

# Critical Phenomenology, Aesthetics and the Media “Manufacture of the Guilty (*Fabricación de culpables*)”

David M. Bertet, En Vero and Bettina Bergo, Université de Montréal

## I. Introduction

The following is an exercise in what is coming to be known as critical phenomenology. We are borrowing the sense of critical phenomenology from Lisa Guenther and Gayle Salamon. Salamon argues that such an approach to phenomenology “reflects on the structural conditions of its own emergence”<sup>1</sup> in a way different from classical phenomenology. Like critical theory, it is attuned to “its times and engaged with politics”<sup>2</sup>; however it presupposes that critical theory may offer “a supplement to a phenomenology in particular and to philosophy in general through its engagement...[what] we have too often dismissed as [being] to the side of ‘real’ philosophical concerns.”<sup>3</sup> Lisa Guenther, for her part, provides six crucial paths of approach to critical phenomenology, of which we will focus on the first, third, and fourth: the posing of questions within a context qualifiable as a “crisis”; a “historically-grounded study of particular lifeworlds,” which does not preclude quasi-transcendentals—conditions of possibility that arise from a material context although they are not limited to it. Finally, critical phenomenology addresses power and its modes of analysis in an ‘interested’—i.e., engaged—way.<sup>4</sup> We

---

<sup>1</sup> G. Salamon, “What’s Critical about Critical Phenomenology?” in *Puncta: Journal of Critical Phenomenology*, 2018, vol. 1, no. 1. <https://journals.oregondigital.org/index.php/pjcp/article/view/PJCP.v1i1.2>. Consulted 1 March 2021. Hereafter WCCP.

<sup>2</sup> Salamon cites Wendy Brown in WCCP. Also see her performance of critical phenomenology in *The Life and Death of Latisha King: A Critical Phenomenology of Transphobia* (New York: New York University Press, 2018).

<sup>3</sup> WCCP, p. 13.

<sup>4</sup> Lisa Guenther, “Six Senses of Critique for Critical Phenomenology,” forthcoming in *Puncta: Journal of Critical Phenomenology*, special issue on the Collegium Phænomenologicum 2019 sessions on critical phenomenology,” summer 2021. Hereafter SSCP. There are additional senses emerging for critical

embrace its *élan* as a practice, a *kritikē tekhnē* consisting of “situated, motivated...questioning [that] is more interested in *responses* and response-ability than in definitive *answers* or solutions.”<sup>5</sup>

Our study seeks to perform a critical phenomenology as a “practice of freedom.” We begin with the narrative of Israel Vallarta, a detainee in a Mexican high security prison who came down with COVID 19 in May 2020. We explore how the prisoner came to be incarcerated and, with that, the crucial functioning of two systems<sup>6</sup>: the first, called *duopolio*, composed of the increasingly hybridized relationship between television and the executive branch of government in Mexico notably. The second, and conflictual, relationship between the justice system (attorney general and the courts) and television, together with social media. We proceed from Walter Lippmann’s concept of the manufacture of consent, albeit now under neoliberalism. We define neoliberalism, above all, as “a particular organization of capitalism...evolved to protect [the latter] and to reduce the power of labour [which] is achieved by means of social, economic and political transformations imposed by internal forces.”<sup>7</sup> At the level of governance, these transformations are aptly illustrated by the operation of the *duopolio* and, in the present case, the derivative phenomenon denounced as *la fabricación de culpables* (“the manufacture of the guilty”). We investigate the latter to offer our readers a cautionary tale.

---

phenomenology—and there will remain debates about how ‘phenomenological’ such an approach remains. Also see her more succinct “Critical Phenomenology” in *50 Concepts for a Critical Phenomenology*, eds. Gail Weiss, Ann V. Murphy, Gayle Salamon (Evanston, IL: Northwestern University Press, 2019), 11-16

<sup>5</sup> Guenther, SSCP 4. Guenther cites Wendy Brown, *Edgework: Critical Essays on Knowledge and Politics* (Princeton and Oxford: Princeton University Press), 5.

<sup>6</sup> The term “dispositive” would be appropriate here, in the sense of possessing “the quality or function of directing, controlling, or disposing” of a group or institution, cf. Oxford English Dictionary, definition 3.

<sup>7</sup> Alfred Saad-Filho and Deborah Johnston, *Neoliberalism: A Critical Reader* (Ann Harbor, MI: Pluto Press, 2005), 3. The definition specifies the forces as “the coalition between financial interests, leading industrialists...media barons...the top echelons of the civil service and the military, and their intellectual and political proxies.” Henceforth NCT.

Our hypothesis is that when one approaches television viewing through the framework of Husserl's analytic image-consciousness, one encounters a novel form of what he called 'pictorial consciousness' that moves between phantasy and memory, something made possible thanks to the ego's unique ability to inhabit two worlds through shifting attention: a phantasy or mnemonic-associative one *and* a present, perceptual-associative one.<sup>8</sup> We contend that the phenomenon of television, especially when supplemented with social media, can intertwine these two forms of consciousness in a potentially dangerous way.<sup>9</sup> This interlacing of what are distinct conscious modalities has decisive and material implications, notably in societies under neoliberalism.

A final note in the form of a caveat. We recur extensively to Husserl's threefold distinction between the picture-thing (*Bildding*), the pictorial-object (*Bildobjekt*), and the pictorial-subject (*Bildsujet*), which early on provided him tools for analyzing the relationships between direct perception, perceptual recollection, and imaginative consciousness, especially in the form of phantasy images. This amounts to a return to Husserl motivated by Merleau-Ponty's profound 1955 meditation on passivity and phantasy. Our particular problem, given contemporary media, is to take a step back, as it were behind Merleau-

---

<sup>8</sup> Bernet points out that a reciprocity can exist between perception and phantasy, arguing "Just as phantasy is not derivable from a perception, so perception is not derivable from a phantasy. Nevertheless, it can be said that the essence of a real perception is co-determined by the possibility of its phantasmal modification and also that it belongs to the essence of a real phantasy that it implies the possibility of an unmodified perception of its object....Thus, phantasy and perception can never be reduced one to the other." See Rudolf Bernet, "Unconscious Consciousness in Husserl and Freud" in *Phenomenology and the Cognitive Sciences*, vol.1, (2002), p. 340. Hereafter UCHF.

<sup>9</sup> See Peter Shum's acute observation that, when standing before a picture-thing I am implicitly aware that there is a kind of 'conflict' between the object presented on the canvas or sculpture and those that offer themselves to from the content of my surroundings. I do not mistake the image-object for the objects my worldly perception. However, as Husserl's approach to imagination is increasingly tied to dynamics of intuitional reproduction, it proves the case that both memory and phantasy afford me intuitions that "seem to 'hover before us [*vorschweben*]" (Hua 23, 333, 405). Shum fairly interprets this hovering as "a kind of overlapping between what is given in the realm of phantasy and one's actual perceptual field." Peter Shum "The Evolution and Implications of Husserl's Account of the Imagination" in *Husserl Studies*, Vol. 12 (2015): 213-236, here 231. Hereafter EIHA.

Ponty's profound analyses of perception and phantasy (notably in 1955), and disintricate what Merleau-Ponty presented in its lived intricacy.<sup>10</sup> Hence, we contend that the study of televised media benefits from analytic categories developed initially in the period 1904 to 1907 when Husserl's phenomenology was what is now referred to as "static," we will briefly return to the "genetic" phase toward the end.<sup>11</sup>

---

<sup>10</sup> See his analyses in "Le délire: *Gradiva*" and "Le cas *Dora*" in *Intuition/La passivité: Notes de cours au Collège de France*, ed. D. Darmaillacq, C. Lefort, S. Ménasé (Paris: Éditions Belin, 2003), 224-248. In English *Institution and Passivity: Course Notes from the Collège de France (1954-1955)*, trans. Leonard Lawlor (Evanston, IL: Northwestern University Press, 2010). This is Merleau-Ponty's reconceptualization of Freud's 1905 *Dora* case in light of the imbricated levels of perception, imaginary perception, and hallucination (e.g., *Dora* "sees" the world through her father's eyes), and of Freud's commentary on the novel *Gradiva*, which psychoanalysis approached as phantasy and the return of repressed childhood memories. Merleau-Ponty reads it, again, as the impact of phantasy on lived, intuited reality, and our inability to recover certain childhood memories. Merleau's analyses effectively disrupt Freud's nosological model. However, they do not provide analytical tools of the value, notably for moving images consisting of live news, rebroadcasts, and advertisements. The initial underlying question will thus be to what extent we can approach televised images as "image consciousness," what happens to the belief in their reality when conflicts about the latter arise, and finally what becomes of a succession of image consciousness when it is cut across with 'phantasy' images from advertising (new cars, beauty products, erotic escapes, travel, etc.).

<sup>11</sup> See Eduard Marbach, "Edmund Husserl: Phantasy, Image Consciousness, and Memory (1898-1925), review in *Husserl Studies*, Vol. 28 (2012): 225-237, here 233 and hereafter "Edmund Husserl." A comprehensive study would take up hereafter and examine the emergence of genetic phenomenology, which can be traced as far back as to some of the appendices (circa 1910) to the lectures on *The Consciousness of Internal Time*. At around the same time, the theme of phantasy would shift away from image presentation toward an "analytical *distinction* between two forms of presentation, phantasy and image consciousness" (p. 229, emphasis added). The distinction disrupted what was initially two parallel, intuitive acts. The new approach to his conception of "phantasy" flowed out of the time consciousness studies and argued that while a phantasy entailed some kind of presentification or making present of (aspects of) a past perception, it arose and unfolded without any position concerning its reality, its having-happened-there-and-then. Phantasy thus presents... something. But unlike image consciousness that enlivens and spurs our imagination (often synonymous with phantasy) to enter the scene of the painting, phantasy just presents. I have no need to believe in it. It is a 'neutral' mode of presentification. The implications of the shift in Husserl's phenomenological approach to image consciousness and phantasy are significant and tied to modalities of presentification that Husserl explored in light of the flow of imbricated threefold consciousness (now-moments, retentions, and protentions or anticipations). A phantasy perceptually re-produces something, it presents it as if it were occurring and again as if in its proper surroundings and moment. By contrast, image-consciousness is complex intentionality: it presents its 'reality' *not* as if it were our reality, but as if it were next to the reality in which we view it, and the two realities stand together in their respective spaces, without merging and with the image "exhibiting" (*darstellen*) another—i.e., its particular—spatio-temporal reality. See the important discussions in R. Bernet and his "Individuation des objets réels ou imaginaires et la temporalisation de la conscience" in *Conscience et existence. Perspectives phénoménologiques*, Chapter 4, 119-142 (on Husserl's 1918 Bernau manuscripts on time and individuation). Hereafter IORI. Also Marco Cavallaro, "The Phenomenon of Ego-splitting in Husserl's Phenomenology of Pure Phantasy" (i.e., of a quasi-perception in its own quasi-world, lacking all position-taking [*Stellungnahme*] on its reality), and Nicolas de Warren, "Tamino's Eyes, Pamina's Gaze: Husserl's Phenomenology of Image-Consciousness Refashioned," in eds. C. Ierna et al., *Philosophy, Phenomenology, Sciences*, Phänomenologica 200 (Berlin: Springer, 2010), 303-332.

## II. The Story of Israel Vallarta

On May 13, 2020, one of five prisoners in the high security sector of Puente Grande Prison (Jalisco, Mexico) was rushed to the emergency room of the *Hospital General de Occidente*. Unable to breathe or to speak, he tested positive for COVID 19 and put on a respirator. His symptoms had begun a month earlier in mid-April. Nevertheless, on May 19<sup>th</sup> he was returned to population in Puente Grande. By then, four of the five inmates in his sector had died, leaving him to struggle alone for his life.

