VIOLENCE AND VISIBILITY IN MODERN HISTORY

EDITED BY JÜRGEN MARTSCHUKAT AND SILVAN NIEDERMEIER

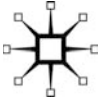# VIOLENCE AND VISIBILITY IN MODERN HISTORY

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Jürgen Martschukat
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Silvan Niedermeier

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CONTENTS

FIGURES

Acknowledgments

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CONTRIBUTORS

Dora Apel is professor and W. Hawkins Ferry Endowed Chair of Modern and Contemporary Art History at Wayne State University in Detroit. She is the author of three books: *War Culture and the Contest of Images* (New Brunswick: Rutgers University Press, 2012); *Imagery of Lynching: Black Men, White Women, and the Mob* (New Brunswick: Rutgers University Press, 2004); and *Memory Effects: The Holocaust and the Art of Secondary Witnessing* (New Brunswick: Rutgers University Press, 2002), and co-author (with Shawn Michelle Smith) of *Lynching Photographs* (Berkeley: University of California Press, 2008).

Petra Bopp is an art historian and curator in Hamburg, Germany, and fellow at the research group *BildEvidenz. Geschichte und Ästhetik* at the Institute of Art History at the Free University Berlin. She coordinated the exhibit *Vernichtungskrieg. Verbrechen der Wehrmacht 1941–1944 (War of Annihilation: Crimes of the German Wehrmacht 1941–1944)* and curated the exhibition *Fremde im Visier. Fotoalben aus dem Zweiten Weltkrieg (Focus on strangers. Photo albums of WW II)*. Among her most important publications in the field are: *Fremde im Visier. Fotoalben aus dem Zweiten Weltkrieg* (Bielefeld: Kerber, 2009); Viewing the Photographs of Willi Rose, in: Thomas Eller (ed.), *Shadows of War. A German Soldier's Lost Photographs of World War II* (New York: Abrams, 2004), 12–23; Les images photographiques dans les expositions sur les crimes de la Wehrmacht ou comment l'histoire devient intime, in: Sophie Wahnich (ed.), *Fictions d'Europe* (Paris: éditions des archives contemporaines, 2003), 189–209.

Colin Dayan is the Robert Penn Warren Professor in the Humanities at Vanderbilt University, where she teaches American Studies, comparative literature, and the religious and legal history of the Americas. In 2012 she was elected to the American Academy of Arts and Sciences. Her books include *Haiti, History, and the Gods* (Berkeley: University of California Press, 1995); *The Story of Cruel and Unusual* (Cambridge, MA: MIT Press, 2007); and *The Law is a White Dog:*

How Legal Rituals Make and Unmake Persons (Princeton, NJ: Princeton University Press, 2011).

Bruce Dorsey is professor of history at Swarthmore College and the author of *Reforming Men and Women: Gender in the Antebellum City* (Ithaca: Cornell University Press, 2002), the editor of *Crosscurrents in American Culture: A Reader in United States History* (Boston: Houghton Mifflin, 2009) (with Woody Register), and the author of the forthcoming book, *Murder in a Mill Town.*

Martha Hodes is professor of history at New York University and the author of *The Sea Captain's Wife: A True Story of Love, Race, and War in the Nineteenth Century* (New York: W. W. Norton, 2006), *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven: Yale University Press, 1997), and the forthcoming *Mourning Lincoln* (New Haven: Yale University Press, 2015).

Sebastian Jobs is a postdoctoral fellow at the Graduate School of North American Studies at the Free University Berlin. He is the author, most recently, of *Welcome Home Boys! Victory Parades in New York City 1899–1946* (Frankfurt/M.: Campus, 2012). He is also the co-editor of *Embodiments of Cultural Encounters* (Münster: Waxmann 2011) (with Gesa Mackenthun) and of *Unsettling History: Archiving and Narrating in Historiography* (Frankfurt/Main: Campus 2010) (with Alf Lüdtke).

