



Vers une criminologie du rapport entre la violence de masse et le corps

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Towards a criminology of mass violence and the corpse

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Orthodoxy, ambivalence and amnesia in criminological discourse. Despite being constituted as a formal academic discipline in only the second half of the twentieth century (Garland 1997), criminology has recently become a prime beneficiary of the general expansion of UK higher education, and is now a popular degree subject at both undergraduate and postgraduate levels. In such circumstances, it is often instructive to examine entry-level textbooks (for example Lilly et al 2011; Newburn 2013) in order to understand the contemporary orthodoxy regarding particular academic figures, and particular subjects. As an example, the voluminous work of Sheldon Glueck (1896-1980), Professor of Criminology at Harvard Law School is often dispensed with in an early chapter and reduced to (i) a minimal description of his¹ work (e.g., 1950; 1956) on the development of juvenile delinquents, including his commitment to somatotypy, the measurement of bodily dimensions and their relation to temperament and behaviour; and (ii) a brief critique dismissing it as discredited biological positivism. What is almost entirely absent is reference to Glueck's seminal involvement in the planning of the Nuremberg Military Tribunal, its foundation in international law and the wider call for a permanent international criminal court (Glueck 1944, 1946; Hagan & Greer 2002). The fact that Glueck made contributions to both the study of the body and the criminal justice of mass violence mark him out as a unique figure in criminology. The fact that he quickly abandoned the latter in favour of the former, together with the more general marginality of both areas of study to contemporary criminology illustrates the basic ambivalence of a discipline apparently ill-at-ease with its own history and thematic scope.

This article contends that criminology offers a varied and useful set of perspectives on the new study of the human remains of mass violence. Beginning with an exploration of its historic engagement with cognate areas of study, it outlines ideas and methods that are applicable across three stages of the body's journey from death to commemoration: the *destruction* of the body as punishment; the behavioural evidence revealed through bodily *identification*; and the discourses of denial and acceptance apparent in these two prior stages and in the final *commemoration* of those bodies. In line with Woolford (2006; p.100), this article argues *against* an insensitive criminological colonisation of 'sexy new [thematic] terrain', and *for* a reflexive, interdisciplinary and responsible contribution to this most complex and novel of subject areas.

Criminology's historic engagement with the body and mass-violence. The study of the *live*² body in the guise of 'criminal anthropology' is foundational to criminology (Garland 1997), with Lombroso's (1876) *L'Uomo Delinquente*, 1885 Rome Congress and subsequent *Scuola Positiva* establishing both a method of systematic physical observation and a bio-social theory of criminal aetiology. The central idea that a human sub-category of 'born criminal' bore measurable physical stigmata indicative of species regression complemented existing phrenological and evolutionary currents of thought and, in modified form, became a key influence on the developing 'science of the criminal' in early twentieth century Europe. Central tenets of the *Scuola Positiva* relating to heredity, pathology and physical stigmata were taken up avidly by the racist 'criminal biology' of Weimar and Nazi Germany (Wetzell 2000), and ultimately led to their thorough discrediting and post-war abandonment in Europe. That a biometric criminology continued to develop in a post-war American criminology is perhaps indicative of greater physical and psychological distance from the mass violence; but it is also indicative of a continued conviction of the validity of the level of analysis, if not of the original concepts and methods. Today, the legacy of the 'Lombrosian project' (Garland, *ibid*) may be seen in varied, sophisticated but contested criminological sub-fields such as gene-environment interaction, intelligence and personality research (see e.g., Rafter 2008).

While having much to say on the subject of violence per se, criminology's lack of engagement with *mass* violence is rather more widely recognised and there exists a growing contemporary literature accounting for it, particularly in relation to the legal category of genocide. Explanations of *conscious* omission point to a discipline historically constituted to study the State-defined crimes of the powerless as opposed to the State-led crimes of the powerful, and specific attention is drawn, inter alia, to problems of comparative scale, criminal accountability, and methodology (e.g., Laufer 1999; Yacoubian 2000). Other critical voices point to *unconscious* sources of omission,

¹ most of Glueck's best-known work was co-authored with wife, Eleanor; she is omitted here due to the focus on Sheldon's thematic career development.

² Lombroso collected and used post-mortem specimens of criminal's anatomy for their pedagogic value, however, the majority of his research was carried out on live subjects.

specifically, denial of the complicity of criminology in generating the kinds of pathological exclusionary discourses employed in theatres of mass violence (e.g., Morrison 2006). In more recent years, a reflexivity regarding these and related issues has developed, and a criminology of genocide is arguably being constituted (Alvarez 2010; Hagan & Rymond-Richmond 2008) as part of wider efforts to understand 'state crime' (see Green & Ward 2004).