The prisoner already enjoyed longstanding name recognition as well as the support of a prisoners' rights activist going by the name "Mary."<sup>12</sup> Israel Vallarta Cisneros, the detainee, has been incarcerated for fifteen years. When COVID 19 symptoms spread through the prison, there were no medications available, and families were forbidden to provide anything to the inmates. Mary attempted to keep an eye on their status, notably that of Israel, whom she had befriended over the course of many years' visits. When she phoned to inquire before May 13<sup>th</sup>, she was told he was healthy. Up until the day he choked on his speech, she believed that he was untouched by the virus.<sup>13</sup> Puente Grande Prison observed a complete blackout on the status of the other inmates as well. The results were predictably catastrophic.

Israel Vallarta was imprisoned on allegations of kidnapping and *delincuencia organizada* (organized crime). He was never convicted and has been in preventive

---

<sup>12</sup> See, for her account of Israel Vallarta's imprisonment and illness "El Grito Desesperado (The Desperate Cry)" at <https://codigomagenta.com.mx/articulo/con-tacones-entre-legos/contaconesentrelegos-israel-vallarta-grito-desesperado>. *Codigo Magenta* makes documentaries on human rights abuses, the Central American prison system, and Mexican politics. Also see the Canadian human rights organization, *En Vero* website (<https://www.en-vero.org/caso-israel-vallarta-4-junio-2020/?fbclid=IwAR2DZvUyvBEENVxS4K4LHp3shXUv2Lf0vIHFxx1VZSeh0tAPGVdyWjrNdM0>). Both consulted 14 June 2020.

<sup>13</sup> Mary describes this in "El Grito" 2:10-3:15.

detention since 2005. He was a mechanic. At the time, he was dating a woman whose brother had brought suit against the owner of a shady private security contractor and won damages, whereupon he found himself caught up in the subsequent settling of accounts.<sup>14</sup>

Israel's story is hardly uncommon in Mexico. As we will see, it is also a horrific illustration of the gradual creation of parallel narratives: that presenting his lived reality and the extraordinary media montages that staged 'live' his arrest on national television. All of this promptly spread to radio and newspapers, motivating anxiety and a tenacious belief in his guilt among viewers and readers. In North America, such staging practices qualify as "fake news"; in Latin America, it is called *la fabricación de culpables*. Though this phenomenon is presently less widespread in North America and Europe, the Vallarta case may still be taken as a cautionary tale in the age of "alternate truths," corporate and social media. We will come back to the phenomenology of lived perception and media imagery after expanding the story of Israel Vallarta and Florence Cassez. For critical phenomenology, it raises the question of how the televised images and stories we perceive 'before our eyes' mingle phantasy, image consciousness, and lived 'reality'. The question is how to untangle such a commixture.

## **II. The Cassez-Vallarta Case (2005-2013) and the "Duopolio"**

The bizarre narrative began on December 9, 2005, fifteen years earlier. A French national, Florence Cassez, was arrested together with Israel Vallarta on charges of kidnapping two adults and one child. Initially, there seemed to be solid reasons to suspect

---

<sup>14</sup> Emmanuelle Steels, *El Teatro del Engaño: Buscando a los Zodiaco, La banda de secuestradores que nunca existió* [The Theater of Deception: Searching for the Zodiac, The Band of Kidnappers that Never Existed] (Mexico City: Grijalbo/Random House, 2015; 2<sup>nd</sup> ed. 2018).

Vallarta and Cassez's culpability. According to the televised narrative, at 6:47 a.m. an eight member SWAT team<sup>15</sup> of the Mexican Federal Police (*Agencia Federal de Investigación* or *AFI*) burst into what was presented as Vallarta's ranch house searching for—and finding—three victims. In what was said to be his home, they also discovered automatic weapons and a false partition hiding the abducted. Perhaps for the sake of living proof, the AFI agents had alerted two national television channels (TV Azteca and Televisa). These accompanied the rescue team to Vallarta's ranch house. Once inside, two TV journalists<sup>16</sup> energetically interviewed Cassez and Vallarta, while Luis Cardenas Palomino, then Chief Director General of Police Investigations, held fast to the culprit, his hand visibly squeezing Vallarta's neck during the televised questioning.<sup>17</sup> The interrogations were both banal and suggestive. The journalist from Televisa asked Cassez: "Did you *know* there are hostages in this house?" And Vallarta: "*Who* paid you for this kidnapping and how much were you paid?" (He answered that he didn't know.) After more questions receiving ambiguous responses, the same journalist queried, "*Te duelle algo* (Are you in pain)?" Vallarta turned his face to Palomino and murmured "*Usted me pegó*" (You're the one who hit me").<sup>18</sup> These were the initial moments of what has come to be called the *vergonzoso montaje* (the disgraceful montage).

---

<sup>15</sup> The Grupo de Operaciones Especiales (GOPES), created in 1977, is classified as a non-military counter-terrorist organization, that, predictably, receives its training from (and in) the United States and Columbia, with input from France and Spain. Their numbers appear to be classified information in Mexico ([https://es.wikipedia.org/wiki/Grupo\\_de\\_Operaciones\\_Especiales\\_\(M%C3%A9xico\)](https://es.wikipedia.org/wiki/Grupo_de_Operaciones_Especiales_(M%C3%A9xico))). Consulted 15 June 2020.

<sup>16</sup> Pablo Reinah of Televisa and Anna Maria Gomez of TV Azteca.

<sup>17</sup> <https://www.youtube.com/watch?v=VPTsE-nlQ0g>, 2:53 and 3:00-01. On the *En Vero* Youtube channel: <https://www.youtube.com/channel/UCLCIBJoHVd7SSOUo2a3YN4Q> (Consulted 12 June 2020).

<sup>18</sup> <https://www.youtube.com/watch?v=VPTsE-nlQ0g>, 2:55-2:59. Consulted 21 June 2020.

The live broadcast itself lasted forty minutes. It would be rebroadcast over the next three days. The accused kidnappers were taken from the house, thrust into a police van as the journalists continued barking questions—above all, at Florence Cassez. The presence of a French national added a measure of exoticism to the situation. More important was its dissemination, however. Broadcast simultaneously on the two channels’ morning news, the capture story would be routinely replayed each day on the mid-day and evening news. Now, while the two channels were nominally private, Mexican law requires that the State accord all television media a concession from the *Secretaría de Comunicaciones y Transportes*. The private and state sectors are thus dizzyingly interwoven. With media privatizations dating largely from the neoliberal reforms championed by President Vicente Fox (2000-2006), media connections with the Attorney General’s Office have been frequently documented. Private media has thrived in a network of connections with investors, national and international business, and the Mexican governmental division responsible for the *Agencia Federal de Investigación*. The latter, not unlike the American FBI, has operated with an unparalleled degree of autonomy from its inception in 2001, relative to the Attorney General’s Office. In Mexico, this is the outcome of a surreptitious drift, from a ‘president-headed’ *duopolio* (i.e., government by the executive *in tandem* with the television media) toward a novel duopoly or “media-government,” in which the major television stations exercise overweening influence on political initiatives.<sup>19</sup>

---

<sup>19</sup> As sociologist Omar Villarreal (Universidad Autónoma Metropolitana, Xochimilco, UAM) observes: “It seems that television, in the new monopoly, has begun to put pressure on [the government], and to use its media power to obtain better advertising contracts, a series of benefits, as well as to perpetuate itself as a monopoly.” See interview with Omar Villarreal at the *En Vero* website. <https://www.en-vero.org/derechos-humanos-en-mexico-23-sept-2018/>. Consulted 12 June 2020. Villarreal is writing his dissertation in the *División de ciencias sociales y humanidades* (Division of Social Sciences and Humanities).



Questions about the degree to which this power-shift toward the mediatic or symbolic pole has spread to other states in Latin America—even to the United States—exceed the framework of our study. Nevertheless, according to the sociologist Omar Villarreal, the *inverted* duopoly in Mexico dates from the 1990s. If we accept the minimal claim, then, that televised media has had an unprecedented ascendancy over public opinion for the past 30 years, two larger questions arise. First, why is it that public opinion so often proves vulnerable to dramatizations like the one staged by AFI’s raid on Vallarta’s ranch house? Second and along the same lines, why were the allegations of the AFI, that increasingly autonomous subdivision of the Attorney General’s Office, *believed* for significant periods of time, indeed for some seven years?

In light of these questions, it is important to recall that social media began to flourish in Mexico around 2011. In the Cassez-Vallarta Case, and from the first days of their staged arrest, demonstrations and *vox pop* overbid on established journals and the many tabloids urging that the kidnappers be left to rot in prison.<sup>20</sup> To be sure, Mexico is largely a democratic society, and one might expect skepticism about the corruption of leaders, their collaboration with capital markets and narco-trafficker cartels. Yet, in the Cassez-Vallarta case, very few popular critical comments emerged in the years between 2006 and 2012. Instead, interviews with journalists from tabloids like *La Prensa* to serious papers like *La Jornada* and *El Universal*,<sup>21</sup> not to mention public opinion polls, showed a broad base of support for Cassez-Vallarta’s alleged *victims* of the kidnapping. Though he

---

<sup>20</sup> See, for example, *La Prensa* 10 February 2011 (No. 30), cover story “Que se quede” (Let her [Cassez] stay [in prison]), urging against the extradition of Cassez to France.

<sup>21</sup> See, for *La Prensa*: <https://www.la-prensa.com.mx/>, founded 1928. For *La Jornada*, a Mexico City daily (1984), <https://www.jornada.com.mx/ultimas>, and for *El Universal*: <https://www.eluniversal.com.mx/>, founded 1916.

did not explicitly name them until 2009, everything that then-President Felipe Calderón argued about criminality in Mexico had prepared the ground for unequivocal support for ‘victims’.<sup>22</sup> Popular support is understandable in a context where fear of kidnapping is rampant, and would be more so in cases where the present victims did not alter their own testimonies *live before the cameras* and on three different occasions...

### III. Governing by Opinion Manipulation or: Defining Reality under Neoliberalism

There is a deeper problem here, which suggests that this affair should *not* be taken as peculiar to Mexico and Central America. The problem concerns neoliberalism’s impact on communications media, as well as the ongoing need of governments that tout their democratic credentials in order better to legitimate their policies<sup>23</sup>—especially those

---

<sup>22</sup> A decade before Trump in his inaugural speech, Calderón argued, “Today, criminality aims to terrorize and paralyze society and government. Public insecurity threatens us all and has become the principal problem of states, cities, and whole regions. I know that restoring security will be neither easy nor rapid; it will take time, will cost much money, and *even, unfortunately, human lives*. But you may be sure that it is a battle in which I will be on the front lines...we Mexicans will triumph over criminality,” extract of Felipe Carderón’s investiture speech, 1 December 2006. See L. Liderazgo, “Político de Felipe Calderón (2006-2012)” in *Foro internacional*, Vol. 55, no. 1 (2015): 116-170, here p. 135. The same article reports that “During the first months of that year [now 2007] military operations were launched in [the following states:] Baja California, Guerrero, Nuevo León, Tamaulipas, Veracruz, and Chihuahua. These were accompanied by aggressive speeches against criminality, and announcements of the capture of narco-traffickers,” p. 135. Two speeches from 2009 (March 9<sup>th</sup> and June 22<sup>nd</sup>) show Calderón’s stalwartness on Cassez (and Vallarta). Following Sarkozy’s March 9<sup>th</sup>, 2009 visit, he resisted transferring Cassez to a French prison but agreed to a bi-national commission to study the conditions for such a transfer. A bi-national commission was created, but never met, though Calderón referred to it in his subsequent speech to the nation. On June 22<sup>nd</sup>, he declared his *formal* opposition to her transfer. Accommodating Sarkozy’s demand would have amounted to repudiating the actions of the Federal Police, his right-hand man Genaro García Luna, and damaged Calderón’s media image as ‘tough on crime’. <https://www.jornada.com.mx/2009/06/24/politica/003n1pol>. Consulted June 22, 2020. Nothing had changed by March 20, 2012, before the meeting of the Supreme Court, when Calderón aggressively demanded that the Court respect only the victims, whose status had already been repeatedly questioned. See Tania Rosas, José Juan Reyes, and Jorge Monroy, “Calderón pide justicia a la SCJN” in *El Economista*, March 19, 2012. <https://www.eleconomista.com.mx/politica/-Calderon-pide-justicia-a-la-SCJN-20120319-0082.html>. Consulted June 22, 2020.