Annette Jael Lehmann is professor for visual culture at the Free University Berlin. Among her most important publications in the field are: *Kunst und Neue Medien* (Tübingen und Basel: A. Francke UTB, 2008); *Exposures, Visual Culture, Discourse and Performance in Ninteenth Century America* (Tübingen: Stauffenburg, 2009); *Bild und Raum* (Bielefeld: Transcript, 2013)

Jürgen Martschukat is professor of history at Erfurt University, Germany. Among his most important publications in the field are: *Inszeniertes Töten: Eine Geschichte der Todesstrafe vom 17. bis zum 19. Jahrhundert* (Cologne: Böhlau, 2000); *Rationalitäten der Gewalt: Staatliche Neuordnungen vom 19. bis zum 21. Jahrhundert* (Bielefeld: transcript, 2007) (ed. with Susanne Krasmann); *Is the Death Penalty Dying: European and American Perspectives* (Cambridge: Cambridge University Press, 2011) (ed. with Austin Sarat).

Silvan Niedermeier is assistant professor of history at Erfurt University, Germany. His most important publications in the field include: Torture and "Modern Civilization": The NAACP's Campaign against Forced Confessions in the American South (1935–1945), in:

Thomas Welskopp/Alan Lessoff (eds.): *Fractured Modernity. America Confronts Modern Times, 1890s to 1940s* (Munich: Oldenbourg, 2012) 169–189; "I didn't rape that lady": "Rasse", Vergewaltigung und Zeugenschaft in den US-amerikanischen Südstaaten, in: *WerkstattGeschichte*, 59 (2012), 55–78; *Forced Confessions: Folter, Rassismus und Bürgerrechte in den US-amerikanischen Südstaaten (1930–1955)* (Hamburg: Hamburger Edition, forthcoming 2014).

Jan Taubitz is a doctoral candidate at Erfurt University, Germany. He is working on a dissertation about the cultural practice of video-taping Holocaust survivors' life stories in the United States from the late 1970s to the 1990s.

Thomas Weitin is junior professor of German at Konstanz University, Germany. Among his most important publications in the field are: *Zeugenschaft. Das Recht der Literatur* (München: Fink, 2009); *Wahrheit und Gewalt. Der Diskurs der Folter in Europa und den USA* (ed., Bielefeld: transcript, 2010); *Law and Literature* (forthcoming 2014).

Michael Wildt is professor for Modern German History at the Humboldt University in Berlin. Among the most recent publications in the field are: *Hitler's* Volksgemeinschaft *and the Dynamics of Racial Exclusion. Violence against Jews in Provincial Germany, 1919–1939*, translated by Bernard Heise (New York/Oxford: Berghahn Books, 2012); "*Volksgemeinschaft*". A Modern Perspective on National Socialist Society, in: *A Nazi* "Volksgemeinschaft"? *German Society in the Third Reich*, ed. by Martina Steber and Bernhard Gotto (London, 2013, in print); *An Uncompromising Generation. The Nazi Leadership of the Reich Security Main Office*, translated by Tom Lampert (Wisconsin: University of Wisconsin Press, 2009).

Amy Louise Wood is associate professor of history at Illinois State University. She is author of *Lynching and Spectacle: Witnessing Racial Violence in America* (Chapel Hill: University of North Carolina Press, 2009) and the editor of the *New Encyclopedia of Southern Culture, Volume 19: Violence* (Chapel Hill: University of North Carolina Press, 2011).

