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THE MUG SHOT, WANTED POSTER, AND ROGUES GALLERIES:
THE SOCIETIAL IMPACT OF CRIMINAL PHOTOGRAPHY IN
ENGLAND, FRANCE, AND THE UNITED STATES FROM 1839 TO 1900

by

SAMANTHA LONG

Under the Direction of Susan Richmond, PhD

ABSTRACT

The mug shot, wanted poster, and rogues gallery are intertwined within the greater category of police and criminal photography. The mug shot is an informal term (taken from English slang for “face”) for a police or booking photograph, taken after a person is arrested. The purpose of which is to allow for identification by victims (if applicable) and investigators, allowing them to have a photographic record of a person. Mug shots encouraged the general public to find differences between themselves and the depicted criminal through observable physical characteristics. The gaze from the audience reinforces the voyeuristic nature from the public observing these photographs creating the concept of “othering.” The photographed criminal in the nineteenth century allowed for individuals to safely enter the world of criminality while maintaining a sense of constructed “normality” within a given society.

INDEX WORDS: Mug Shot, Rogues Gallery, Wanted Poster, Photography, Nineteenth Century
Photography, Criminal Photography

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A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

in the College of Arts and Sciences

Georgia State University

2017

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1 – Thesis

“The crime and punishment ritual is part of our lives... We need criminals to identify ourselves with, to envy secretly, and to punish stoutly. They do for us the forbidden, illegal things we wish to do and, like scapegoats of old, they bear the burdens of our displaced guilt and punishment.”

- Dr. Karl Menninger¹

Throughout England, France, and the United States, portraiture was one of the most disseminated genres of photography in the nineteenth century. Portrait photography held dual functions, as the private viewing of a portrait was for the loved one and a select group, whereas the public viewing of a portrait was for as wide of an audience as possible. The private was for moments of sentimentality of looking at the frozen gaze of a loved one, whereas in the public sector one was either looking “up” at one’s “betters” or “down” onto one’s “inferiors.”² I am interested in the division that exists between middle-class private portraiture and the individual public mug shot. I will be exploring the argument that photographic portraiture helped to examine and secure the differences between the so-called “normal” and “deviant” bodies in nineteenth century France, England, and the United States. The public and the private spheres clashed within the locations of the mug shot, wanted poster, and rogues galleries that exploded onto the photographic landscape in the nineteenth century. Although these three locations in which the photographic images could appear, I have come to find through my research, that they do not all function in an identical manner. Rather, the mug shot is the singular image of an individual soon to be linked in representation with a criminal. The wanted poster often, but not always, contained the mug shot photograph, and was often distributed through print media such

¹ Thomas Byrnes, 1886 *Professional Criminals of America* (New York City: Chelsea House Publishers, 1969), xxvi.

² Allan Sekula, “The Body and the Archive,” *October* 39 (1986): 10.

as newspapers and signage posted in a given area. A rogues gallery was often found in a city center or an area that had a large enough population to have a police station or site where members of society to look at the collected mug shots. However, the seemingly distinct private realm of middle class portraiture and the public realm of the mug shot were strongly interdependent, which reinforced the status of each through its opposite. From a contemporary lens, we see that the nineteenth century portraits of criminals contradict their intended purpose, which was to prove the existence of innate and visible traits within the criminal itself.³ However, this criminal portraiture led many to believe that there was indeed some type of difference between himself or herself, the viewer, and the deviant, or the “other.”

2 – Bertillon, Galton, and the History of Photography

Before delving into the photograph of the criminal and the conversation around nineteenth-century portraiture, it is worth a brief, albeit non-exhaustive, reexamination of the history of photography during this time. Photography was hailed as a technological achievement rather than an inherently artistic form in its own right, and was developed out of the need to mechanically capture visual scenes. In the mid-1830s, Louis-Jacques-Mande Daguerre, along with fellow Frenchman Joseph Nicéphore Niépce, and the Englishman William Henry Fox Talbot, each with individual iterations of the photographic process, had early claims to the title of inventor of the medium.⁴ However, it would be Daguerre and his self-named

³ Sandra Phillips, Mark Haworth-Booth, and Carol Squiers, *Police Pictures: The Photograph as Evidence* (San Francisco: San Francisco Museum of Modern Art and Chronicle Books, 1997), 12.

⁴ Andrew E. Hershberger, *Photographic Theory: An Historical Anthology* (West Sussex: Wiley-Blackwell, 2014), 31.

“daguerreotypes” that would succeed over the inventions by Niépce and Talbot. First introduced to the public-at-large in 1839, a light-sensitive, silver-coated glass plate could permanently “fix” (that is, to remain permanently on a photosensitive material after exposure to light) an image to be viewed by the public that would not fade over time.⁵ By 1842, the exposure time needed to produce a daguerreotype negative dropped from upwards of 30 minutes, to approximately thirty seconds to one minute. This was due to advancements in chemistry and lens technology. The reduction of exposure times meant the ease of a person posing or sitting for a photograph increased, and thus portrait studios began to open across England, France, and the United States. It is estimated that upwards of 90% of all daguerreotypes taken during this period were portraits.⁶ To exemplify this, there were an estimated three million daguerreotypes made annually in the United States in 1853, and roughly 86 dedicated portrait studios in New York City alone.⁷

The daguerreotype remained the primary photographic medium until the introduction of the carte-de-visite in 1854. Patented in France by André-Adolphe-Eugène Disdéri, the carte-de-visite was a paper print created from a glass negative, and mounted on a card. The camera, several lenses, and a moving plate holder allowed the photographer to take up to eight exposures in a single sitting, and the photograph would measure 3.5 inches tall by 2.5 inches wide.⁸ Disdéri imagined the carte-de-visite to be an extension of the traditional calling card, which was

⁵ Malcolm Collier and John Collier, Jr., *Visual Anthropology: Photography as a Research Method* (Albuquerque: University of New Mexico Press, 1986), 7.

⁶ John Tagg, *The Burden of Representation: Essays on Photographies and Histories* (Minneapolis: University of Minnesota Press, 1988), 43.

⁷ Tagg, *The Burden of Representation*, 43.

⁸ Suren Lalvani, *Photography, Vision, and the Production of Modern Bodies* (New York: State University of New York Press, Albany, 1996), 81.

designed for the rapidly expanding urban societies in Europe, and believed that it would help the bourgeois population use photographic identification in allowing visitors into their homes.⁹

In the last quarter of the nineteenth century, the photographic industries of France, England, and the United States underwent yet another technological revolution. The mass production of easy-to-use and consumer-friendly photographic equipment opened new markets and accelerated the growth of an advancing technological field.¹⁰ The radical changes that occurred in format and cost increased the accessibility of photographic portraiture from the upper bourgeoisie of society to those in the working and lower classes, as well as providing the ability to those in governmental agencies and public departments.¹¹ This is to say that the *carte-de-visite* was a forerunner to governmental photography, especially in regards to the mug shot.