<sup>23</sup> We follow Saad-Filho and Johnston’s observation that “under the ideological veil of non-intervention, neoliberalism involves extensive and invasive interventions in *every area of social life*.” NCT, 4. The *Jornada* (Zacatecas edition) inquired, “Manipulating Public Opinion; The Attempt to Recover Power?” Ricardo Arteaga Anaya’s article observes that “[in] democratic societies, the exercise of power has been directly linked to public opinion, and ultimately to any tool apt to generate such opinion one way or another. Hence, in Mexico, one has sought to maintain control over the means of communication.”

concerning security and militarization—before public opinion. That is why the Cassez-Vallarta case should serve as a cautionary tale, especially when the expanding role of social media promotes a reactive “chain logic of trolls and bots.”<sup>24</sup>

Beyond the erstwhile manufacture of consent, we are confronted today with new struggles over the symbolic authority to define ‘reality’. Today around the reality ‘posit’ constellate video imagery, written pronouncements, and their various responses. This pre-eminently concerns what Husserl strove to clarify between 1912 and 1918, when he expanded his arguments about the distinctions between actual perception (*Gegenwärtigung*, sometimes *Wahrnehmung*), image-object consciousness (*Bildebewusstsein*), memories, and phantasies. To be sure, he was aware that there was a certain movement between lived perception, image consciousness, and phantasy, porosities that we will call interstices, variably open according to circumstances. We will return to this.<sup>25</sup> The Cassez-

---

<sup>24</sup> To wit, the more one reacts to a troll or bot’s message, whose dissemination is initially limited, the greater its visibility; with increased visibility comes repetition, retweeting and posting, and with the latter a heightening of the message’s credibility. As *The Economist* argued, “[t]he earliest reports of government involvement in nudging public opinion involve *democracies*, and new innovations in political communication technologies often come *from political parties and arise during high-profile elections*.” Cf. *The Economist* Spanish edition’s editorial: “Gobierno de México utiliza bots para manipular opiniones” <https://www.eleconomista.com.mx/tecnologia/Gobierno-mexicano-utiliza-bots-para-manipular-opiniones-estudio-20170718-0030.html>. Consulted June 21, 2020. This related the results of a study by the Computational Propaganda Research Project (Oxford University), “A Global Inventory of Organized Social Media Manipulation,” Working Paper no. 2017.12, by Samantha Bradshaw and Philip N. Howard. The study covered the media in 28 countries. <https://comprop.oii.ox.ac.uk/research/troops-trolls-and-trouble-makers-a-global-inventory-of-organized-social-media-manipulation>. Consulted June 21, 2020. Also see the *New York Times* (<https://www.nytimes.com/es/2017/12/16/espanol/opinion/alto-a-la-manipulacion-de-la-democracia-en-linea.html>). Consulted June 22, 2020.

<sup>25</sup> Our term “interstices” is indebted to Husserl’s complexification of acts of presentification (*Vergegenwärtigung*, making-present anew) as reproduction and its multiple modalities. He wrote of their *ineinandergeflochtene Intentionalität* [interwoven intentionality]. Additionally, presentification involves *both* the object or contents of a memory *and* the intentional acts themselves. In regard to what we call remembering and, given the dynamic nature of his concept of retentions ‘flowing back’ yet holding their specific position within flowing sequences of experience, Husserl adds (1912), “every reproductive modification is the reproduction of an internally ‘impressionally conscious’ experience: the reproduction itself is impressionally conscious” (PIM 402; Hua 23, 330). If I recall having perceived the town hall, for instance, I can reproduce my perception just as easily as I can attend, reproductively, to the *act of seeing or aiming at* the town hall. I can reflect on this and note how the perception comes back, and with what temporal

Vallarta case evinces one such interstice, between what actually occurred (which only the police and the accused saw) and what televised media *presented as* real events (images) would not be brought to light until 2012. It was then that the Mexican Supreme Court (SCJN) examined the original montage, as well as its effects on public opinion, subsequent media coverage, judicial processes, and on the lives of the persons incriminated.<sup>26</sup> Before turning to Husserl, let us therefore look at the story presented by Televisa and TV Azteca.

Florence Cassez was promptly handed over to the Special Victims' Unit, headed by the *Subprocuradía General de Investigación en Delincuencia Organizada* in Mexico City. The media filmed her falter from the police van into the Unit. Israel Vallarta attracted less media interest. By trade an auto mechanic, he was a Mexican citizen, an Everyman to the cameras. What is more, he had confessed his guilt live and under the 'eye' of the rolling videos. During the raid, Cassez appeared disoriented and denied knowing anything about the kidnappings.

On February 5, 2006, two months after their arrest, and while under preventive detention (*arraigo*), an extraordinary event occurred. During a live interview on Televisa with the Director of the AFI, Genaro García Luna, a detainee called the station contending that the Director's story about Cassez and Vallarta was a fabrication. The arrest had *not at all* occurred on December 9<sup>th</sup>. It had taken place the day before under circumstances different from what the media presented as "*en vivo* (live and direct)." The caller was

---

modification. This reflection, and my recalling the town hall take place in my consciousness; they too are "impressionally conscious" (PIM 329, 474; Hua 23, 330, 402). They impact my impressional consciousness. But I can also imagine the town hall in one way or another as though it were now before me. Despite the resemblance between the reproduced town hall of recollection or presentification, and the phantazied town hall, a different "modification," qua imagined, is required. I may also presentify or recollect my foregoing fantasy (PIM 212-213; Hua 23, 176-177)! These modalities are powerfully interwoven and impact each other. The implications of this for our sustained recourse to visual, and social, media are far-reaching.

<sup>26</sup> Zaldivar's assertion of the autonomy of judicial decision-making in opposition to public opinion pressure.

Cassez herself. She had been watching the interview from detention, during which time she requested a phone on pretext of calling her mother and called Televisa directly. She had been emboldened by a journalist who listened to her experience and urged her to share it publicly.<sup>27</sup> On the phone with Denise Maerker, who was hosting Garcia Luna, Cassez directly confronted his allegations, backing him up against a televised wall.<sup>28</sup> He was obliged to acknowledge live that the SWAT team and the arrest were a media set-up, essentially a figment. Nevertheless, he insisted that it was the media's fault, not that of the AFI. The report was made up, he said, "*a petición de ustedes*" (on your [the media's] demand), but it was presented "just as it happened the day before," he insisted. This disturbing revelation of "fake news" will prove important in our examination of the phenomenology of perception, images, and indeed of phantasy. Not even yet charged, Cassez and Vallarta remained in preventive detention without possible release, although for suspicion of *delincuencia organizada* (which includes kidnapping and blackmail in Mexico) there is no bail.

Presumably to neutralize Cassez's telephone charges and Garcia Luna's televised admission, the alleged kidnap-victims revised their own testimonies on February 10<sup>th</sup>, five days later. Before she phoned the station, the victims did not discuss Cassez. One of them, the child's mother, initially ventured that her son recognized Cassez's *voice* but had never seen her. Following that, the mother changed course, saying that she herself had heard Cassez's voice on multiple occasions, and that she had been raped by Vallarta and his abettor. The narrative revision gave ample justification for the AFI's mobilizing a SWAT

---

<sup>27</sup> The journalist was Yuli Garcia, who worked first for Televisa, then for Milenio TV.

<sup>28</sup> For discussion of this event, see Eric Dussart (with Florence Cassez), *A l'ombre de ma vie, Prisonnière de l'état mexicain* (Paris: Michel Lafon, 2010, simultaneously published in Spanish).

rescue team, and few seemed to notice that the mother's testimony had significantly changed. This would not be the only time that the victims altered their televised account of reality, nor would it be the last time that Director Garcia Luna would make the news.

#### **IV. Corporate Media Reality Steerage and its Juridical Impacts**

Cassez was tried, found guilty, and sentenced to 96 years in prison. Following her first appeal in 2009, the sentence was reduced to 60 years' incarceration. Vallarta was never sentenced as he has never had a trial, a matter to which we will return. Thus, for fifteen years he has been imprisoned *sin sentencia* and 'preventively' in the high-security prison, *Puente Grande*. Following international protest and a scarcely anticipated change of attitude among Mexican journalists, lawyers, and a handful of academics, Cassez was released after seven years' incarceration on January 23, 2013. Her release was obtained thanks to a Supreme Court decision. In contrast to the television broadcast, the procedure of the Court amounted to a struggle over how fairly to establish the *reality* of the case. Initially, in March 2012, Justice Arturo Zaldívar presided over the penal chamber of the Court. After studying the case, he castigated the collaboration between Mexican media and the federal police, which had produced a "corrupting effect" on the accused's right to due process of law and the presumption of innocence. As if himself striking up against the wall of the televised montage, Zaldívar concluded that there was ultimately no way to determine the reality of the events as presented. Worse, the alleged victims of the kidnapping refused to comment on the truth-content of the SWAT raid footage. In response, the five Supreme Court Justices deadlocked two-to-two around Zaldívar's petition (*proyecto*), with one abstaining. Cassez remained imprisoned. The following year, another petition was drawn up by a different judge, on new grounds but with a similar conclusion. Zaldívar voted

against it and it was withdrawn. Analyzing the montage frame by frame, he argued that remained no chance of establishing the slightest element of reality, much less the guilt or innocence of the accused. Astoundingly, a year later, Zaldívar's *proyecto* was adopted, this time by three votes against two. At that point Cassez was released and she returned to France. Vallarta, on the other hand, has remained in preventive detention for fifteen years because he never had an 'adjudicable' case.<sup>29</sup>

Two brief remarks about the case are in store. Unlike similar stories of trumped-up charges and imprisonments, four books and many articles analyzed Cassez-Vallarta between 2006 and 2018.<sup>30</sup> Moreover, Cassez's incarceration led to a diplomatic conflict with France, stoked by Nicolas Sarkozy's media-covered visit to Calderón on March 9, 2009. The tabloids and, from 2011 onward, social media fanned the flames of the foreign *intrigante* and "mastermind" kidnapper,<sup>31</sup> whose face was disseminated by all the major newspapers—with varying expressions of malice, ill-will, or pain.<sup>32</sup>

---

<sup>29</sup> A hearing may be called by a judge, the accused, or indeed by the prosecution. In Vallarta's case, each time a hearing was arranged, an insufficient number of witnesses (i.e., the victims, the arresting police—although not witnesses, as there were none) attended. Consequently, his trial was blocked and no decision possible. It may seem surprising that no one from the SWAT team would testify, and that two of the victims were actually sent out of Mexico, in February 2006, to San Diego (United States), 'for protection' (both returned periodically to Mexico thereafter). By 2011, a 'compensatory' narrative was circulating that the entire Vallarta family had formed a kidnapping organization with wide-ranging activities. The rumor was obtained from David Orozco under torture. See note 15.

<sup>30</sup> Emmanuelle Steels, *El teatro del Engaño* (see n. 3); José Reveles, *El Affaire Cassez: La indignante invención de culpables en México* (2013); Luis de la Barra, *Culpable: Florence Cassez, El Juicio del Siglo* (Mexico City: Grijalbo/Random House, 2014), and Jorge Volpi. *Una novela criminal* (Madrid: Alfaguara/Penguin Random House, 2018).

