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Evidentiary Afterlives

During the 1990s, the Polaroid Evidence Project (PEP) distributed Polaroid cameras among police in the Nassau County suburb of Long Island to document domestic violence. Patrols produced instant photographs of overwhelmingly female victims of male abusers—often these abusers were spouses—sending the images to court officials for case processing. The images were intimate in nature and represented a growing caseload in a wealthy township. Making legal knowledge about domestic violence has long been a coalitional affair between police and medical and social service agencies. Affiliated with the Nassau Coalition Against Domestic Violence, which had been photographing abuse victims for years, the PEP professionalized police work and lawmaking by mimicking the often unremarked-upon practices of social services.

While the term project attests to the experimental, local, and perhaps temporary status of 1990s police evidence collection due to its dependence on coalitional grant funding, expanded institutionalizing efforts were planned for other counties. Ultimately, the PEP helped usher in a national police practice whereby photographs of victims’ injuries are sought as evidence of domestic abuse in criminal court case files and prosecutorial arguments. Today, image production remains part of national domestic violence investigation protocols.

While the public has a right to see criminal court case files and copies of visual evidence attached therein, case records (including photographs and video) are not as accessible as they might seem. Original images are largely unavailable to the public due to the tendency to destroy, cancel, annex, amend, or revoke evidence over time. The history of these bureaucratic techniques is well documented by Cornelia Vismann and others.1 The PEP is not


a well-known set of records. It consists of a lost archive of unknown size and breadth. But what makes the trove of difficult-to-look-at Polaroids challenging to assess is that the photos disappeared or were destroyed by the normal record-keeping/destruction practices of criminal courts. Images from the PEP were used in 13 percent of Nassau County’s domestic violence complaints. We do not have access to the total number of images taken during the project—context that would make this percentage meaningful. Moreover, pressing questions, such as what made PEP photographs viable in one case and not another, are virtually impossible to answer. Decades later, such details in the afterlife of the PEP evidence are gone. But a detail about the previous use of the PEP photos points to an important example of its evidentiary afterlife.

The PEP was one of several bureaucratic processes that victims of domestic abuse could enlist to their cause, including obtaining an order of protection, calling for an abuser’s arrest, or instigating divorce proceedings. PEP photographs were discovered to be powerful therapeutic tools when returned to victims and circulated to abusers receiving treatment for their behavior. Acting as a mirror stage, victims saw the injuries they sustained in the photographs, while abusers looked at the harm they inflicted. Evidence became a significant tool for victims and abusers alike to confront minimizing behaviors—victims commonly downplay their abuse under a variety of social, cultural, and economic pressures, and abusers diminish the seriousness of what happened.

Showing and discussing PEP evidence of domestic abuse with victims and batterers in treatment is not part of the public’s right of access to court case-files. Debriefing victims and abusers using evidence is part of the anecdotal culture of social service provision and the confidential discourse of therapy, both of which are private. This raises questions about the transformation of victims and abusers in relation to visual tools, including synthetic materials such as photographs. The specific details in these disappeared images, such as the shape and shadow of faces, limbs, and wounds, remain elusive. And yet violent intimacy has an iconography that is part of the cultural imaginary. How can we study the afterlives of domestic violence’s visual evidence when the evidence itself is difficult to come by?

As legal historian Katherine Biber observes, “criminal evidence gives rise to new uses and interpretations, new concepts and questions, many of which are creative and transformative of crime and evidence, and some of which are transgressive, dangerous or insensitive.” This principle—the promotion of new interpretations and conceptions in the study of criminal evidence—is my point of departure with the PEP. When addressing the afterlives of this evidence, it is no longer necessary to focus on (1) the specific artifact and (2) its professionalizing and therapeutic role with police and court respondents. Evidentiary afterlives, in other words, need not pertain to the specific artifact. Some forms of evidence have achieved the iconic status of a look, precisely through mechanisms like the PEP. This explains how such a small

number of domestic abuse images with limited circulation such as the PEP reappear publicly via popular media and art. They become iconic—a crucial function in the semiosis of evidence. During the early days of prosecuting domestic violence, artwork incorporating domestic violence themes grew alongside the PEP’s effort to delimit how battered women’s experience circulates, officially and legally.\(^4\) That art continues to be produced to this day.

To examine how the look of a battered woman migrates to social media art, it’s crucial that we expand Biber’s concept of cultural afterlives of evidence. Take the art of Eleanor Macnair and Laetitia Ky as examples. They at times use domestic abuse imagery in their respective works, magnifying the signs of abuse frequently recorded by police. Both work in sculpture, documenting their work through photography. Layering photography onto sculpture, synthetics, and social media, these artists challenge the stability of singular media forms, making form playfully difficult to discern. Combining the hustle culture of creating economic and career opportunities online with self-produced content on human rights themes, they contribute to evidentiary afterlives of domestic violence photography.