An important figure to examine at the intersection of photography's availability to the police is Alphonse Bertillon. Often hailed as the father of modern criminology, Bertillon pioneered the science of identification through the use of photography in conjunction with both statistical and anthropometric methodology.¹² While Bertillon himself called it anthropometry or "people measuring," the colloquial terminology that stuck was "the Bertillon System."¹³ He self-professed to hold no preconceived notion of a criminal type, and ignored many of the criminological theories of the time that claimed criminality was grounded in human biology or psychology. Rather, he believed in the individual as supreme, and he aimed to be able to identify

⁹ Rachel Hall, *Wanted: The Outlaw in American Visual Culture* (Virginia: University of Virginia Press, 2009), 59.

¹⁰ Tagg, *The Burden of Representation*, 60.

¹¹ Lalvani, *Photography, Vision, and the Production of Modern Bodies*, 81.

¹² Sarah Kember, "Face Re-cognition," *Photoworks* no. 17 (2011): 51.

¹³ Richard Farebrother and Julian Champkin, "Alphonse Bertillon and the Measure of Man: More expert than Sherlock Holmes," *Significance* 11, no. 2 (2014): 36.

criminals through his or her unique observable physical characteristics.¹⁴ Bertillon did this through precise measurements of convicted felons' ears, noses, fingers, and skulls to be able to identify repeat offenders. It is worth further examination into the Bertillon System as it would evolve in the late nineteenth century and continue to be an important factor in the ideological reinforcement of the deviant, criminal body.

The Bertillon System was the first effective modern system of criminal identification. Bertillon sought a way to break through the professional criminal's false identities, disguises, and invented personas. This system contained two primary parts: the first was the individual card of each criminal, which contained a photographic portrait, anthropometric descriptions, and measurements on a single "fiche" or card, and the second was the accumulation of these cards into a highly detailed, statistically based filing system.¹⁵ The system Bertillon devised was quantitative and based on accurate, repeatable measurements and would take eleven total measurements from each individual encountered.¹⁶ Contingent on the belief that bone structures would remain the same once a given individual reached adulthood, the measurements included height, diameter, and width of the head, and moved on to ten other parameters primarily focused around those of the human skull and upper body.¹⁷ According to Bertillon's guide, *Alphonse Bertillon's Instructions for Taking Descriptions for the Identification of Criminals, and Others by the Means of Anthropometric Indications*, published in 1889, the probability of two people

¹⁴ Zachary R. Hagins, "Fashioning the 'Born Criminal' on the Beat: Juridical Photography and the *Police Municipale* in Fin-de-Siècle Paris," *Modern & Contemporary France* 21, no. 3 (2013): 287.

¹⁵ Sekula, "The Body and the Archive," 18.

¹⁶ Farebrother and Champkin, "Measure of Man," 37.

¹⁷ Alphonse Bertillon, *Alphonse Bertillon's Instructions for Taking Descriptions for the Identification of Criminals, and Others by the Means of Anthropometric Indications* (New York: AMS Press, Inc., 1977), ii.

having the same exact set of eleven individual measurements “was more than 4,000,000 to 1.”¹⁸ Figure 1 depicts Bertillon himself taking the measurements of the skull of an individual. Since Bertillon’s system was hyper-focused on the measurements of a given individual, his methodology required trained technicians, standardized instruments, and uniform techniques. It was believed that by taking these precautions, one could avoid the “subjective” mistakes from untrained police officials and prison wardens.¹⁹

¹⁸ Bertillon, *Alphonse Bertillon’s Instructions*, ii.

¹⁹ George Pavlich, “The Subjects of Criminal Identification,” *Punishment & Society* 11, no. 2 (2009): 174.

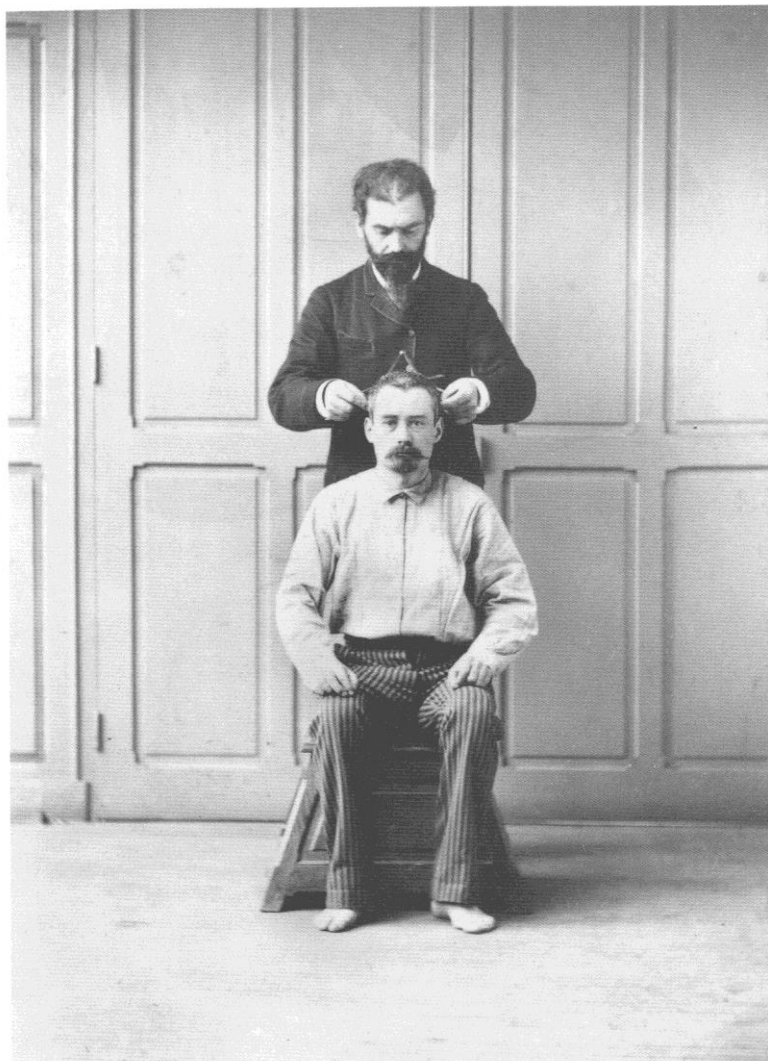


Figure 1. Mensuration du crâne (au visage plein) (*Measurement of Skull [Full Face]*). Alphonse Bertillon. N.D. Archives historiques et Musée de la Préfecture de Police, Paris.

Bertillon's system included two photographs: frontal/full-face and profile. Called the *portrait parlé*, or "speaking likeness," these photographs initially played a secondary role in his classification. This was an attempt to overcome any inadequacies of a reliance on a system that was purely visual or purely written.²⁰ These photographs were accompanied by detailed descriptions of a given individual's facial characteristics and any other unique features that they

²⁰ Sekula, "The Body and the Archive," 30.

might have.²¹ The photographs themselves were aesthetically neutral in the sense that Bertillon insisted on a standard focal length, consistent lighting, and a fixed distance between the camera and the sitter. The use of two shots was intended to cancel “the contingency of expression” since the contour of the head was believed to remain the same regardless of any given facial expression.²² The photographs were taken against a neutral background and presented as a combination of two images on a single card. While Bertillon used the terminology “portrait parlé” to identify this type of photographic imagery, they entered the mainstream American vocabulary as the “mug shot,” and this terminology exists into the present day.²³ To note, the term “mug” coming to refer to a “face” derives from seventeenth century English vernacular terminology.