<sup>31</sup> Testimony of David Orozco, today deceased, whose taped witness about the kidnapping band, "Zodiac," argued that Cassez was the brains behind the operation. This witness, arriving as if out of nowhere, was 'discovered' (tortured), and interviewed by the same Luis Cardenas Palomino. Note that in 2009, the AFI, headed by Cardenas Palomino, literally engulfed the *Policía Ministerial Federal*, affording the AFI's most influential members a promotion. In 2010, Palomino became the chief of the Division of Regional Security, responsible for all arms, drug, and organized crimes in Federal areas of Mexico. He is presently under investigation for money laundering by the Mexican Attorney General's Office.

<sup>32</sup> Such images were widespread (see note 20 *supra*) and continued up to 2013, the year of Cassez's release. See *El Sol de Irapuato*'s article "Indigna al Víctimas, Liberación de Cassez (An indignity to the victims, liberation of Cassez)," 24 January.

Secondly, the “manufacture of the guilty” is a concept coined by Anne Vigna, a French journalist working in Mexico and Brazil.<sup>33</sup> Over the last two decades an abundant literature has grown up (in Spanish, French, and English) on media depictions of crime and criminal justice in Latin America. While English-speaking readers are familiar with cases like that of the Move in West Philadelphia and the dubious charges (illegal possession of firearms and threat of terror) levelled against the nine who survived the bombing and were incarcerated,<sup>34</sup> it remains that the plea-bargaining system in U.S. courts is not generally recognized as a systematic process of fabrication. Certainly, an entire study could be devoted to North American form(s) of guilt manufacture—not to mention of *duopolio*. As the Mexican Supreme Court acknowledged, the Cassez case represents a protracted struggle over Due Process versus police-and-media incrimination and their virtual trials. It has already been argued that democratic government in Mexico relies heavily on media manipulation of popular opinion<sup>35</sup>—which finally tipped the *duopolio* in favor of imagery over presidential rhetoric.<sup>36</sup>

The debate comes down to *how* and *what* we see through the video camera and subsequently, in social media. We argue that this calls for critical phenomenological resources, some of which can be found in Husserl’s exploration of image consciousness,

---

<sup>33</sup> Anne Vigna and Alain Devalpo, *Fabrica de Culpables: Florence Cassez y Otros Casos de la Injusticia Mexicana* (Mexico City: Grijalbo, 2010).

<sup>34</sup> See, for example, William K. Stevens, “Police Drop Bomb on Radicals’ Home in Philadelphia,” *The New York Times*, May 14, 1985 and for the aftermath of the trial that ensued against the City, Don Terry, “Philadelphia Held Liable for Firebomb Fatal to 11,” *The New York Times*, June 25, 1996.

<sup>35</sup> *Forbes’* Mexican edition was more assertive: “En México hay medios, en especial televisivos, que transforman la información en manipulación, según sean las circunstancias y sus intereses económicos o políticos (In Mexico, there are media, in particular television, that transform information into manipulation in function of the circumstances and their economic or political interests).” <https://www.forbes.com.mx/donde-termina-la-informacion-y-comienza-la-manipulacion/>. Consulted June 21, 2020.

<sup>36</sup> See Melanie del Carmen Salgado Lopez, *I Declare War against Whom? Calderón’s War Discourse against Narco-trafficking* (Unpublished thesis, Universidad Nacional Autónoma de México, 2012).



memory, and phantasy. For, a remarkable feature of television news coverage—notably when juxtaposed to the intercalated advertisements—is that news should be approached not simply as ‘fake’ or ‘fiction’ as for the way in which it *blends* the aforementioned image consciousness, memory, and phantasy. There are significant funds for this in Husserl’s twenty-seven-year engagement with these themes, ever in light of how we constitute reality. We therefore turn now to his phenomenological distinctions.

## **V. Husserl and the Phenomenology of Perception, Image Consciousness, and Phantasy**

Husserl began taking notes on phantasy, image consciousness, and memory even before publishing the *Logical Investigations* (1900-1901).<sup>37</sup> Each group of texts in the *Gesammelte Werke* (Hua 23) provides a sense of his evolution at a given epoch. The lectures of 1904 to 1905 predate the significant modification in his approach to perception, image-consciousness, and phantasy that takes place as Husserl integrates his phenomenology of inner time consciousness with the former (1905-1909). For example, in the early lectures, Husserl contrasted the reality of lived sensation with the non-reality of phantasy sensations. Perception, he argued, is “presentation” (*Gegenwärtigung*); it gives us an object specifically, from one angle or more as we walk around it; it is *leibhaftig*, fulsome and in-person. Possessed of multiple horizons, an object perceived live is part of my reality here and now. Certainly, perception occurs together with memories,

---

<sup>37</sup> Edmund Husserl, *Phantasy, Image Consciousness, and Memory (1898-1925)*, trans. John Barnett Brough (from *Phantasie, Bildbewusstsein, Erinnerung. Zur Phänomenologie der anschaulichen Vergegenwärtigung. Texte aus dem Nachlass (1898-1925)*, *Husserliana* XXIII, ed. Eduard Marbach [The Hague: Martinus Nijhoff, 1980]) (Dordrecht: Springer, 2005). Hereafter PIM with page numbers from the English followed by the German. We have adopted the use of “presentification” in the place of Brough’s “re-presentation,” to avoid confusion with “representation” and philosophies thereof.

expectations, judgments, and sometimes phantasy. But the object I perceive has an “identity”; it remains identically the same across my perceptual acts and can be communicatively shared with others. As such I believe in it spontaneously, until some conflict leads me to doubt what I see or hear. By comparison with phantasy, I have no particular freedom to modify perception itself, as the latter is lived experience that is not subjective in the way that a phantasy is my creation. All this is relatively uncomplicated. Note that in the lectures the pivot of Husserl’s distinction between perceptual reality and phantasy is the conception of lived sensation, presentation with identity and belief, and the absence of freedom to improvise.<sup>38</sup>

What Husserl called “image consciousness” (*Bildbewusstsein*) applied essentially to paintings and photographs. As we will see, it is also relevant to moving images. Unlike presentation or lived perception here and now, which he equated with ‘taking-as-true’ (literally *Wahr-nehmung*), image consciousness resembles phantasy and memory in that it is a making present or presentification (*Vergegenwärtigung*).<sup>39</sup> It makes an absent object present, but unlike phantasy or memory, adheres to some physical substrate like paper, canvas, or indeed, a screen. Also unlike perception, which concerns and means itself, image consciousness is complex: it has three parts, like a sign: the “physical image” or thing (*Bildding*) on which the image is set; the “representing” or “image object” (*Bildobjekt*) which is the picture as depicting, while the object for which it stands, is the “image subject”

---

<sup>38</sup> Compare this with Merleau-Ponty’s argument in his 1945 exploration of lived space, “To perceive is suddenly to commit to an entire future of experiences in a present that never, strictly speaking, guarantees that future; to perceive is to believe in a world. It is this opening to a world that makes perceptual truth possible, or the actual realization of a *Wahr-nehmung*, and permits us “to cross out” the preceding illusion, to hold it to be null and void.” *The Phenomenology of Perception*, trans. Donald Landes (Oxon and New York: Routledge, 2012), 311. Thanks to Sepehr Razavi for suggesting this passage.

<sup>39</sup> Also see Rudolf Bernet, UCHF in note 8 *supra*.

(*Bildsujet*). When I watch a televised SWAT raid on a house, the physical image is my TV or computer screen, which escapes notice until something goes awry with it. The dynamic image object includes the police entry into the house and the subsequent interrogation. The image subject here is more complicated: it certainly denotes the absent kidnapers (i.e., who are not physically in my living room), etc., yet whom I nevertheless see ‘before me’ *live*—and, even threateningly, in my vicinity. This is why what are called live broadcasts belong to image consciousness whose object is nevertheless a *Fiktum* or *Schein* (a figment or a semblance) as Husserl would say (PIM 22, 59, 76; Hua 23, 21, 54, 71).<sup>40</sup>

Now, the physical image or substrate tends to awaken our awareness of the image itself; we might observe that this canvas is cracking or the screen is dull. Its physicality lends stability to the “image object,” though it is an open question whether screens work consistently like canvases or photographic paper (viz., their ability to vanish may be greater, depending on use and circumstances).<sup>41</sup> By contrast, phantasies have no such

---

<sup>40</sup> But this figment cannot be separated from some memory, some presentification, lest it not be a viable image: “if the conscious relation to something depicted is not given with the image, then we certainly do not have an image. This conscious relation, however, is given through that specific consciousness belonging to the presentification of what does not appear in what does appear” (PIM 32; Hua 23, 31). See Marbach, “Edmund Husserl” (2012, 232). Thus, this figment owes its force and even vivacity in our case, to the connections it has with past perceptions (presentations) that may or may not be presentified with it.

<sup>41</sup> By the time Husserl had carried phenomenology from a static approach to a genetic one, we find new and important notions of “affect-consciousness” and “the passivity of the life of consciousness.” Characteristic of the life of the psychological ego, affects may or may not attract the attention and focus of that ego. More important for the question of screens and televised media is that frequently, when watching, or absorbed in, a screen, ‘I’ am in a state “in which the ego is present,” albeit without directly attending to the scene. But there are also affects from which the ego is, at least temporarily, absent. “The wakeful egoic life is distinguished from the egoic life that is not awake, from the ego that is ‘in a stupor’ in the broadest sense” (Hua 11, 364). Part of the power of image-consciousness when mediated by a screen amounts to the “background of non-wakefulness” that accompanies wakeful life such that while an object is noticed, many other things are co-given “in a second or third order co-grasping” (Hua 11, 363-364). These include affects and values, retentive chains, etc. Thus argued Husserl as his genetic phenomenology was exploring active and passive syntheses. Note that from early on, the specificity of image-consciousness was that of a “making-present of a non-appearance in an appearance, a rendering visible of the invisible,” as Nicolas de Warren reminds us (see TEPG, 306). It is the effectivity of non-appearance that concerns us here; arguably, only a part or aspect of “non-appearance” comes to appear in an image.

physical instigators; they do not awaken concern with image objects because they stand as it were in the place of the image object.

Image consciousness and its three components amount to figments, even though, for Husserl, they cannot be equated with phantasies. The image object, or *what I see on my screen*, is clearly the only component of image consciousness that *appears*. The physical image is easily overlooked and the image subject is clearly elsewhere. Despite this, the *Fiktum* does appear, and sometimes powerfully. In watching it, we hardly attend to the absence of the image subject, because it is *meant*, as if pointed-to (PIM 20, 25; Hua 23, 19, 23-24).<sup>42</sup> It is enough that the image object be there, then, that we start to “see-into” it. Just as I see a head *in* the plaster cast, or Husserl’s example of a “woman of superhuman size” in a two-foot statue of the Madonna (PIM 48, 582; Hua 23, 44, 487-488),<sup>43</sup> my seeing-into entails more than deriving a form that I recognize. It opens to phantasy and value conceptions, “anomalous appearances”: the two-foot-high Madonna may feel to me as “of superhuman size” (though certainly the form, the physical mother and child would not have been) (PIM 48; Hua 23, 44). By extension and depending on viewers’ circumstances and memories, a live transmission of the arrest of kidnappers will be imbued with a range of value and mnemonic associations.

---

<sup>42</sup> Husserl calls the intuitive ‘knowing’ that an image *means* someone or something else “depictive consciousness” and “a consciousness of difference” (PIM 22; Hua 23, 20). This consciousness is *immediate*; it does not require reflection, though reflection may clarify the depiction. The intuitive “consciousness of difference” is crucial for phenomena of racialization, perception of ‘physiognomies’, etc., all built up through the sedimentation of sensation, phantasies, and image consciousness.

<sup>43</sup> Just as ‘I’ readily do during television news and ‘reality’ TV series, “I can *live in the image consciousness* of this Madonna by Michelangelo, and I then ‘feel’ through the flesh and the inner life, while I do not at the same time see a color” (PIM 582; Hua 23, 487-488, emphasis added).