In sum, despite a long history of cognate interests, the separable subjects of the body and mass violence remain marginal and neglected by a criminology struggling to see beyond its traditional concerns and limitations. There is no criminology of the body *and* mass violence. We now turn to construct a speculative vision of what that criminology might look like.

Destruction of the body as punishment. The field of penology seeks to understand legal punishment as a set of socio-cultural practices that serve a range of functions and illustrate the nature of social systems (Garland 1990). Punishment, whether corporal or otherwise, is often conceived as 'state violence' that requires justification via retributivist (desert-focussed) and consequentialist (deterrent, incapacitative, rehabilitative) arguments; and where specific penal practices enact a correspondingly complicated mixture of symbolic and instrumental motives. Garland extends the field to the extra-legal in his recent (2005) analysis of 'public torture lynching' in the southern US. Between 1893 and 1937, several hundred such murders were recorded with the following general characteristics, they: (i) were public and popular; (ii) were perpetrated by white crowds on black males for suspected offences against white 'victims'; (iii) took place with the tacit consent of local police; (iv) involved physical humiliation, torture, bodily mutilation and display both before and after death. Blending ideas from a range of sources including Durkheim and Foucault, Garland interprets lynchings as expressive of the power-play of a threatened racial order between the end of slavery and the arrival of segregationist ('Jim Crow') laws. The spectacle of suffering draws energy from death and transgression, expresses a localised sovereignty and social solidarity, serves as moral education and crime control, and reaffirms via degradation, the hatred, ideology and will-to-power of the local white populace. In further analysis (2010), Garland identifies important racial, geographic and political continuities with the practice of modern American capital punishment, but also notes elements of mirror-inversion in its emphasis on 'civilised' due process and private, 'sanitised' death.

This approach has potential relevance to a criminology of mass violence and the body in that it offers a set of conceptual tools and a method of historical documentary analysis that may be extended to varied instances of 'legal' and extra-legal lethal punishment, including the camps, show trials, torture and execution of totalitarian societies, demonstrative aspect of 'victor's justice' during civil and inter-State war, and the circumstances surrounding mass killing in theatres of genocide. If physical destruction is seen as the ultimate ideologically-justified 'righteous' punishment but is carried out in varied ways across space and time, the question may be asked, what does the manner of destruction *achieve* for the perpetrator (and, if relevant, bystander), and what does it say about both the structural background of the conflict and phenomenological foreground of the killing? An important distinction may be between public/display-focussed destruction carried out by or for the purposes of instructing a local populace and private/concealment-focussed destruction carried out on sections of a populace. Physical and photographic trophyism seems to emerge as an important theme in public destruction rituals (see Garland *ibid*; Morrison 2006), while concealment and temporally-removed destruction arguably indicates a concern with guilt- and image-management and perhaps even the early admission of defeat (e.g., Spector 1990). Garland's (1990) use of Weberian themes of rational-legal authority in the administration of punishment may also be relevant for the interpretation of highly organised killing (Bauman 1989).

Investigative psychology and the behavioural evidence of death sites. If penology offers a strategy for inferring broad socio-cultural meaning from 'punishing' behaviour, the novel application of a very different approach – investigative psychology – might complement those insights via an analysis of data relating to sites of mass killing. Originating in the work of David Canter (see Canter & Young 2009), investigative psychology involves the systematic application of psychological theory and methods to the police investigative process. The aspects of Canter's work most relevant here grows out of a tradition of 'offender profiling'³ that seeks to infer a range of offender characteristics (personality, knowledge of local area) from the behavioural evidence left behind at the crime scene, and to use that knowledge to narrow the range of suspects where the offender is not known. Since this early work, Canter and colleagues have developed the approach beyond single-case profiling to pioneer a method of crime analysis that employs sophisticated data visualisation software (smallest space analysis: SSA) to analyse consistency

³ Canter defines his approach in contradistinction to the pseudo-scientific 'crime scene analysis' approach of the US Federal Bureau of Investigation.

and variation across *many* crime sites. SSA analyses the frequency and co-occurrence of salient crime features (e.g., the presence/absence of artefacts, injuries, killing methods at murder sites) and produces a graphical plot or 'radex' where more common features (displayed as labelled points) are clustered towards the centre, less common features towards the edges of the plot, and where greater spatial proximity between features equates to a greater degree of co-occurrence across sites. The spatial clustering of the plot is then interpreted inductively to arrive at general statements regarding offence type and offender. The approach has been used, inter alia, to explore the expressive and instrumental motivational content of murder cases, and to characterise serial murderers' use of the victim (as object, vehicle or person); violent offenders' justifications for their offence (retribution, accident, disrespect and defence); and prisoners' autobiographical narrative in relation to their crimes (portraying themselves as hero, victim, revenger, or adventurer) (see Canter & Youngs, ch.13).