Besides the creation of anthropometric measurement for the cards, Bertillon realized that the measurements and photographs would be of little use as a criminal identification aid if the ability to retrieve the necessary information were too difficult. At the time, the filing system invented by Bertillon was extremely effective. Although by today’s standards it may seem elementary, it in fact laid the foundation for other police databases in years to follow.²⁴ To make the database searchable, the cards were not filed according to the alphabetical order of names or the date of the criminal booking. Rather, they picked one measurement to start (the length of the head) and categorized it in three groups: small, medium, or large, according to a predetermined statistical average. The following subdivision used the same three groupings, but took the measurement of the breadth of the head. The system continuously trickled down until there was

²¹ Bertillon, *Alphonse Bertillon’s Instructions*, iii.

²² Hall, *Wanted: The Outlaw in American Visual Culture*, 82.

²³ Bret Wood, “Photo Mortis,” *Art Papers Magazine* 24, no. 2 (2000): 19

²⁴ Bertillon, *Alphonse Bertillon’s Instructions*, ii.

a small grouping of the eleven measurements. By recording the Bertillon measurements of a criminal, a police officer could easily track to see if a given individual had been arrested before.²⁵ The combination of anthropometry and photography in Bertillon's system was meant to provide an inescapable legal identity to all criminals.²⁶

Bertillon was not given official permission to test his system until late in 1883. However, in a matter of months, his methods were successful in indentifying numerous repeat offenders in Paris. These recidivists would have gone undetected had it not been for Bertillon's classification system.²⁷ By 1888 in France, Bertillon was appointed director of a specially created Bureau of Identification that was praised throughout his home country and also established a worldwide reputation. The French government decreed that certain members on the fringes of society, such as vagrants and those without a permanent address, carry their Bertillon measurements with them for easier identification. This became the precursor to modern-day ID cards.²⁸ The Frenchman would later go on to sell his filing system at the 1893 Chicago's World Fair to various law enforcement agencies.²⁹ Soon after the World Fair, the city of Chicago Police Department adopted Bertillon's system. By 1898, Chicago established a separate entity, the National Bureau of Criminal Identification, which was largely based on Bertillon's methods.³⁰

A contemporary of Bertillon that is worth briefly mentioning because of his contributions to the future of criminology is Francis Galton. While from a modern standpoint, Galton's ideology of the predetermined or intrinsic criminal type have been debunked, much of these

²⁵ Farebrother and Champkin, "Measure of Man," 37.

²⁶ Hagins, "Fashioning the 'Born Criminal'," 292.

²⁷ Bertillon, *Alphonse Bertillon's Instructions*, iii.

²⁸ Farebrother and Champkin, "Measure of Man," 38.

²⁹ Barbara L. Miller, "The New Flesh," *Afterimage* 26, no. 5 (1999): 3.

³⁰ Phillips, Haworth-Booth, and Squiers, *Police Pictures*, 20.

believed “truths” are born out of the social standing and political times in which he lived.³¹

Galton’s research was driven by two (soon to be disproven) assumptions: the first is that science could be used to discover “pure types” of the human species, and, secondly that habitual criminals comprised a sub-category within the human species.³² In order to attempt to prove his theories and document this “type,” Galton turned to photography. Beginning in 1878, Galton utilized photographs of already convicted criminals to create a composite image of the perceived criminal. This was an attempt to construct a purely optical vision of the criminal type.³³

The process was relatively straightforward. Galton would take a photograph of a selected number of criminals, and in the darkroom would superimpose each negative on a single plate for a fraction of an exposure time. For example, if he took a photograph of fifty individuals, he would expose each negative onto the same plate or paper for two seconds each, creating a layering effect of all fifty individuals to find a visual average.³⁴ Figure 2 exemplifies the result of Galton’s photographic process. It is interesting to note that the photographs would not always be perfectly exposed and in complete synchronicity with the others, and this would create blurring effects from the incorrect photographic registration. About this criminal composite he created, Galton stated: “The individual faces are villainous enough, but they are villainous in different ways, and when they are combined, the individual peculiarities disappear, and the common humanity of a low type is all that is left.”³⁵ Realistically, these blurred portraits never yielded or found such a criminal type. As George Pavlich asserts in his article, “The Subjects of Criminal Identification,” this tautological approach was flawed from the beginning. Galton’s

³¹ Pavlich, “The Subjects of Criminal Identification,” 183.

³² Pavlich, “The Subjects of Criminal Identification,” 174.

³³ Sekula, “The Body and the Archive,” 19.

³⁴ Josh Ellenbogen, “Educated Eyes and Impressed Images,” *Art History* 33, no (2010): 494.

³⁵ Lalvani, *Photography, Vision, and the Production of Modern Bodies*, 126.

science and photographic experiments used known criminals and reinforced the already captured (both photographically and judicially) criminal body as opposed to investigating if a “habitual criminal” type actually existed. Galton acknowledged this technique was an inconclusive and ineffective way to determine if there was a predetermined criminal type in humans.³⁶ However with this aspect of his portraiture, Galton created, in a sense, what Allan Sekula theorized to be, a collapsed version of the archive. The blurred portrait creates an idea of the general, abstracted population, much in the same way the human mind cannot recall a particular face in a crowd on a given day, but can recall general characteristics of a person. We form these general impressions from individual memories, Sekula states in “The Subjects of Criminal Identification,” but they collapse on themselves to form a generalized “type” in our mind.³⁷



Figure 2. Criminal Composites. 1870s. Sir Francis Galton. *Galton Papers*, The Library, University College London.

³⁶ Pavlich, “The Subjects of Criminal Identification,” 179-181.

³⁷ Sekula, “The Body and the Archive,” 54.

Bertillon and Galton both attempted to reduce nineteenth century criminal behavior by establishing a set of parameters that used the photographic medium. When making comparisons between the two processes of Bertillon and Galton, the differences are further highlighted. While Bertillon's anthropometry could identify the criminal, it would not have any repercussions or establish a precedent for punishment in regard to the crime committed by the deviant individual.³⁸ In other words, his system did not use anthropometry to establish the existence of deviancy in a given individual, and it was simply used to verify the identity of a person previously convicted of a crime. Galton's search for the criminal type feeds into the eugenic sciences of the time born from the sexist and racial prejudices of the 1800s. With regards to photography, both Galton and Bertillon worked with the idea of the archive. Galton attempted to embed an archive in a photograph, which is to suggest that Galton's imagery is comparable to an entire archive collapsed into a singular image, Bertillon made an effort to find the easiest possible way to insert any number of photographs into an archive based on strict guidelines.³⁹ It would be Bertillon's method that we will see continued to be used in nineteenth-century criminology and later in the use of rogues galleries. It would be Bertillon's system that would see greater proliferation than Galton's photographic composites, and would contribute to the standardization of police methodology, especially in the United States. But it would be Galton's contributions to the fingerprint system that was more synecdochical in nature, proving that the human body did not have to be fully circumscribed in measurements in order to be identified.⁴⁰ It proved to be far quicker and easier for an untrained professional to take fingerprints by

³⁸ Pavlich, "The Subjects of Criminal Identification," 172.

