Kamali Sarvestani, Sarvin Productions, 2017) and a forthcoming book about his experiences of detention.


22 Gordon, 'The Drowned and the Saved'.


When the Universal Declaration of Human Rights (UDHR) was proclaimed by the United Nations General Assembly in Paris on 10 December 1948, photography was considered a ‘universal language’ that would communicate across barriers of race and culture. 70 years later it is timely to examine the cultural impact of the framework of human rights through visual culture.

Images are a crucial way of disseminating ideas, creating a sense of proximity between peoples across the globe, and reinforcing notions of a shared humanity. Yet visual culture can also define boundaries between people, supporting perceived hierarchies of race, gender, and culture, and justifying arguments for conquest and oppression. Only in recent years have scholars begun to argue for new notions of photography and culture that turn our attention to our responsibilities as viewers, or an ethics of spectatorship. This book explores questions surrounding the historical reception of human rights via imagery and its legacies in the present.

**Visualising Human Rights** is about the diverse ways that visual images have been used to define, contest, or argue on behalf of human rights. It brings together leading scholars to examine visual practices surrounding human rights around the globe.

Cover image: ‘shut/mouth/scream’, (detail from diptych), 2016, from the series ‘blood/type’. Pigment print, 91 x 89.5 cm. Image copyright and courtesy of Brenda L Croft.