This phenomenon of seeing-in with value and phantasy takes a unique form in the case of actions like police raids.<sup>44</sup> Depending on the viewers, and supposing them to be citizens apprehensive of repeated kidnappings, seeing-into the figures of the kidnappers will be imbued with affects and sedimented memories of abduction (rumored, witnessed, or lived), violence, fear-objects like cartels, police, etc.<sup>45</sup> This is part of why televised news can be particularly consequential. Forgetting the support, overlooking the awareness that the image objects are indeed fictions (PIM 612, 698; Hua 23, 511, 580)<sup>46</sup>—the news is

---

<sup>44</sup> In addition to news broadcasts, there is the proliferation of ‘reality’ series. Consider the infamous seasons of “Cops,” which began on the Fox network, then passed to Paramount, to run for thirty-three seasons. After years of resistance, it was cancelled in 2020 following protest around the killing of George Floyd. Beyond this constructed ‘reality’, we can include the TV reality series of Briton, Chris Ryan (“Ultimate Force,” 2002-2006; “Strike Back” 2010-2020), which is representative of the romanticization of paramilitary forces and police. Closer to home is the Dick Wolf *Law and Order* franchise. Impressed by these shows, Genaro Garcia Luna (Director of the AFI in 2005), subsequently launched a Mexican version of “Law and Order,” “El Equipo,” on Televisa in 2011. Reality televised, or allegedly so, joined televised ‘reality’—both of which proved to be fictive.

<sup>45</sup> At almost the same time, in the *Ideas II* (1912-1917), affects played a significant role as motivating the ego, conferring value, inciting the subject to comport itself toward objects or persons. Although, for Husserl, affects are intentional and play a preponderant role in tasks of object constitution, they also sediment through “a passive habituality in the ego” (Hua 4, 310). Sedimentation is crucial here and although the ego that is understood as the unity of the transcendental and the psychic egos “remains identically the same” through humours and affective states, conviction nevertheless could prompt one to change oneself (Hua 4, 311). So certain affective states have a privileged relationship to judgements and acts.

<sup>46</sup> Husserl writes, with a wax museum or theater play in mind: “Suppose that we immerse ourselves in what is intuited, specifically, in one of the contending apperceptions, hence in the apperception of the ‘king’ in the theatrical performance, without entering into the other apperception and without forming, *in the transition*, the consciousness of conflict (just as in the transition from immersion in *one of two similar things* [emphasis added] to immersion in the other, we can have ‘*sensuous similarity given to us*’ without producing the consciousness of coinciding...). Now if we do that, the *negation of actuality*, the active rejection...is missing on the side of the actively apperceived object, while nonetheless within the boundaries of passivity we are not conscious of the intuited object in a normal perception.” In short, “the [reality- or phantasy-] positing that belongs essentially to the uninhibited apprehension...is cut off by a counter-characteristic [*Gegencharakter*]” (PIM 613; Hua 23, 511, emphasis added). So too for television watching. I may have a sense of a “sensuous similarity” between what I watch and (important) aspects of my daily life, with its population of things and people. But I require neither identity nor an active suspension of conflict to “immerse” myself in the spectacle. Disturbingly, when commercial television news is interspersed with advertisements, ‘I’ must make the spontaneous transition from ‘the live’ and the ‘factual’ that news is *supposed* to be, to the phantasmatic that are ads, playing on my desires and insecurities. With the increase in ads’ quantity and frequency, the “uninhibited actuality” of lived perception here and now *is and is not* cut off by “a counter-characteristic”—and two ‘realities’, *both* perceptual (one of the TV room, the other of the TV news), are as if invaded by the phantasms of the advertisements. As Husserl says, “however much experience speaks against it...I phantasy it [the image objects, here: moving images] precisely *as existing*” (PIM 698; Hua 23, 580, emphasis added).

‘live’ after all—and seeing-in, we participate in constituting ‘bad guys’ and ‘good guys’. This is one of the interstices between image consciousness and phantasy, because beneath the succession of images, powerful affects can open a certain freedom to phantasize and motivate doing so through mnemonic association (PIM 297-298, 466-470; Hua 23, 241-243, 394-396).<sup>47</sup> In that case, and despite everything I know of (my everyday) reality, I may unreflectively add the phantasy element of “supposing it were thus [*Gesetzt, dass es so wäre*]” (697; 580). So much for the mechanics of the ‘manufacture of guilt’. This is borne out in the criminological literature concerned with the relation between commercial and digital media, public opinion, and fiction—from print to series to the web. As criminologists C. Greer and R. Reiner observed recently, “The fact/fiction distinction [in television] has become ever more fluid, with the emergence of what is usually referred to as ‘reality television’ or ‘infotainment’.... The media and criminal justice systems are penetrating each other increasingly, making a firm distinction between ‘factual’ and ‘fictional’ programming tenuous.”<sup>48</sup>

Interstices notwithstanding, it is important in a world of corporate and social media to heed Husserl when he qualifies the image object as a “nullity” (PIM and Hua 23 § 22).<sup>49</sup>

---

<sup>47</sup> Rudolf Bernet discusses the crucial distinction between memory and phantasy—two distinct acts and modalities of consciousness—underscoring that phantasy comes without positing or taking a stance as to its reality. Indeed phantasy “knows itself as phantasy because it is an inner reproductive consciousness of a (quasi-) perception.” As such, phantasy precisely entails “the creative freedom” that open[s] up the possibility of its free conscious presentation.” This often allows us to take critical distance on our intuitive presentations and recollections (UCHF 339, 341).

<sup>48</sup> C. Greer and R. Reiner, “Mediated Mayhem: Media, Crime and Criminal” in *Oxford Handbook of Criminology*, eds. M. Maguire, R. Morgan, and R. Reiner (Oxford: Oxford University Press, 2015), pp. 245-278. These are part of the conclusions drawn from their diachronically extended study of print and electronic media, including news, reality TV, crime series, and novels between W.W. II and 2014.

<sup>49</sup> Husserl is aware of the near paradox of a nullity that is here and now perceived, vividly, as present. “...[I]n a peculiar way... the image object *does triumph*, insofar as it comes to appearance. The apprehension contents [what I see as I look at image, its support, *and* my surroundings] are permeated by the image object apprehension [pre-eminently the TV image object apprehensions]; they fuse into the unity of the appearance. *But the other apprehension* is still there; it has its normal, stable connection with the appearance of the surroundings.” Hence the paradox: “The surroundings are *real* surroundings; the paper [or the screen], too,

In the age of dynamic images and sound, the nullity is there, before us. It exists even as it does not exist, the *Schein* is present but not “actual,” as he put it. Yet in another sense, such nullities can be decisive. Body cameras and cellular filming provide a perception as-if ‘in the flesh’, which alone may introduce conflict into police, and other potentially partial, accounts. No need to add that the socio-political and juridical implications of this are significant. For Husserl, however, conflict is functionally important in another way: it actively annuls image objects. In the Cassez-Vallarta case, it took three months’ incarceration before Cassez was able to call Televisa and introduce ‘live’ conflict into both the raid video and Garcia Luna’s narrative.<sup>50</sup> While the incident is remarkable in itself, what is required to introduce epistemic conflict into accounts via videos or witnessing by subaltern and racialized people is no doubt much greater.

In phenomenology, conflict is socially and materially complex. Husserl distinguishes between conflicts with *surroundings* (that may appear as actual) and those with the *subject* of the imaging. In simple terms, the image object of image consciousness gives us an “ideal world [*ideelle Welt*]” (PIM 50; Hua 23, 46) complete with its own relative space, time, and rhythm (PIM 646; Hua 23, 536-537). In many cases, there is no fitting the image world into our lived surroundings. At least by virtue of its physical support (screen, canvas, frame, pedestal, etc.), it is *not of them*, not perceptual in a direct way. Yet, in the case of televised news we often invest image objects with belief. Only when and if some conflict intervenes do we suspend our belief in many of them—and sometimes not

---

is something actually present. *It is therefore merely an ‘image’; however much it appears, it is a nothing (ein Nichts)*” (PIM 50; Hua 23, 46). But for the two nexuses, that of reality and that of the images, to stand fully apart, there needs be reflection—or *critical* awareness.

<sup>50</sup> Cassez was able to do this because she was in a medium security prison whereas Vallarta was already under high security incarceration.

even then. The problem here is not one, say, of those competing perceptions where I focus on the object and attempt to determine who or what I saw (e.g., ‘was that a dog or was it a wolf?’). Instead, conflicts with surroundings or with the image subject nourish our *awareness of the image object per se*. In that case, *reflecting* on image consciousness can be like awaking from a dream. Or it may provide value, in and as itself, for the ‘facts’ attaching to an image subject that was present *and* filmed (image consciousness), but ‘is’ no more. Consider the value contributed by cell phone recordings of police violence...and murders.<sup>51</sup>

Awaking from a dream may not suit our habits or desires, any more than living in the midst of such tensions. In the case in question, TV viewers tended *not* to notice Cardenas Palomino’s hand painfully squeezing Vallarta’s neck. Competing narrative and phantasy fragments may have played a role in this blindness (‘he’s a kidnapper, one *must* hold on to him’). It did not give way until journalists began to cast doubt on the entire story,<sup>52</sup> years after Cassez’s phone call to Televisa. Notwithstanding, Husserl argues that image consciousness actually *lives* from these tensions; they are its condition of possibility,

---

<sup>51</sup> This is again because the nullity, *der Nichts*, that are image objects *relative to* living perception here and now, to image subjects, and even to physical images or supports (screens, etc.) *represent*. They may represent homicides, witnessed by others. They may represent fictive homicides. Hence, respectively, the value of body- and dash-cam recordings; or the danger of reality TV ‘enactments’ like the present one. Moreover, the *reference function* explains, along with retentional sedimentation of experiences (Husserl’s time consciousness) why it is absurd to suppose that ‘we do not see color’. Or why TV viewers ‘saw’ (the representation of) kidnappers in Israel and Florence. “The image object is ideal,” urges Husserl. It participates in processes analogous to the formation of concepts, of symbols, judgments, and association. But it is not always ideal the way a sign is ideal: “the symbolizing function represents something externally” (e.g., signs on the highway). The imaging function, by contrast, “exhibits its subject *internally*, seeing it *in the image*” (PIM 89; Hua 23, 82). This should apply to seeing types as readily as individuals. Thus, we *see* the internal reference to criminals and kidnappers. And for the duration of the images’ legitimation by police or specialists, we *believe in the internal reference*.

<sup>52</sup> Among them, Anne Vigna (co-author of the important work *Fábrica de culpables: Florence Cassez y otros Casos de la Injusticia Mexicana*, 2010), Emmanuelle Steels (*Teatro del Engaño*), and Leonore Maheux. Together, the three wrote the article “La Historia de Florence Cassez: Una Secuestradora [kidnapper] Improbable?” in *Gente* [People], Vol. 40 (2011): 56-63.



even pre-reflectively. After all, in the absence of the possibility (or actuality) of some conflict, our screen viewing would simply lapse into “perception” because, in its way, it is already in part perception (PIM 576; Hua 23, 483).

We spoke earlier of phenomenology opening the possibility of a critical aesthetics of mass and digital media. This is because Husserl did not neglect what he called “aesthetic consciousness” (PIM 168 n. 6; Hua 23, 145 n. 1).<sup>53</sup> He urged that all art entailed aesthetic consciousness, but not all aesthetic consciousness pertained to art (PIM 615, 648; Hua 23, 513, 538). Important here, we believe, is that, by virtue of their proximity to events, media can hold us *between* image-consciousness and aesthetic consciousness. In aesthetic consciousness (as in phantasy), I have no need to take a position on the being or non-being of the image object. I am free in short to dispense with its actuality. I may engage, moreover, in the “aesthetic position-taking that belongs to feeling [*ästhetische Stellungnahme des Gemüts*]” (521; 441), which occurs when “feeling” or affect is deliberately enlivened, in this specific way, through the image approached aesthetically. Now, because the affects redounding to aesthetic consciousness abet contemplation—where a certain sculpture or a portrait induces (aesthetic) delight—it is likely that aesthetic consciousness can be brought about through affects like disgust or horror as well (cf. poverty-, refugee-, war-reportage, etc.).<sup>54</sup> The conjunction of the object and the affects is

---

<sup>53</sup> To wit, “in the psychological attitude,” which is *not* the same as the phenomenological one, “the appearance is an *object*; in the aesthetic attitude, I do not think about the appearance and do not make it into a theoretical object.” At which point Husserl wanders into part of a long-standing ontological dilemma: “but I am not in a theoretical attitude in which I am directed toward ‘being’ (true being)...to describe it, or even...to transform it...desire it, to take delight in it as something actual [*als Wirklichkeit*]” (PIM 168 n. 6; Hua 23, 145 n. 1). As in phantasy, aesthetic consciousness neither needs nor mobilizes a positing act [*setzendes Meinen*]. I am not concerned with whether it is real or not. And by default, it is real, as-if real, for me in the time(s) of my witnessing it.