³⁹ Sekula, "The Body and the Archive," 55.

⁴⁰ Sekula, "The Body and the Archive," 34.

pressing the fingerprint to ink and then onto paper than to adhere to the complex measurements of the Bertillon system.⁴¹

Much as the half-tone process allowed photographic reproductions to appear in newspapers and the press, the “sciences” of phrenology and physiognomy were briefly fashionable in the nineteenth century in attempting to find a “criminal type.” These systems can be described as a visually interpretive way of reading the surface of the body, with particular focus to the face and the head, as a series of signs expressing the inner character of an individual.⁴² More specifically, phrenology held the crude belief that the “mental faculties” within the brain could be discerned by the topography of the skull. Physiognomy assigned characteristics and anatomical significance to each element of the head or face (eyes, forehead, chin, etc.). In both regards, this interpretive process required that the features of a given individual be read in conformity to a predetermined type.⁴³ Many of these features that were believed to belong to a “criminal type” were actually common among groups of those with Polish, Portuguese, and Jewish heritage. This establishes a connection to anti-immigrant ideology, especially the dogma of fin-de-siècle France.⁴⁴ This so-called objective technique of attempting to find a “criminal type” was established through xenophobic and ethnic biases that were prevalent in nineteenth-century societies. Criminologists used photography mixed with fallacious presumptions of phrenology and physiognomy to try to confirm their ideas that the criminal could be physically distinguishable from a law-abiding citizen.⁴⁵ Discredited by the turn of the twentieth century, these two “sciences” were replaced with the growing fields of

⁴¹ Farebrother and Champkin, “Measure of Man,” 39.

⁴² Hall, *Wanted: The Outlaw in American Visual Culture*, 65.

⁴³ Sekula, “The Body and the Archive,” 11.

⁴⁴ Hagins, “Fashioning the ‘Born Criminal’,” 293.

⁴⁵ “Moreover: Most-Wanted Photography,” *The Economist* 246, no. 8054 (1998): 85.

psychology and sociology (which did not focus on the connection between appearance and character). Several philosophers throughout history have agreed upon the fact that the criminal instinct lies within the heart of man, and would survive any and all types of social reform.⁴⁶

3 – Nineteenth Century Criminality

In order to look at the deviant body (the other) in nineteenth-century society, it is imperative to look at modifications of the treatment of the criminals of the time as well. Although to analyze an entire history of the criminal until this point would be exhaustive, it will be sufficient to look at how turn-of-the-century criminology changed simultaneously with the invention of photography. Individuals in earlier periods denounced torture as barbaric and ineffective. However, it would be the Enlightenment that saw an increasing condemnation of public torture and execution, and at the end of the eighteenth century, they were denounced as barbaric acts of an uncivilized age, and as a sign of incivility in a society that has moved beyond that type of public cruelty.⁴⁷ Prior to the nineteenth century, criminals were often branded, marked, or scarred to allow for easier identification. Yet by the mid-1800s, public executions that were preceded by torture had almost entirely disappeared.⁴⁸ But as Michel Foucault writes in *Discipline and Punish: The Birth of the Prison*:

⁴⁶ Byrnes, *1886 Professional Criminals of America*, xiii.

⁴⁷ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheridan (New York: Vintage Books, a Division of Random House, Inc., 1995), 55.

⁴⁸ Foucault, *Discipline and Punish*, 14.

...torture forms part of a ritual. It is an element in the liturgy of punishment and meets two demands. It must mark the victim: it is intended, either by the scar it leaves on the body, or by the spectacle that accompanies it, to brand the victim with infamy. And from the point of view of the law that imposes it, public torture and execution must be spectacular, it must be seen by all almost as its triumph.⁴⁹

While the photographic trace is not directly equivalent to physical punishment, this Foucauldian concept can also be applied to the criminal body in regards to photography. The photograph metaphorically “marks” the body by capturing the likeness of the individual, and the “spectacle” that accompanies it is through the proliferation of the mug shot through the wanted poster and rogues galleries.

As awareness of the criminal and deviant body through means of photographic reproduction increased, there is a noticeable correlation in the rise of the establishment of official police forces and patrols. For example, in England, the nineteenth century started with pressure to replace the inefficient system of unpaid watchman and constables who had failed to control the rising crime rates in cities and towns that saw an influx of factory workers from the industrial revolution.⁵⁰ Legislation introduced by British parliament aimed to professionalize and standardize police and penal procedures. As early as 1841, just two years after the photographic medium was announced to the world, the French police were making daguerreotypes of known criminals for identification purposes. Although the photographic documentation of prisoners would not be considered common until the 1860s, the potential of systematic regulation through a type of representation of an individual was recognized as an effort to control the urban

⁴⁹ Foucault, *Discipline and Punish*, 34.

⁵⁰ Tagg, *The Burden of Representation*, 72.

presence of “dangerous classes.”⁵¹ The 1859 United States Court Case “Luco v. United States” saw the first time a photograph was used in a court of law as evidence.⁵² The Habitual Criminals Act of 1869 and The Prevention of Crimes Act of 1871 in England required that all repeat criminals be photographically recorded and identified.⁵³ These examples of photographic documentation being used within police practice were concurrently happening as Bertillon perfected his system.

Documenting the criminal and incorporating the image into legal proceedings occurred at roughly the same rate as the proliferation of the photographic medium. For the police, the value of photography lay within the pure functionality of the medium to faithfully record the person in front of the camera. In order for these nineteenth-century photographs to be accepted as proof for the police, they would need to be as devoid of as much human agency as possible.⁵⁴ This would allow the photographs to be deciphered without an unnecessary human impact inside the photograph. Photography’s acceptance as an artistic medium hinged on this lack of human agency as well, just as the pictorialism movement had required that took place in England, France, and the United States.

Across this research, it becomes apparent that there is a uniquely American caveat that corresponds to nineteenth century criminal portraiture. From the start, the American public wanted to see photographs of criminals and to read about them, and this widespread public

⁵¹ Sekula, “The Body and the Archive,” 5.

⁵² Larry S. Miller, *Police Photography* (Cincinnati: Anderson Publishing Company, 1998), 1.

⁵³ Pavlich, “The Subjects of Criminal Identification,” 173.