Macnair’s and Ky’s artworks nod to puzzles of material constitution in Western philosophy, a lively discussion of the distinctions between part and whole objects dating back at least to Aristotle.\(^5\) Imagine a lump is a portion of clay. The puzzle of the Statue and the Clay queries what portion of the lump constitutes the statue. Like similar puzzles, the Statue and the Clay puzzle ponders whether distinct objects may occupy the same space and time and in what way distinct objects can share matter. The puzzles are semantic games demonstrating the transitive nature of parthood and wholes (e.g., “gunk,” like Play-Doh, is considered an object with no proper part).\(^6\) Successive puzzles result in new concepts productive of solutions to old puzzles and the creation of new ones. Macnair’s photographed sculpture contributes to the puzzles from the women’s sphere, and Ky’s work is more explicitly from a Black Afropolitan woman’s sphere. The result is an expansion of the aesthetic registers we can use to describe domestic violence by remaking the look of visual evidence for popular consumption.

Macnair’s artwork, for its part, centers the tactile engagements we construct through photography and our (dis)interest in the photographic original. The sculptures last a short time, only long enough for Macnair to photograph them before disassembling and returning the color putty to respective containers. The Play-Doh iteration of Nan Goldin’s Nan One Month After Being Battered (1984) makes possible logical formulations akin to puzzles

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of material constitution, particularly in the way the puzzles are experiments of destruction through effacement. As a result, all sculptures contain past sculptures and their iconic photographic referents within them.

Macnair uses the ephemeral to construct a long-lasting memory of the photographic original, thereby attempting something between verisimilitude and artistic license with iconic photographs. In 2015, Macnair recreated Goldin’s self-portrait for a series titled Photographs Rendered in Play-Doh. Her interpretation of Goldin’s image (which trades on the iconic image of domestic abuse victims) sets artistic judgment literally into motion; the viewer sees the Play-Doh creation and likely sets out to retrieve Goldin’s original by either remembering or physically calling up the image on their mobile phone. The presence of smartphones and social media during the moment of apprehending the artwork is a novel situation of poiesis/production. Smartphones expand not only our ability to view art; the technology affords immediate (re)production of the artwork by the viewer and their dashboard. Macnair’s Photographs Rendered in Play-Doh assumes a spectator has a computing device on hand during the encounter with her sculptures. As she reproduces Goldin’s photo, Macnair comments on the philosophical ideas of surface, form, matter, and substance and on the analytical maneuvers theorists deploy to establish ontology. Artist is not a category Macnair claims for herself, though she has shown her work in gallery settings. Her idea of the art world centers the online public of her Tumblr account. The display of her work is accompanied by its unseen destruction, performed privately at Macnair’s London flat.

What’s more, the method in Photographs Rendered in Play-Doh lumps the particular work within the whole, heightening the ambiguity of artistic originals. The question must be asked: Is Macnair’s work in itself transgressive, or does it merely transgress Goldin’s self-portrait? Does the work achieve both, or neither? In a certain sense, the photograph does more and less than point to the artistic original and its relationship to derivative works. With respect to Goldin’s original self-portrait, Macnair’s Play-Doh version threatens, on the one hand, a facile rendering of the confrontational ambush and hard-core sensibility of Goldin’s image (or even the PEP). Yet, on the other, Macnair seems to want to defamiliarize the original, writing, “so many are familiar with [Goldin’s portrait] but haven’t really looked at it closely or have glanced at it (almost like it had been sanitized by familiarity) that I wanted to try to get viewers to read the caption and really look at it.” Still, it remains the case that Macnair’s Play-Doh rendition could appear to some less available or immediate in its effect compared to the gravitas and criticality of Goldin’s self-portrait.

I would propose a different way of looking at Macnair’s Play-Doh version. It establishes a circuit between Goldin and Macnair, extending from the gravitas of the original to the frivolity of the rendition, and thereby disrupts the preoccupation with the visual proof of domestic violence. After all, the


8. Eleanor Macnair, personal communication with author, August 2023.
garish red lipstick in Goldin’s self-portrait offered its own ironic play with art’s promise of cathexis that is not actually guaranteed. And Play-Doh—associated with children’s creative space, lurid colors, and popular culture—recalls the kinds of arts-based therapeutic techniques used for eliciting testimonial evidence from children about abuse. Macnair demands that we look again.

Laetitia Ky’s hair sculptures, by contrast, are grounded in Black African women’s craft cultures, specifically around hair practices. Guided by Jasmine Nichole Cobb, who addresses “the sensation of blackness on the surface as construed through coiffure,” my belief is that Ky opens a site of poiesis both ancient and inventive, traditional and futuristic, incorporating Black coiffure into contemporary art from a Black woman’s sphere. Laetitia Ky, Alison Saar, David Hammons, and other artists draw upon Black hair as a medium with political history in freedom struggles. Black hair is part of racialized gender differences in the semiosis of accumulating and making fungible Black captivity and exploitation. These differences are apprehended tactilely, not merely visually.