<sup>54</sup> The relationship between affects and feelings appears to be one of degree in Husserl. The ego may bathe in an affect even while it remains “deaf to it” (Hua 11, 363). A feeling arises through an affection of the ego, with “a turning toward” the presumptive object, whatever it may be. In so far as some object, here aesthetic,

noteworthy here because aesthetic experience requires neither clear object depiction nor depends on the tensions Husserl observed as conditions of reflective image consciousness. We watch a play, he argued, which inserts us into a world of its own, a world of illusion. It is a “pure perceptual figment” (PIM 617; Hua 23, 516), yet we are there for it, we “succumb [*unterliegen*]” to it (617; 516). Thus when an artwork is “realistic,” notably as narrative, it deploys its own as-if realistic universe, making us feel as if we were witnessing a specific social world at a given time (PIM 652-653; Hua 23, 540-541). When it is “idealistic,” that world will be imbued with values and norms. In those cases, again, we need not tend to take a stance on the reality or unreality of the image object.

Drama, like much media narrative, “presents an image” here and now. It is *Schein* and semblance, yet do we not often contemplate it from within “aesthetic consciousness,” with its existence (provisionally, even delectably) suspended? Realistic art of all sorts comes arguably close to televised *news*: we have for horizons the particular city, the circumstances, the actors. We obtain an ‘ideal’ dimension, with the addition of commentary, which contributes normativity and values. Watching TV news, we feel as if we are witnessing a given social order, which may appear, or not, to be our own (PIM 652; Hua 23, 540-541). This was clearly the case in the SWAT raid, despite the fact that the ranch house was replaced by a small shed, and even though the alleged *secuestradores* had been arrested and tortured the day before the TV montage. In such cases, *we cannot neatly separate perceiving-, image-, and aesthetic consciousness*. They interweave in ‘passive’ media spectatorship as readily as in everyday life. This complex conception of

---

is constituted, a new feeling [*Gefühl*] may arise in passivity. It will belong to “the intentionality of feeling [*Fühlen*] which exhibits a novel intentionality” (Hua 31, 5). Thus, the affect, the object, and the feeling interpenetrate with the latter two flowing out of an affect or direction of attention.

consciousness means that it is only under critical scrutiny (and for the purpose of epistemological analysis) that the ‘here and now’ and the ‘as-if’ can be clearly segregated. By 1918, in line with the development of genetic phenomenology, Husserl would conclude, “It is doubtful whether there is such a thing as a completely pure phantasy” (PIM 610; Hua 23, 509).<sup>55</sup> He did not here take the step that Merleau-Ponty would take in 1955, by asserting the converse, viz., that intersubjective reality was shot through by phantasy. Although, as Bernet recalls, Husserl came to wonder whether there was something like a pure perception as well.<sup>56</sup>

While already present in aesthetic consciousness, an ‘as-if’ characterizes phantasy presentations in Husserl. Like memory, phantasy is an act presentation, but unlike lived perception (*Gegenwärtigung*), it is a *re*-presentation or presentification (*Vergegenwärtigung*), with memory pursuing the mnemonic *act* to revive its memory object, and phantasy freely rearranging the objects sedimented in perceptual memories. Now, if watching electronic and digital media involves elements of the ‘as-if’, and thus phantasy—even as we are presented ‘live’ with people and situations—then this is because it is the specific quality of phantasy objects *to mean* other ones; once again, they are like image representatives [*Bildrepräsentant*] (PIM 31-34, 531; Hua 23, 30-34, 448). The ‘live’ person and the *meant* person may correspond intimately, or not. It may even be challenging

---

<sup>55</sup> We abbreviate our discussion of the modifications that genetic phenomenology proposed to the analyses of the lectures of 1904-1905. It is not that they are unimportant. It is, rather, that many of the categories introduced already in Husserl’s static approach prove valuable to an aesthetics of media production. A longer article would explore Husserl’s abandonment of mental images and his *rapprochement* between acts of memory and phantasy as reproductive consciousness and nested consciousness (memory of a memory, etc.). For a discussion of pure phantasy and the ability of the Ego or ‘I’ to “split itself” and inhabit two worlds largely at the same time, see Marco Cavallaro, “The Phenomenon of Ego-splitting in Husserl’s Phenomenology of Pure Phantasy,” *Journal of the British Society for Phenomenology*, 2016, DOI: 10.1080.00071771.2016.1250436. Consulted 4 March 2021.

<sup>56</sup> See UCHF 340 and note 8 *supra*.

to determine their relative compatibility. When considered together with idealizing tendencies, and the mobilization of interests and affects, the *meaning* or pointing-toward intrinsic to image representatives provides them with a certain solidity (even be it phantasmatic solidity), especially when what we are ‘seeing’ also points toward mnemonic types—kidnappers, criminals, dangerous rebels or terrorists.

Yet what carries ‘realistic’ news video still closer to phantasy is that, outside of public television or personally edited re-broadcasts, the presentations are continually intersected by advertisements.<sup>57</sup> In the latter, a smallish world is constituted—we can even be able to divine its apperceptive horizons, if and when we recognize them.<sup>58</sup> However, like phantasy, the advertisement images need not signify anything epistemologically thematizable. In other words, if advertising images mean something, then it is often ‘idealistic’: they point to and elicit values, desires, wishes, or all of these. There is no clear distinction here between the image object and the image subject. I do not have to go looking for the ‘real’ Tesla or the elegantly dressed model to drift into that partial world, which is part of Husserl’s definition of phantasy. More intriguing, he would puzzle over the situation of phantasy image(s), having questioned arguments that they are simply ‘in mind’ or just ‘in the world’ (PIM 18-20; Hua 23, 16-18). If that leaves hanging the question of where they are, the likely response is that there is no ‘where’ there. Nevertheless, the harassing rhythms of advertisements in news (and other programs) have a peculiar effect on the “actuality” of the news by exerting a phantasmatic pull on its putative realism. It is not so

---

<sup>57</sup> See note 48 *supra*.

<sup>58</sup> See Bernet, IORI 137-138.

easy for a viewer to shift between fifteen minutes of televised image objects and phantasy image objects targeting her values, yearnings, or even her sense of personal worthiness.

This is a problem for news in cases like Cassez-Vallarta. Indeed, it is not simply because they interrupt the flow of a program that we find ways to eliminate ads, or seek media filtering them (at one time this was internet news *versus* corporate media news). We resist the violence done to consciousness in the modal shift that the ads impose, even if we are not reflectively aware of it. The crucial point thus concerns the impact, on viewers, of this unremitting juxtaposition. It creates more (or less!) than a side-by-side ‘coexistence’ of image objects.

As Husserl’s thought evolved, he backed away from what was called the “image theory” of image consciousness and phantasy.<sup>59</sup> In *Ideas* I, he argued for an unbridgeable gap between perception and image consciousness.<sup>60</sup> But one difficulty concerned inspection of a presentation; that is, our attempt to re-present it to ourselves, which initially occurred thanks to the interposition of an image mediation, as according to image or representation theories. Such a conception of representation still recurs to the concept of mental images. For Husserl image theory vitiated the ‘in person’ directness of perception and presentification. Despite this, a certain *mediation* remained crucial to him since both memory *and* phantasy entail some kind of functional intermediary. The latter did not need

---

<sup>59</sup> Shum rightly points out that “Husserl has good reasons for excluding picture-thing from the structure of phantasy...Firstly, Husserl is...methodologically opposed to being drawn into psychologistic speculations regarding mental images...Secondly, when I imagine a landscape, the landscape does not appear to be framed...within a separate physical object...This differentiates imagining a landscape from walking into an art gallery and viewing a painting of it” (EIHA 222). Although the picture-thing is thus absent in imagination or phantasy, it is unclear whether prolonged TV viewing might not bring about a *rapprochement* between the moving sonorous images and their concurrent phantasies.

<sup>60</sup> Husserl, *Ideas*, Vol. I (Husserliana III), trans. F. Kersten (Dordrecht: Kluwer Academic Publishers, 1982), 93: “a picture-consciousness or a sign-consciousness must not be substituted for perception.”

to be iconic. By maintaining his distinction between types of intentional *acts* (perceiving directly, remembering, anticipating, imagining) and the *contents* of these acts, Husserl defined the mediation at work in memory in terms of the *act* of casting back and revivifying a past event—which forthwith delivered the object or contents (PIM 237; Hua 23, 198).<sup>61</sup> Phantasy certainly had its mnemonic dimension, but operated with greater freedom. In memory as in phantasy, what thus appears is not something present that would serve as the representative for something absent (image subject) (PIM 93; Hua 23, 86). Therefore, again no presence requirement is experienced and the presentifying *act* “relates,” in phantasy, “just as *straightforwardly* (*einfältig*) [to its object] as [it does] in perception” (PIM 92; Hua 23, 85).

Combined with his new mediation through acts, Husserl’s revised conception of phantasy and memory presentification implied that no clear criterion might be found to distinguish, at the level of the acts themselves, between lived sensation and phantasy sensation (PIM 136-137; Hua 124-125).<sup>62</sup> Of course, with sensation come other types of affect, though Husserl recurred sparingly to examples of particular emotions. Henceforth, image consciousness stood alone. By contrast, presenting and presentifying acts, i.e., perception and memory/phantasy, drew closer to each other. This may be why televised images—though they belong firstly to image consciousness and *not* to perception—provide

---

<sup>61</sup> “The act of remembering...is itself a ‘recollective re-presenting’ of *the earlier act* of perceiving and also signifies...memory *of this act* of perceiving.” We owe this important insight firstly to remarks by the translator, John Barnett Brough. See PIM LVI, LXIV.

<sup>62</sup> Husserl promised to sort out differences between phantasy and perceptual sensations. At the level of their contents, they could share comparable intensities. At the level of their acts, phantasy predictably lacked the position of ‘this is real here and now’. But he would add, “beyond the differences explained...we will immediately recognize that the physically mediated appearances [*physisch vermittelten Erscheinungen*] and the perceptual appearances [*Wahrnehmungsercheinungen*] are of entirely the same sort” (PIM 136 n. 30; Hua 23, 124 n. 2).

un-mediated consciousness of objects that may or may not be elsewhere. That is, they are ‘live’, ‘on site’, and attested by the reporter. They are both presentation and presentification. And they motivate both memory associations (e.g., the widespread awareness of kidnapping as a social scourge) and phantasies (‘I might become a victim’).<sup>63</sup> When they are repeatedly broadcast over days, a nascent lived memory congeals, retentionally streaming back from my living present to what my consciousness durably retains from relatively proximal experiences. Moreover, with electronic sound and images perfectly concerted, we vividly ‘perceive’, and then just as vividly perceive *anew*, as if (*and* ‘as-if’) the SWAT team raid were still ongoing today.