⁵⁴ Laurence Butet-Roch, “Proof Reading,” *The British Journal of Photography* no. 11 (2015): 48.

interest only continued to grow as the century drew to a close.⁵⁵ Not only was the idea of the criminal a fashionable novelty to the public, this concept included detectives and any connection to criminology. The tabloids and newspapers that contained photographs of any of these “larger-than-life” characters would arouse more interest and sell more copies than those that featured well-written reporting.⁵⁶ The American obsession shifted from the images associated with a case or criminal, such as someone who had committed murder, to photography that captured accurately the criminal’s appearance.⁵⁷ This is not to say that wanting to see a criminal’s appearance in the newspaper is an inherently “American” trait, but rather that the desirability *itself* was more pronounced in American society than in Europe.⁵⁸

True to the reproducible nature of the medium, the dissemination of images allow photographs to move through imagined boundaries that otherwise would be inaccessible. The ability to examine a photograph is not limited by social or economic status, especially when coupled with the reproducible nature of the medium. Photography in the press brought these shocking criminal events and criminal faces into places, such as the home, that would typically be protected from such horror. But as John Taylor points out in his publication, *Body Horror: Photojournalism, Catastrophe, and War*, “Published photographs offer viewers the opportunity to stare at and become enthralled by forbidden or taboo subjects, including physical torment and macabre deaths. Such images invite prolonged, uncontrolled staring and may release unwelcome

⁵⁵ Michael Ayers Trotti, "Murder Made Real," *Virginia Magazine Of History & Biography* 111, no. 4 (2003): 17.

⁵⁶ Phillips, Haworth-Booth, and Squiers, *Police Pictures*, 42.

⁵⁷ Trotti, "Murder Made Real," 3.

⁵⁸ The ability to have photographs in mass-printed publications was due to the invention of the half-tone process in 1852, although the widespread use of such would not occur until roughly 1882. This gave a mechanical means of reproducing photographs for printing presses through the use of varying-sized dots or spacing to create the optical illusion similar to that of a photograph. Trotti, "Murder Made Real," 2.

fears and desires.”⁵⁹ From the comfort of one’s own home or another private sphere, viewers could observe a photographic mug shot (that could be found in a newspaper, for example) for as long as they desired, linger over and scrutinize it, without the fear of societal shaming for dwelling on an image that would (publically) have an individual look at and move on. While it was not the “staring” itself that would be considered taboo, it was the social taboo of an individual to be mingling with or perceived to have interest in criminal activities.

3 – The Normalized and the Deviant Body

As Foucault points out, the body and the power relations that accompany it are involved in a type of political field.⁶⁰ During the period of the Enlightenment and after, there was a privilege around sight and “ocularity” – in large part, this was because sight was considered to be the most noble of the senses. But by the twentieth century, the “dominance of vision” would come to be suspect, stemming from the suspicions of voyeurisms and complications of paranoia.⁶¹ This would play into the burgeoning idea of the twentieth century that the camera and photograph were not in fact always truth objects, but were capable of deceit. It should be noted that the nineteenth century body was no more politicized and scrutinized than in the centuries that came before, but it was now able to be examined at will with the availability of the photographic reproduction. The classification of the human body in the nineteenth-century, especially by the newly formed official police forces in Europe and the United States, can be

⁵⁹ Taylor, *Body Horror: Photojournalism, Catastrophe, and War*, 14.

⁶⁰ Foucault, *Discipline and Punish*, 25.

⁶¹ Jane Brettell and Sally Rice, *Public Bodies – Private States: New Views on Photography, Representation, and Gender* (Manchester: Manchester University Press, 1994), 21.

simplified into two generalized categories that we will take an in-depth look at: the law-abiding, non-recidivist body, and that of the outlying criminal who, with deviant traits, form the societal “other.”⁶² However, this is not to say that portraiture was a tool of the police. The importance of the terminology when discussing these genres of photographs (“portraiture” versus “mug shot”) helps to further distance the “normal” from the deviant body.

Foucault further establishes that, “The body becomes a useful force only if it is both a productive body and a subjected body.”⁶³ This is to say that in order for a body to be considered normal (or in Foucauldian terms, “productive”), a counterpart must exist that fulfills the opposite end of the spectrum and contains the opposite traits of the already existing body. The “productive” body recognizes the threatening “other” that can be found within the criminal body, and can acknowledge that the malicious impulses remain checked and are contained within the self. This “productive” body can discern that the “other” is indistinguishable from itself, save for the fact that the “other” lacks a moral inhibition.⁶⁴ Thomas Byrnes, head of the New York City police department for the last quarter of the nineteenth century, poignantly addresses this ideology by stating, “Remember that nearly all the great criminals of the country are men who lead double lives. Strange as it may appear, it is the fact that some of the most unscrupulous rascals who ever cracked a safe or turned out a counterfeit were at home model husbands and fathers.”⁶⁵ In essence, Byrnes is pointing out that the model citizen is indistinguishable from a criminal from simple observation of the body. It is only when the criminal’s mug shot became public that the individual at hand now would be recognized as “deviant.”⁶⁶

⁶² Hagins, “Fashioning the ‘Born Criminal,’” 288.

⁶³ Foucault, *Discipline and Punish*, 26.

⁶⁴ Sekula, “The Body and the Archive,” 16.

⁶⁵ Byrnes, *1886 Professional Criminals of America*, 54.

⁶⁶ Brettle and Rice, *Public Bodies – Private States*, 1.

The history of photographic portraiture intersects with the exercising of a new type of power on to the social body. First and foremost, it should be understood that even if the photograph is created for private consumption, portraiture is primarily about public display, as well as public display in the private sphere. In nineteenth-century portraiture, this concept became essential to the cultural reproduction of the individual and the family.⁶⁷ The portrait itself represented the passing of a social and ceremonious occasion, which was the visit to photography studio. What was demanded of portraiture was to both include many of the signifiers of someone who either was or wanted to be portrayed just as those who could truly afford “aristocratic” portraiture, but at a price within reach of the growing middle class.⁶⁸ Photographic conventions, as much then as now, overshadowed an individual when the camera was pointed at them. The subject’s desire to pose and to be portrayed in one’s best clothing or a costume (or with status-revealing objects) projected the type of individual one wished to portray, as the photograph became the keepsake as much as the memory of the person themselves.⁶⁹

The typical photographic portrait is captured in one of three ways: a frontal headshot, face in profile, and a three-quarters post of the body, all of which were almost always from the mid-torso past the top of the head. Capturing a likeness in profile has roots traceable to antiquity, most readily found in coins and medallions. The portrait view can be traced back to a device that predates the camera. The physionotrace was a mechanism that a person could use to trace the profile of the sitter, and produce a silhouette.⁷⁰ This differed from the photographic profile since the physionotrace would not be able to render any details aside from the outline of

⁶⁷ Lalvani, *Photography, Vision, and the Production of Modern Bodies*, 59.

⁶⁸ Tagg, *The Burden of Representation*, 43.

⁶⁹ Elizabeth Edwards, *Anthropology and Photography: 1860-1920* (London: Royal Anthropological Institute, 1992), 37.