To date, this approach has not been applied to a theatre of mass violence, but while the animating theory may need adaptation to reflect the varied and broadly pathological social contexts in which such violence occurs, SSA may well have descriptive utility for analysing the behavioural evidence left at killing sites (for example, mass graves), and the direct testimony of surviving actors. By analysing both consistency and variation in *how* crimes were committed and bodies left within and between theatres of conflict, it may be possible to infer motivational characteristics of perpetrators, explore peri- and post-mortem interpersonal dynamics of perpetrator and victim, and compare lethal orders as given and as carried out.

Integrative discourses of denial: moral neutralisation, bodies and mass violence. The final area of contribution grows out of the psychodynamic concept of *denial*: the unconscious, ego-protective mechanism enabling repression of painful emotional experiences. Since Freud's original formulation, basic ideas have been developed and reformulated in relation to the full range of crimes by psychologists, sociologists and criminologists (Bandura 2002; Cohen 2001; Sykes & Matza 1957) in order to capture the characteristic ways in which offenders 'neutralise' the moral guilt associated with offending. While the functional aspect of the theory – the need to avoid or minimise self-censure – is common to all, disagreements still exist as to (i) scope, that is, whether the concept is a theory of crime, as opposed to a general theory of human moral transgression; (ii) the primacy of conscious cognitive processes (e.g., moral reasoning; attributional style) as opposed to unconscious emotional processes; and (iii) whether the concept is best conceived as causally active at the time of the offence, as opposed to a post-hoc justification used to shape self-serving autobiographical narrative (see Copes & Maruna 2005). Most authors accept that there are a limited number of 'techniques' of moral neutralisation with perhaps 'denial of responsibility' being the master category and 'dehumanisation' being particularly important for explaining lethal violence.

It is contended that this varied corpus of ideas can be applied at all stages of the study of the human remains of mass violence⁴. In the *destruction* phase, moral neutralisation theory (MNT) could be used to analyse official propaganda and the private testimony of perpetrators and bystanders as they synchronically account for their crimes; in the *investigation* phase, MNT could capture diachronic stability and change in personal and group denial strategies as evidence emerges to challenge initial accounts; and in the *commemoration* phase, MNT could help understand the extent to which 'coming to terms' with historic mass violence involves confronting and overcoming collective denial (an 'insight' model) or actively harnessing it (a 'doubling' model). At all stages, the theory is less focussed on the bodies *qua* bodies, but views them as a crucial form of evidence that literally incorporates moral discourse and which, via the symbolic energy and tragedy of death, possesses a unique potential to transform a society's orientation to its past.

Conclusion: learning from criminology's past. This short article has outlined the potential contribution of three disparate but complementary perspectives on the new study of the human remains of mass violence. All approaches involve the qualitative interpretation of historical and contemporary documentary evidence and cumulatively, are capable of commenting on the actions of individuals, groups and societies. Importantly, given criminology's tendency to be complicit in exclusionary binary discourses of the normal and pathological, all approaches are capable of seeing the normal *in* the pathological and vice versa. It is only by reflecting upon and learning from the mistakes of criminology's past that valuable theoretical and methodological insights can be brought to a new area of study without an 'intellectual colonisation' that repeats those mistakes; and the challenge in developing the ideas discussed here will be, as Woolford (2006) suggests, to apply them to individual case studies reflexively, responsibly and in an 'undisciplined' (that is, truly collegiate and interdisciplinary) fashion. This article began by discussing the orthodox treatment of Sheldon Glueck's criminological career, however, beyond basic textbooks, he is becoming recognised as a key figure in both modern developmental criminology and the criminology of genocide (see Hagan &

⁴ Indeed, there are important precedents: Alvarez 1997; Cohen 2001; Hagan & Raymond-Richmond 2008.

Greer 2002). If criminology can learn and move on from the mistakes of its past, it may prove useful in the fundamentally more complex and important task of studying how societies suffering collective trauma do likewise.

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