Born in Côte d’Ivoire, Ky is a polyvalent artist and social media influencer. With a recent exhibition in Berlin and book—*Love and Justice: A Journey of Empowerment, Activism, and Embracing Black Beauty*—collecting her photos, Ky is on the cusp of social media stardom and art world success. She is a recent winner of a Jeunesse Francophone 33.35 award for Digital Influence and Media Technology and a finalist for Elite Model Look contest.

Ky’s multimedia works embody what Cobb calls “haptic blackness on the pictorial surface,” evoking the vocabulary of architecture and engineering. Using wire and synthetic hair in addition to her own, she forms sculptural works that are beyond hairstyle and mere shape. Rather, Ky is staging theatrical scenes both on her head and *through her flesh*, hair being part of the epidermal whole. Often untitled, Ky’s sculptures require the viewer to put what they see into words. The works are primal scenes—and here the colonial primitive/civilized dynamic energizing the word *primal* is provocative. As Ky strikes a scene using hair and other wiring materials, she establishes the skin organ as a theater stage.

Issues of immigration, ethnicity, and aspiration are also present in the way Ky’s coils build value into her sculptures, which are exhibited mostly online. The artwork discloses Afropolitan imaginaries, whose ascendance, Achille Mbembe observes, is conditioned by mobile phone technology. Ky’s hair formations are photographed and circulated online; occasionally they are sculpted online live. While Cobb finds that Black women artists

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“depicting Black hair in works that invite touch intertwine the particular histories of touching Black coiffure and the modern museum’s prohibition on patrons’ contact with artworks,” Black women artists also interweave histories of touching Black coiffure and digital online publics’ well-established misogynoir structure, an online court of public opinion that is the context for Ky’s activism.¹⁴ Several recent books and essays by Black feminist scholars Catherine Knight Steele, Moya Bailey, and André Brock demonstrate the racial logics organizing platform publics, inherited from legacy media institutions.¹⁵ These scholars draw attention to the ways Black folks continue Black freedom struggle online in extralegal contexts of social media. These platforms function as courts of public opinion through which we form our own counter-publics, enclaves of respectable and ratchet, hip-hop feminist and misogynoir critique.

Many of Ky’s images respond to violence against women, human rights, and police brutality. In a domestic violence–themed sculpture (untitled), Ky uses wire, extensions, her own hair, needles, and sewing threads to shape a woman in profile with a teardrop falling down her cheek.¹⁶ The sculpture is captured by digital photography in which the artist stands with/as the work in front of a yellow background. Wearing a trendy one-shoulder tank top, jeans, and a septum ring, Ky strikes a confident expression, arms crossed. Vulnerability and strength are projected, responding to the different forms and affective registers through which evidence of abuse may appear. Through Ky’s art, hair visually transitions into African fractals we call a style and then into a theatrical scene. But Ky’s work also contributes to puzzles of material constitution and the nature of what philosophers call parthood. By incorporating synthetic hair into her photographed sculptures, the artist gestures to Anne Cheng’s idea of “synthetic personhood” in the production of women’s social roles.¹⁷ The figures are reminiscent of black stick figures used in simple drawings, but they are also figures referring to Black peoples. The inclusion of kente cloth in the sculpture locates a sexual assault scene in the African diaspora. It is a move encapsulating Mbembe’s observation that Africa “tends to refer to a geoaesthetic category.”¹⁸

In this and other works, each scene, including one depicting police brutality, is rendered through interwoven Black and synthetic hair, gesturing to a still vibrant economy between Asian female hair growers, white industrial producers, and global consumers. One must listen for visual and sound critics Tina Campt and Kevin Quashie for their respective ideas of sonic frequency and Black quiet since Ky’s Black hair sculptures gesture toward listening to a

¹⁸. Mbembe, Out of the Dark Night, 221.
range of affecting sounds within the photograph. These sounds add force to the apprehension of hair scenes such as the falling teardrops and the physical blows of domestic violence in a global context. Ky’s hair reconfigures which part of the flesh (epidermal matter) and the role of photography—a synthetic—we use to confirm wounding.

The question of what survives of clay once it is called lump and then transformed into a statue is reoriented by Ky’s and Macnair’s sculptures to include domestic violence. These artists invite us to consider the evidentiary afterlives of domestic violence not only within legal apparatuses but also within popular media. Their work asks about the nature of victimization and survival in the self, community, and world. Looking to social media–based art depicting domestic violence themes drifts away from official, legal forms of evidence as exemplified by the PEP and toward popular and creatively expressed forms of evidence circulating online. Though still concerned with the image, Macnair and Ky interrogate the visuality of domestic violence by asking us to regard anew its iconic looks that lie outside law and the privacy of therapeutic milieus.

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