⁷⁰ Tagg, *The Burden of Representation*, 35.

the sitter. While the photographic portrait may seem unremarkable because of the consistency in pose, expression, and generalized format, the lack of unique aesthetic value speaks to the ideological conventions at work.⁷¹ To have one portrait resemble another created a representational “type,” and it must be done as such for it to be accurately considered a portrait.

During the infancy of the photographic medium, “to have one’s portrait done,” was a symbolic act those who enjoyed a privileged social status. While the portrait was embedded with the individual’s social identity, it was simultaneously a luxury that conferred status.⁷² Yet within a decade of the announcement of the daguerreotype and the widespread public use of the process, there were over two thousand “daguerreotypists” in the United States alone. Annually, Americans spent an approximated ten million dollars, and of all of the images produced at that time, 90% of them were believed to be portraits.⁷³ Although the American daguerreotype industry saw a steady annual increase in revenue until the midpoint of the nineteenth century, daguerreotypes were selling at the cost of two portraits for 25 cents. Almost all classes could now afford to sit for a photographic portrait at this point.⁷⁴ The affordability of photography was a significant development because it made it financially obtainable for the police to use as well. If the medium remained had expensive, the police forces and agencies would not have had the resources to continually operate an expensive operation for little output. This would prove to be an important factor in how the labeling and perception of the human body would be used by society and police forces.

⁷¹ Lalvani, *Photography, Vision, and the Production of Modern Bodies*, 56.

⁷² Tagg, *The Burden of Representation*, 37.

⁷³ Lalvani, *Photography, Vision, and the Production of Modern Bodies*, 46.

⁷⁴ Tagg, *The Burden of Representation*, 43.

Labeling the criminal body as “other” designates a given individual as separate from the rest of society. An alleged “normal” identity is therefore inevitably identified in its already present state in order to establish a differentiation between the deviant and the ideal.⁷⁵ Society needs the criminal labeled as the “other” because they are not “us.” The systematic distinction is fundamental to society since our ability to distinguish right from wrong identifies us as responsible citizens, and those defined outside the “norm” are not considered to be “normal.”⁷⁶ The “other” becomes a common enemy of a given society. The reason for this is that it is from within society that they commit their crimes and where their deviance is established – much akin to that of a traitor.⁷⁷ Due to the discussion around the “other,” and the fact this paper addresses how society self-created this label, it is necessary that we use it to make a distinction to identify the different groupings of people, especially when regarding photographs of this created “other.” This label allows the viewer to safely enter into the world of the “other” without the possibility of being labeled and viewed as an outsider or deviant himself or herself. Portraiture, much like the terminology used to describe this photographic genre, helped to secure these differences between the normal and deviant body.

4 – The Mug Shot, Wanted Poster, and Rogues Gallery

On the cards in Bertillon’s system, a photographic portrait accompanied the anthropometric measurements. While the cards themselves would eventually fall out of use due to the widespread use of fingerprinting after the turn of the twentieth century, the criminal

⁷⁵ Hagins, “Fashioning the ‘Born Criminal’,” 285.

⁷⁶ Phillips, Haworth-Booth, and Squiers, *Police Pictures*, 11.

⁷⁷ Foucault, *Discipline and Punish*, 90.

portrait continued to remain an essential component of identifying a criminal. Taken by photographers within a police department, or a police officer acting as the *de facto* photographer within a community – which truly depended on the size of the city’s population in which they were working – the early mug shots had slight variation in the frontality of the image, and attention would often be directed towards the face *and* hands of the sitter.⁷⁸ As a result of Bertillon’s influence, mug shots received a standardized format: two photographs of the head, one in profile, the other captured frontally, against a neutral background.⁷⁹ The importance of the background remaining neutral was to allow greater focus on the face of the accused. Of the mug shot, John Tagg states: “We have begun to see a repetitive pattern: the body isolated; the narrow space; the subjection to an unreturnable gaze; the scrutiny of gestures, faces and features; the clarity of illumination and sharpness of focus; the names and number boards.”⁸⁰ The criminal’s status is visually reinforced through this differentiation between the conventions of proper portraiture and those of the standardized mug shot. The portrait features depth of field and an individual in a three-quarters pose, and the mug shot’s depth of field is collapsed to flatten the image and dehumanizes the criminal by removing the head sharply from the rest of the body.⁸¹ However, the mug shot is still a photograph, and this places the criminal in the larger index of photographs and is therefore relational to the larger society as a whole.

⁷⁸ Tagg, *The Burden of Representation*, 80.

⁷⁹ Phillips, Haworth-Booth, and Squiers, *Police Pictures*, 20.

⁸⁰ Tagg, *The Burden of Representation*, 85.

⁸¹ Hall, *Wanted: The Outlaw in American Visual Culture*, 11.

WAR DEPARTMENT, WASHINGTON, APRIL 20, 1865,

\$100,000 REWARD!

THE MURDERER
Of our late beloved President, Abraham Lincoln,
IS STILL AT LARGE.

\$50,000 REWARD
Will be paid by this Department for his apprehension, in addition to any reward offered by Municipal Authorities or State Executives.

\$25,000 REWARD
Will be paid for the apprehension of JOHN H. SURREAT, one of Booth's Accomplices.

\$25,000 REWARD
Will be paid for the apprehension of David C. Harold, another of Booth's accomplices.

LIBERAL REWARDS will be paid for any information that shall conduce to the arrest of either of the above-named criminals, or their apprehension.

All persons harboring or concealing the said persons, or either of them, or aiding or assisting their concealment or escape, will be treated as accessories in the murder of the President and the attempted assassination of the Secretary of State, and shall be subject to trial before a Military Commission and the punishment of DEATH.

Let the name of innocent blood be removed from the land by the arrest and punishment of the murderers.

All good citizens are exhorted to aid public justice on this occasion. Every man should consider his own conscience shaggy with this solemn duty, and not waver till the deed is accomplished.

EDWIN M. STANTON, Secretary of War.

DESCRIPTIONS.—BOOTH is Five Feet 7 or 8 inches high, slender build, high forehead, black hair, black eyes, and wears a heavy black mustache.

JOHN H. SURREAT is about 5 feet, 9 inches. Hair rather thin and dark; eyes rather light; an honest. Would weigh 145 or 150 pounds. Complexion rather pale and shows white in his cheeks. Wore light clothes of fine quality. Shoulders square; chest, bones rather prominent; chin narrow; nose projecting at the tip; forehead rather low and square; feet broad. Parts his hair on the right side; neck rather long. His lips are fleshy set. A thin man.

DAVID C. HAROLD is five feet six inches high, hair dark, eyes dark, complexion rather leary, full face, nose short, hand short and fleshy, feet small, instep high, round bodied, extremely quick and active, slightly shows his eyes when looking at a person.

NOTICE.—In addition to the above, State and other authorities have offered rewards amounting to almost one hundred thousand dollars, making an aggregate of about TWO HUNDRED THOUSAND DOLLARS.