It was considerations like this that impelled Husserl to modify his approach to phantasy and argue that, while the act of memory reinvigorates the experience of an object or event, the act of phantasy operates *like a perception itself* (PIM 531; Hua 23, 448). A perception gives me a house from an angle, under some kind of light, at some distance. So too the phantasy, albeit in the mode of a quasi-perception—again, without my taking a position on the actuality or existence of the house. Phantasy would thus be original; the as-if giving of an object or event itself (PIM 696; Hua 23, 579). “If, in phantasying, I perform a coherent act of harmoniously intuitive phantasying...I thereby construct an object as-if in the manner of an original *quasi*-perceptual as-if giving of the object itself. And this object as-if is originally given here (*ursprünglich gegeben*)...and is nothing else in the

---

<sup>63</sup> Criminologists Greer and Reiner remind us that, since World War II, media news emphasis on violent crime, including homicide (and kidnapping), “feature vastly more frequently than the property offences that predominate in official statistics.” Moreover, since the late 1960s “crime is represented increasingly as an *all-pervasive threat*, not an abnormal, one-off intrusion into a stable order. *Linked to this is the increasing prevalence in film of police heroes...*” in “Mediated Mahem,” emphasis added.

grasping coming from the Ego (which is an actual and not a modified grasping)” (696; 578-579).<sup>64</sup>

We would argue that the quasi-perception and as-if giving are limited neither to our subjective phantasies nor to advertising solicitations. Rather, they appear to be the essence of neoliberal media *reportage*. It is thus as if, with his own revised conception of phantasy with regard to perception, Husserl accounted for the relative un-situatableness of televised and digital media ‘presentations’. Indeed, perhaps one of the clearest crystallizations of this *rapprochement* of perception and phantasy is the meme. Stated otherwise, a meme—immediately both perception and image—denotes a kind of intentional act, a complex synthetic association drawing on both memory and opening to phantasy. The sensory content of the meme matters ultimately less than the act that it comes to denote: I perceive it and I go in search of the memory act that associates it with previous perceptions, through similarity or not. Consider the many memes involving Cassez, the most extreme of which showed her face from a montage image, with the words “Muerte a Florence Cassez” (i.e., image object, presentifications, and phantasy interwoven).

Husserl would emphasize that to “every sensuous-content there corresponds a sensuous phantasm,” like directly sensed ‘red’ and its accompaniment in presentification. Such accompaniments become densely sedimented through repetition, and it is hardly surprising that, as the tabloids obsessively reprinted Cassez’s facial expressions (from desperation to scowling), the phantasms multiplied along with the “sensuous contents.” And they associated through flowing retentive consciousness. She thus oscillated

---

<sup>64</sup> Note the repetitions of “quasi-” and “as-if,” here. This may be for the sake of clarity, but the danger to clarity lies in the fact that, before 1921, the *only original* perceptual *datum* Husserl had set forth was lived *sensations*.



between a real person—a rather rare ‘perception’ until 2013—a symbol of French brutality toward Mexicans,<sup>65</sup> an accomplice kidnapper, and ultimately an icon, a fitting meme.

Not unlike the phantasm that is both present and not present, corporate television news is intercalated with advertisements that are vivid yet somehow altered (cf. image object consciousness). “Only indirect reflection bestows on [the phantasm] an acquired present [*eine akquirierte Gegenwart*]” (PIM 87; Hua 23, 81), which is also the case of TV news. Through indirect reflection, I can attempt to set it in *my present*. But the reflection need not be critical; perhaps it need not be explicitly conscious. A phantasm may, through some affective force—say, anxiety, indignation, or resentment—be inserted into my present.<sup>66</sup> To wit, “here are the faces of kidnappers; do you see it in them?” And if the threat of kidnapping is present to mind, even as an affective horizon, then a French woman and her friend may expand the existing image stock of such *delincuentes*. Though they are not there *where we are*, they can haunt our daily existence. The as-if present slides toward the lived present. And Husserl would specify that the phantasy-present be defined as an “internal present [*innerer Gegenwart*]” (PIM 204; Hua 23, 169), as it clearly is, here.

The idea of an “internal present” enriches the as-if or the quasi-modalities we discussed earlier. It appears to address the dilemma of actual perception segregated from phantasy *versus* actual perception laying close to phantasy. The internal present came with

---

<sup>65</sup> English-speakers forget that the French largely invaded Mexico twice. The first time between 1838 and 1839, when the French blockaded Mexican ports. The context was complaints by French nationals about danger to *property* due to unrest. The second French intervention, under the Second Empire, lasted six years (1861-1867). Aiming at hegemony in Mexico, it overturned the economic reforms of Benito Juárez with the collaboration of the Mexican Catholic Church, local nobles, and some of the *bourgeoisie*. The memory has survived longer in the Mexican social imaginary than in the French one.

<sup>66</sup> For an enriching discussion of affective forces [*affektive Kräfte*], and the way they preserve certain retentions, allowing them to emerge anew in conscious associations, see Hua 11 “Assoziation” (Chapter 2, §§ 32-35). This approaches the sedimentation of affects, affective saliency, and degrees of affective force from a specifically genetic phenomenological angle.

a revised conception of sensation. On the basis of his 1911 reworking of the time consciousness lectures, Husserl expanded his inquiry into levels of consciousness: the experiencing or absolute consciousness; the experience constituted therein, and the intentional object of experience (PIM 397; Hua 23, 326). While the first and the second, experiencing and experience, were distinct, they were essentially inseparable—despite the fact that the experiencing *per se* was not itself an experience (395; 325). Accordingly, sensation—earlier conceived earlier on the model of a sort of material whose continuous change impelled the flow of consciousness—became consciousness itself. No longer the source of our reality index, sensation was “the original consciousness of immanent time,” and indeed, the impressional or “original *consciousness* of acts and contents as temporally extended” (307; 251). As such, phantasy sensations enjoyed a corresponding elevation. If “‘consciousness’ consists of consciousness through and through,” then both perception and phantasy (or sensation-lived and sensation-phantasized) are consciousness (PIM 323-324 Hua 23, 265).

The *rapprochement* between perception and phantasy was thus cinched. The modification of perception in phantasy, denoted by the as-if and the quasi-, were consciousness modified. And, because all experiences are constituted sensuously or impressionally in internal consciousness (PIM 369; Hua 23, 307), they could all be presentified and, correlatively, phantasized. It is not clear whether Husserl abandoned the concept of an object’s ‘as-if’ appearance, much less that of the nullity of image consciousness and the semblance of phantasy. Yet his move to ‘all is consciousness’, with a host of modalizations, bonded phantasy and perception in a way important for understanding media presentation and re-presentation (presentification)—in the present

case, media re-presentation-*as*-presentation. When understood as vivid and correlative with directly lived sensation, accompanying phantasy sensations were the re-productive counterpart of impressional internal consciousness (PIM 683; Hua 23, 566-567). Moreover, they were, given their respective modification, also impressional. Phantasy sensations thus played an analogous role in experience. It was the context, above all, that distinguished them (PIM 368; Hua 23, 306-307).

The “phantasm in the act’s phantasy” is what TV Azteca and Televisa offered their viewers; not really as-if, but as here and now. No doubt it is more than Mexican media that engage in this strategy. Televised news depends on it, especially if it would also deliver its spectators to advertisers who require an audience receptive, affectively and attentionally, to their solicitations. It remains that the analogous role of phantasy in experience does not warrant a direct assimilation with televised images and phantasy. Nevertheless, the power of media news, of televised facts—and the disconcerting quasi-worlds elaborated by social media—is well explained by this phenomenological approach to consciousness as presentation, presentification, aesthetic, and affective. Also elucidated is the persistence of belief in the guilt of the accused, which only turned around in 2012, when Cassez’s case went before the *Suprema Corte de Justicia* (SCJN). For those events too were televised...

## **VI. Perception, Trauma, and the Existential Category**

By taking a leap that Husserl reserved to his unpublished *Ideas II* and incorporating insights from psychology—from *Gestalt* and from psychoanalysis—Merleau-Ponty expanded Husserl’s approach to perception, constitution, and passivity. To do justice to his contribution exceeds the range of this essay. Yet if we allow that both the on-going threat of kidnapping and violation, and the presentation of the capture of ‘criminals’ constitute

trauma—even minor trauma—then Husserl and Merleau-Ponty’s argument *for* a massively embodied and intersubjective consciousness proves illuminating. What Merleau-Ponty always argued was the subtlety of perception and “its kinship with a whole series of givens,” looks to us like Husserl’s mature *rapprochements* between perception and phantasy, actual sensation and phantasy-sensation. The as-if or, better, the *modifications* of consciousness, hearken to Merleau-Ponty’s *existential* deposited in us through perception...and trauma. In sedimenting, it metaphorically vibrates<sup>67</sup> and radiates connections with new perceptions and phantasies. “In fact, this is not subtle, it is massive,” added Merleau. In later years, Husserl would likely have agreed. And this helps to situate the troublesome power of live news narratives that present trauma and other disturbing situations. It is thus as absurd to segregate perception and phantasy as it is to suppose that there are no interstices between and no discrimination among the modalizations of consciousness. For critical phenomenology, Husserl’s distinctions give us tools with which to do so. They also open paths toward answering the two questions we posed at the outset concerning our vulnerability to mass imagery and social media, and the persistence *belief* in staged narratives like those ‘presenting’ Vallarta and Cassez’s culpability. Merleau-Ponty expanded the embodiment of affects, in the mode of existential trauma. In an age of global neoliberalism, the political value of a critical phenomenological aesthetics should not be underestimated.

---

<sup>67</sup> It vibrates with the force (*affektive Kräfte* is Husserl’s term) of protentions or anticipations, even though as retentive, as past, they have been “filled” with content. That is, the *act* of anticipating—especially anticipating trauma—is not eliminated even though we have lived through what filled it, i.e., what followed, *experientially*, the anticipation. This idea comes to Husserl in the 1918 Bernau manuscripts on time consciousness. It is very important in cultures and subcultures living in on-going fear of violence and trauma.

## Aftermath

At the time of this writing Vallarta's health has stabilized. After fifteen years, he remains in Puente Grande. He has never had a trial, despite Judge Sánchez Cordero's recent urging that he be released. Garcia Luna was imprisoned by U.S. authorities on charges of drug trafficking and false testimony. Palomino is under investigation by the *Fiscalía General de la República* for money laundering. English-speaking cultures appear to live in what one journalist called the "empire of illusion." The human rights organization, En Vero, works to raise consciousness about the manufacture of the guilty.

## References

Abramowitz, Michael. 2017. "Alto a la manipulación de la democracia en línea [Stop the Manipulation of Democracy Online]" in *New York Times* (Spanish edition). Op/Ed 16 December.

<https://www.nytimes.com/es/2017/12/16/espanol/opinion/alto-a-la-manipulacion-de-la-democracia-en-linea.html>. Consulted 22 June 2020.

Aranda, Jesús and Gustavo Castillo. 2013. "Indigna a víctima de *Los Zodiaco*, la decisión de la Corte (An indignity to the Victims of *Los Zodiaco*: The Decision of the Court)" in *La Jornada*, 24 January.

<https://www.jornada.com.mx/2013/01/24/politica/004n2pol>. Consulted 22 June 2020.

Arteaga Anaya, Ricardo. 2020. "¿Manipular la opinión pública, el intento por recuperar el poder [Manipulating Public Opinion with the Intent of Seizing Power]?" in *La Jornada Zacatecas*, 11 April.