Figure 3. \$100,000 Reward! The Murder of Our Late Beloved President, Abraham Lincoln, Is Still at Large. 1865. *United States War Department. Collection of Albert H. Small.*

Although I have mentioned the newspaper as one location where mug shots were published, these images could most readily be found in one of two places: located on a “Wanted Poster” or within the space of a “Rogues Gallery.” The word “wanted” communicates something that the ad’s author wants or desires. When issued by law enforcement, the fact that the authorities had a temporary failure of their policing power, was illustrated and brought to attention.⁸² By calling the public’s attention to the police’s need for their assistance shows that

⁸² Hall, *Wanted: The Outlaw in American Visual Culture*, 2.

to some degree their governing to keep society away from criminal activities has failed. Even though the wanted poster, a version of which is exemplified in Figure 3, can be examined through the lens that something has gone wrong and that the need for public assistance was deemed necessary, society itself typically read this as a call to arms and to aid in finding the elusive criminal. By publically displaying the wanted criminal, it communicated a threat to the viewer's safety by positioning them as potentially being the criminal's future target or victim.⁸³ In the Western United States, Americans (to a degree) tolerated and even mythologized the criminal or "cowboy outlaw," as seen on particular "Wanted" posters. This was done through the word "wanted" itself, which connotes the desire to possess, and the use of exclamation points, and the statement "dead or alive" helped to further support this concept. Yet Americans still aligned with fin-de-siècle France, as violence in urban centers were believed to be the activity of "dangerous foreigners," and the "cowboy outlaw" was far enough away from the city to make its citizens feel truly fearful.⁸⁴ The wanted poster has an element of deception unbeknownst to the layperson. While the viewer could safely inhabit the fantasy of violence as projected by the criminal, the imagery of the criminal itself signified the need of professional policing.⁸⁵ On the other hand, the individual could also imagine himself or herself being the vigilante who would capture the rogue criminal. These wanted posters often came within the framework of a newspaper where the public would be able to linger over the depiction of the criminal at large, and often, these photographs accompanied an article on the crime committed or on the criminal at hand.

⁸³ Hall, *Wanted: The Outlaw in American Visual Culture*, 9.

⁸⁴ Phillips, Haworth-Booth, and Squiers, *Police Pictures*, 24.

⁸⁵ Hall, *Wanted: The Outlaw in American Visual Culture*, 9.

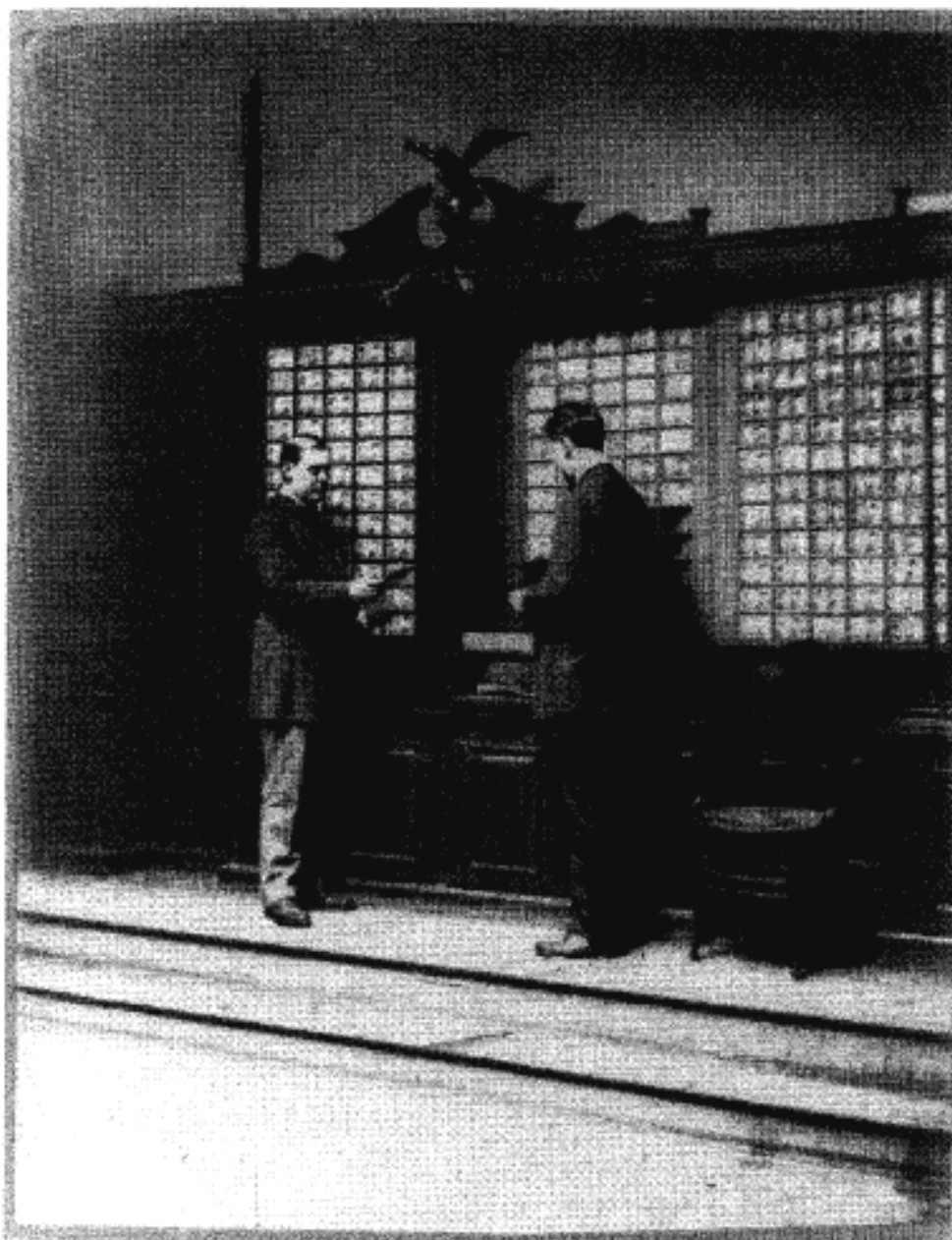


Figure 4. Rogues Gallery, New York City Police Department. *George Grantham Bain Collection. Courtesy Library of Congress, Prints and Photographs Division.*

Another location where a mug shot could be found is within the context of a rogues' gallery, an example of which can be found in Figure 4. In 1857, Police Sergeant William H. Lefferts, of the New York City police department, suggested that a photographic gallery be

established within the confines of the detective office to limited viewership. This gallery was to be available to the victims of crime so that they could potentially identify their assailants when meeting with police.⁸⁶ This photographic gallery was comprised of mug shots placed onto racks, or assembled into albums and each card had information inscribed on the back regarding the criminal.⁸⁷ From that description, it may sound as if from the very beginning that the mug shots assembled in a rogues' gallery were akin to looking at those in a fine art museum in the way viewers could pause and linger over the images, however it was initially more likened to that of ambling through a family album. But placing the images within an album in the *Police Municipale* could create a problematic way of looking for the rogue criminal. Many familial photographic albums of the nineteenth century were made to resemble precious or religious books that featured embossed covers with gold-edged pages, and this would give the daguerreotype or "carte de visite" of which was placed inside a religious overtone.⁸⁸ An example of this photographic casing can be seen in Figure 5, and while it is an image of the notorious criminal, Jesse James, the photograph here was to be for personal use, as the gilded frame would suggest, rather than exemplary of the police-warranted mug shot. Shifting from the format of a book to the place on a wall in the form of the wanted poster or rogues gallery removed the connotations associated with the "precious objects" that was often referenced in the handheld format of the daguerreotype. By the mid-1860s, rogues' galleries could be found in almost every major city and nations capitals, both in the United States (such as New York) and

⁸⁶ Hall, *Wanted: The Outlaw in American Visual Culture*, 65.

⁸⁷ When a mug shot was not readily available in a police archive, but a carte-de-visite of a criminal existed, these photographs would be used instead. Phillips, Haworth-Booth, and Squiers, *Police Pictures*, 19.

⁸⁸ Elizabeth Edwards and Janice Hart, Introduction to *Photographs Objects Histories: On the Materiality of Images*, Edited by Elizabeth Edwards and Janice Hart (New York: Routledge, 2004), 11.

Europe (including London and Paris), and this is when the display of the mug shots would match that of the artistic gallery in the sense that the viewer was to gaze upon on the object on the wall, comparable to how one looks at works in a museum.⁸⁹



Figure 5. Jesse Woodson James. *ca. 1870. Photographer Unknown. National Portrait Gallery, Smithsonian Institution.*

⁸⁹ Hagins, “Fashioning the ‘Born Criminal’,” 286.

The rogues' gallery provided an opportunity for the public to consume the mug shots and cartes-de-visite of the criminals that law enforcement had curated. It allowed the general public to enter a liminal space between community and professional policing. The intention of the rogues' gallery was to allow victims of crime to have the chance to potentially identify their assailants, as well as allowing the public to aid the police in identifying criminals. But the practice of 'looking' in a rogues' gallery also could be understood, for the general public, to take the form of a type of amusement, for it provided a place to be seen contemplating images of the criminal body. This provided not only a space to be seen monitoring and examining the criminal body, but an opportunity for the public to monitor the other "normal" bodies who were there to look at the photographs.⁹⁰ It became a form of entertainment to try to decide the "profession" – whether someone was a murderer, thief, or bank robber – of the rogue in front of them according to facial appearance, expression, and dress.⁹¹

In 1886, New York City detective chief Thomas Byrnes published an extensive rogues' gallery in book format titled, *Professional Criminals of America*. The post-Civil War era in New York City saw a drastic increase in crime. In 1868 alone, nearly 80,000 crimes had been reported. It was noted that there was more crimes reported in New York City than in London, which boasted three times the population.⁹² In addressing the rationale for publishing this book, Byrnes stated the following:

⁹⁰ Hall, *Wanted: The Outlaw in American Visual Culture*, 65.

⁹¹ Foucault, *Discipline and Punish*, 259.

⁹² Byrnes, *1886 Professional Criminals of America*, xx.

With the view of thwarting thieves, I have, therefore, taken this means of circulating their pictures, together with accurate descriptions of them, and interesting information regarding their crimes and methods, gathered from the most reliable sources. In the following pages will be found a vast collection of facts illustrative of the doings of celebrated robbers, and pains have been taken to secure, regardless of expense, excellent reproductions of their photographs, so that the law-breakers can be recognized at a glance.⁹³

Byrnes, much akin to Bertillon, claimed that criminals did not necessarily look like they could carry out the crimes committed, and captioned each photograph with their profession – just like an in-person visit to a rogues’ gallery would feature.⁹⁴ Byrnes argued that physiognomic typing was of no value in the search for the “higher and more dangerous order” of criminals. Rather he aligned himself with the fin-de-siècle French criminological theory, which stressed that environmental factors played a role in the creation of criminal behavior.⁹⁵ Overall, this means that a criminal type based purely on physical and observable characteristics did not exist. For photography, this meant that image itself cannot presume a “type,” but can only portray an individual who was already convicted or charged with a crime. This relates back to the notion there was a loss of trust in the visual image by the end of the nineteenth century. The “truth” that is contained within the photograph is no longer based on a typology of criminality, but rather acts as an after-the-fact record of the crime that could potentially assist in the apprehension of a deviant individual.

⁹³ Byrnes, *1886 Professional Criminals of America*, Preface.

⁹⁴ Phillips, Haworth-Booth, and Squiers, *Police Pictures*, 25.

⁹⁵ Sekula, “The Body and the Archive,” 37.

Sandra Phillips, Mark Haworth-Booth, and Carol Squiers, in their book, “Police Pictures: The Photograph as Evidence,” claim that the content of the criminal portrait gives us a glimpse of and imaginative access into the savagery that the “normal” body avoids on a day-to-day basis. The mug shot of the deviant body transforms into a mirror of the fear that this same savagery may also reside within us.⁹⁶ I agree with this claim because it reinforces the concept that by allowing ourselves to release the fantasy many have of what it would be like to be placed within the role of the deviant body without removing ourselves from the “de facto normal” of society. This ties back to Foucault’s ideology of the disciplined body. Foucault indicates that every member of society has the potential to be deviant, but we adhere to the discipline of self-regulation. It is that the individual is making a choice to adhere to the law, or not, and that by someone observing another individual scrutinizing a mug shot, that others can be observed upholding the rules that contribute to a modern society. Much like the panopticon, the individual conforms their behavior to societal norms and a level of appropriateness for they do not know if they are being watched or not at any given point. Conversely, if we do not conform, there is photography to document our non-conformity and make it public through the form of the mug shot and the rogues’ gallery. Essentially, photography acts as an aid to the self-regulatory aspects of a society. Bearing self-regulation in mind, it is this reason that we have come to reject the criminal body and force the label of “other” upon it as a way to distinguish and distance ourselves from the acts society has deemed unacceptable.

Today, we look at these photographs differently than did the photographers and citizens of the nineteenth century. We know the psychological ideology that occurs within the mind of

⁹⁶ Phillips, Haworth-Booth, and Squiers, *Police Pictures*, 13.

the viewer, and the societal context of which these photographs were first viewed.⁹⁷ The modern-day mug shot functions in much the same way as those in the nineteenth century in regards to upholding an individual belief that because they are one of the “normal” bodies, they will continue to refrain from allowing themselves to slip into the “deviant” body. With hindsight, and clues such as the title of a rogues’ manual, we look to see for ourselves if *we* could have found characteristics of the criminal type. Are we not reinforcing and creating an “other” as was done in the nineteenth-century, as well? We are content to look at these nineteenth century photographs of criminals without the fear of the gaze being returned as those who saw these photographs as new for the first time may have felt; we are safe knowing that the sitters are long dead and exist only in this photographic element, and will not be waiting for us when we look away from the criminal’s photograph.

⁹⁷ Phillips, Haworth-Booth, and Squiers, *Police Pictures*, 29.

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