[http://ljz.mx/2020/04/11/manipular-la-opinion-publica-el-intento-por-recuperar-el-poder/?\\_\\_cf\\_chl\\_jschl\\_tk=df39a9535a3e343b7a57a859d0390e57fb935b25-1592791645-0-Afhzb\\_ngvo7-4A-x1rBORDt\\_DY6ZuEXEH\\_Kaph0\\_WwBp\\_USQVZmZj5U6VeOifU3KhE5KWV\\_ScUO6PT6acHB3EP-Xrxpc\\_lztF6vyp\\_7deXfE\\_TYs\\_UzFNJ11i5WJ8jfdcWULohu39ZTW7JPYEOyE2goSSgK8p3grQ3GkvbQDTFZ9M5SVh42I4FJU6xBzRBDticSJ9i62zu1GaRAhGHmtGTpxspjL8ff1OTcKg-S86\\_JBSD\\_Z8YG\\_gLoOQwaIo\\_B6J1s\\_SUC-A8MT1pQuj22BshZGc\\_aGmZR0\\_MpXkuG5QOu\\_SVp8dv\\_2B0\\_t5yLfF9Cr-eFAQWku\\_4KcxpTiWapsCGVrzvMrA\\_f6eq\\_XG\\_HQO28e8\\_TzTd\\_Zx5\\_SDC\\_4\\_d20uCIjAaypToR3p5SuCds5BS\\_pkIfquB4sgtUn1mWolhfpYcT0NLE7iQkwLhOO95SWX4zeidIDJaAZYAGFKsdXjQFA](http://ljz.mx/2020/04/11/manipular-la-opinion-publica-el-intento-por-recuperar-el-poder/?__cf_chl_jschl_tk=df39a9535a3e343b7a57a859d0390e57fb935b25-1592791645-0-Afhzb_ngvo7-4A-x1rBORDt_DY6ZuEXEH_Kaph0_WwBp_USQVZmZj5U6VeOifU3KhE5KWV_ScUO6PT6acHB3EP-Xrxpc_lztF6vyp_7deXfE_TYs_UzFNJ11i5WJ8jfdcWULohu39ZTW7JPYEOyE2goSSgK8p3grQ3GkvbQDTFZ9M5SVh42I4FJU6xBzRBDticSJ9i62zu1GaRAhGHmtGTpxspjL8ff1OTcKg-S86_JBSD_Z8YG_gLoOQwaIo_B6J1s_SUC-A8MT1pQuj22BshZGc_aGmZR0_MpXkuG5QOu_SVp8dv_2B0_t5yLfF9Cr-eFAQWku_4KcxpTiWapsCGVrzvMrA_f6eq_XG_HQO28e8_TzTd_Zx5_SDC_4_d20uCIjAaypToR3p5SuCds5BS_pkIfquB4sgtUn1mWolhfpYcT0NLE7iQkwLhOO95SWX4zeidIDJaAZYAGFKsdXjQFA). Consulted 21 June 2020.

Bernet, Rudolf. 2002. "Unconscious Consciousness in Husserl and Freud" in *Phenomenology and the Cognitive Sciences*, Vol.1: 327-351.

\_\_\_\_\_. *Conscience et existence: perspectives phénoménologiques*. Paris: Presses universitaires de France, 2004.

Bradshaw, Samantha and Philip N. Howard. 2017. "Computational Propaganda Research Project (Oxford University): A Global Inventory of Organized Social Media Manipulation" in Working Paper No. 2017.12.  
<https://comprop.oii.ox.ac.uk/research/troops-trolls-and-trouble-makers-a-global-inventory-of-organized-social-media-manipulation>. Consulted 21 June 2020.

Canadian Association for Rights and Truth "En Vero." 2020. "El Caso Israel Vallarta [The Case of Israel Vallarta]. At En Vero Youtube Channel. <https://www.en-vero.org/caso-israel-vallarta-4-junio-2020/?fbclid=IwAR2DZvUyvBEENVxS4K4LHp3shXUv2Lf0vlHFxx1VZSeh0tAPGVdyWjrNdM0>. Consulted 14 June 2020.

Cavallaro, Marco. 2016. "The Phenomenon of Ego-splitting in Husserl's Phenomenology of Pure Phantasy" in *The Journal of the British Society for Phenomenology*: 162-177. Published online 14 November 2016. <https://doi.org/10.1080/00071773.2016.1250436>. Consulted 4 March 2021.

De la Barrera, Luis. 2014. *¿Culpable?: Florence Cassez, El Juicio del Siglo* (Guilty?: Florence Cassez, the Judgment of the Century). Mexico City: Grijalbo/Random House.

Del Carmen Salgado Lopez, Melanie. 2012. *I Declare War against Whom? Calderon's War Discourse against Narco-trafficking*. Unpublished thesis, Universidad Nacional Autónoma de México.

Dussart, Eric and Florence Cassez. 2010. *A l'ombre de ma vie, Prisonnière de l'état mexicain* (In the Shadow of My Life: Prisoner of the Mexican State). Paris: Michel Lafon. (Published simultaneously in Spanish.)

"Gobierno de México utiliza bots para manipular opiniones [The Mexican Government Used Bots to Manipulate Opinions]" in *El Economista* (The Economist Spanish Edition). 18 July 2017. <https://www.eleconomista.com.mx/tecnologia/Gobierno-mexicano-utiliza-bots-para-manipular-opiniones-estudio-20170718-0030.html>. Consulted 21 June 2020.

Greer, G. and R. Reiner. 2015. "Mediated Mayhem: Media, Crime and Criminal" in *Oxford Handbook of Criminology*, eds. Mike Maguire, Rod Morgan, and Robert Reiner: 245-278. Oxford: Oxford University Press.

Guenther, Lisa. 2021. "Six Senses of Critique for Critical Phenomenology" in *Puncta: Journal of Critical Phenomenology*, special issue on the Collegium Phänomenologicum 2019 sessions on critical phenomenology," Summer issue (forthcoming).

Husserl, Edmund. 2005 (1980). *Phantasy, Image Consciousness, and Memory (1898-1925)*. Trans. John Barnett Brough. Dordrecht: Springer.

\_\_\_\_\_. *Phantasie, Bildbewusstsein, Erinnerung. Zur Phänomenologie der anschaulichen Vergegenwärtigung. Texte aus dem Nachlass (1898-1925)* (Husserliana XXIII). Ed. Eduard Marbach. The Hague: Martinus Nijhoff.

\_\_\_\_\_. 1982. *Ideas Pertaining to a pure Phenomenology and to a Phenomenological Philosophy*, Vol. I (Husserliana III). Trans. F. Kersten. Dordrecht: Kluwer Academic Publishers.

\_\_\_\_\_. 1989. *Ideas Pertaining to a pure Phenomenology and to a Phenomenological Philosophy*, Vol. II (Husserliana IV). Trans. R. Rojcewicz and A. Schuwer. Dordrecht: Kluwer Academic Publishers.

\_\_\_\_\_. 2001. *Analyses concerning Passive and Active Synthesis: Lectures on Transcendental Logic* (Husserliana XI and XXXI). Trans. Anthony J. Steinbock. Dordrecht: Springer Science+Business.

\_\_\_\_\_. 2011. *Manuscripts de Bernau sur la conscience du temps: 1917-1918* (Husserliana, Vol. XXIII). Trans. Antonimo Mazzu. Grenoble (France): Jérôme Millon.

Maraboto, Mario. 2015. “¿Dónde termina la información y comienza la manipulación [Where Does The Information End and The Manipulation Begin]?” in *Forbes Mexico* (Economía y Finanzas), 19 November. <https://www.forbes.com.mx/donde-termina-la-informacion-y-comienza-la-manipulacion>. Consulted 21 June 2020.

Marbach, Eduard. 2012. “Edmund Husserl: Phantasy, Image Consciousness, and Memory (1898-1925),” review in *Husserl Studies*, Vol. 28: 225-237.

“Mary” (prisoners’ rights activist). 2020. “El grito desesperado [The Desperate Cry, on Israel Vallarta, detainee]” referenced at <https://codigomagenta.com.mx/articulo/contacones-entre-legos/contaconesentrelegos-israel-vallarta-grito-desesperado>. Mexico City: *Codigo Magenta* (Independent video producers concerned with human rights violations in North and Central America). Consulted 14 June 2020.

Mendez, J. L. 2015. “El liderazgo político de Felipe Calderón (2006-2012) [The Political Leadership of Felipe Calderón (2006-2012)]” in *Foro internacional*, Vol. 55, no. 1: 116-170.

Merleau-Ponty, Maurice. 2003. *L’institution/La passivité: Notes de cours au Collège de France, 1954-1955*. Eds. Claude Lefort and Stéphanie Ménasé. Paris: Éditions Belin.

\_\_\_\_\_. 2010. *Institution and Passivity: Course Notes from the Collège de France, 1954-1955*. Trans. Leonard Lawlor and Heath Massey. Evanston, IL: Northwestern University Press.

\_\_\_\_\_. 2012. *The Phenomenology of Perception*. Trans. Donald Landes. Oxon and New York: Routledge.

“!Que se quede! [Article, no author: “Let her remain (in prison)!].” 2011. *La Prensa*, 10 February (no. 30), cover story.

Reveles, José. 2013. *El Affair Cassez: La indignante invención de culpables en México*. [The Cassez Affair: The Shameful Invention of the Guilty in Mexico]. Mexico City: Editorial Diana.

Rosas, Tania, José Juan Reyes, and Jorge Monroy. 2012. “Calderón pide justicia a la SCJN [Calderon Asks for Justice from the Supreme Court of National Justice of the Nation]” in *El Economista*, 19 March. <https://www.eleconomista.com.mx/politica/-Calderon-pide-justicia-a-la-SCJN-20120319-0082.html>. Consulted 22 June 2020.

Saad-Filho, Alfred and Deborah Johnston. 2005. *Neoliberalism: A Critical Reader* Ann Harbor, MI: Pluto Press.

Salamon, Gayle. 2018. “What’s Critical about Critical Phenomenology?” in *Puncta: Journal of Critical Phenomenology*, Vol. 1, no. 1. <https://journals.oregondigital.org/index.php/pjcp/article/view/PJCP.v1i1.2>. Consulted 1 March 2021.

\_\_\_\_\_. 2018. *The Life and Death of Latisha King: A Critical Phenomenology of Transphobia*. New York: New York University Press.

Shum, Peter. 2015. “The Evolution and Implications of Husserl’s Account of the Imagination” in *Husserl Studies*, Vol. 12: 213-236.

Steels, Emmanuelle. 2015. *El teatro del engaño: buscando a los Zodiaco, la banda de secuestradores que nunca existió* [The Theater of Deception: Searching the Zodiac, The Band of Kidnappers that Never Existed]. Mexico City: Grijalbo/Random House.

Steels, Emmanuelle, Anne Vigna, and Leonore Maheux. 2011. “La historia de Florence Cassez: ¿Una secuestradora improbable?” [The Story of Florence Cassez: An Unlikely Kidnapper?]” in *Gente [People Mexico]*, Vol. 40: 56-63.

Stevens, William K. 1985. “Police Drop Bomb on Radicals’ Home in Philadelphia” in *The New York Times*, May 14.

Terry, Don. 1996. “Philadelphia Held Liable for Firebomb Fatal to 11 [members of the MOVE organization]” in *The New York Times*, 25 June.



Vigna, Anne and Alain Devalpo. 2010. *Fábrica de culpables: Florence Cassez y otros casos de la injusticia mexicana (Manufacturing the Guilty: Florence Cassez and Other Cases of Mexican Injustice)*. Mexico City: Grijalbo.

Villarreal, Omar. *El duopolio mexicano (The Mexican Duopoly: Televisa and the Executive Branch of Government)*. Dissertation underway at the Universidad Autónoma Metropolitana (School of Social Sciences and Humanities).

Volpi, Jorge. 2018. *Una novela criminal [A Crime Novel]*. Madrid: Alfaguara/Penguin Random House.

de Warren, Nicolas. 2010. "Tamino's Eyes, Pamina's Gaze: Husserl's Phenomenology of Image-Consciousness Refashioned" in *Philosophy, Phenomenology, Sciences (Phaenomenologica 200)*, eds. C. Ierna *et al.* Dordrecht: Springer Science+Business.

Weiss, G., Ann V. Murphy, Gayle Salamon. 2019. *50 Concepts for a Critical Phenomenology*. Evanston, IL: Northwestern University Press.

Wilkinson, Kenton. 2016. *Spanish-language Television in the United States: Fifty Years of Development*. New York: Routledge.