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VIOLENCE AND VISIBILITY: HISTORICAL AND THEORETICAL PERSPECTIVES

*Jürgen Martschukat and
Silvan Niedermeier*

1. FROM ABU GHRAIB TO A RESEARCH AGENDA FOR VIOLENCE AND VISIBILITY

In early 2004, the world was shocked by the publication of photographs showing the abuse of Iraqi detainees by American guards in the prison of Abu Ghraib. Many pictures presented perpetrators grinning into the camera while standing proudly next to their victims who had been forced to undress and pose in humiliating positions. As the photographs indicate, the act of picture taking itself was part of the violence against the prisoners in Abu Ghraib. Using their private digital cameras, the guards took hundreds of pictures from various angles, depicting the willful degradation of the prisoners and posing for the camera with their victims. The images were saved on private laptops, were shared with colleagues and friends inside and outside of the Abu Ghraib prison complex, and served as visual trophies of their participation at the war. Quite obviously, the private production and dissemination of these pictures sought to generate pleasure on part of their viewers, also by visibly underscoring claims of white superiority and "oriental" inferiority. However, when American news magazines and TV channels published these images in April 2004, the majority of the readers and viewers expressed a sense of shock. Following their publication, the criticism of "Operation Iraqi Freedom" intensified

immensely, not the least due to the severe violations of human rights that had been exposed by the images.[1]

The Abu Ghraib prison photos indicate that the visual presentation of violence can have various and contradictory effects: While the pictures were taken to arouse pleasure and to reaffirm racialized and gendered notions of superiority among the participant observers, the very same pictures generated a severe criticism of America's "War on Terror" and its flagrant human rights violations. Yet this public irritation was also double-edged: In its intensity, the popular outrage caused by the images clearly showed that the visual documentation of the torture in Abu Ghraib through tourist-style souvenir photography caused a more troubling cultural uneasiness than the practice of detention and torture itself. When the pictures appeared, a public debate about coercive interrogation tactics as part of the detention practices in the "War on Terror," such as waterboarding, forced nudity, painful stress positions, and sleep deprivation, had been running for two years.[2] Thus, although the use of torture in the war against Iraq should not have taken the American and international public by surprise, politicians and newspaper commentators deplored the events at Abu Ghraib as unique and extraordinarily shocking.[3] Only very few critics pointed out that they are embedded in a long history of racist violence and torture in the U.S. and Western societies in general, and that they also relate to the everyday treatment of prisoners in American supermax prisons.[4]

The diversity of reactions to Abu Ghraib points to different but interrelated characteristics, which shape the meaning of violence in modern Western societies in general. On the one hand, these reactions show that modern Western societies, perceiving themselves as based on the principles and politics of Enlightenment and as endowed with respect for the individual and its physical integrity, tend to react with moral repulsion to certain kinds of violent acts and to their visual representation in particular. Here, violence is often perceived as excessive and particularly repulsive when it is committed by agents of the community and the state. On the other hand, Abu Ghraib and the post-9/11 system of detention and interrogation remind us of the fact that even widely rejected forms of violence such as torture practices are still alive in modern Western societies, despite ongoing attempts to contain and abolish them. Most characteristically, torturous violence is not performed publicly, but in hidden places and shielded from the eyes of the public.[5] At the same time, Abu Ghraib indicates a specifically modern inclination to capture concealed acts

of violence visually and present the visualization to different audiences with different intentions, such as to arouse pleasure or create fear and anxiety. As historian Karen Halttunen has argued and as Bruce Dorsey shows in this book, both an enlightened and modern sensibility, a modern media revolution and a stigmatization of violence fostered a growing and new kind of pleasure through the visual consumption of violence and cruelty, which Halttunen calls "pornography of pain."[6]

In order to understand these fundamental contradictions in the modern history of violence, which are manifested by Abu Ghraib, we need to turn to the Enlightenment, humanitarianism, and the origins of modern state formation in Europe and North America.[7] First, it needs to be taken into account that with the dissemination of the social contract in the eighteenth century, the power to employ violence in human society was understood as emerging from a contract among free individuals, and not as a divinely ordained sovereign right any longer.[8] Henceforth, and this is a second most important change, the only legitimate purpose of the modern state was the well-being of its citizens and the protection of their life, liberty, and pursuit of happiness. Third, in a "turnabout of attitudes," as described by historian Lynn Hunt,[9] the human being was conceptualized as free and endowed with natural and human rights, which included its physical integrity and protection—a claim that has been undermined by differences in race, class, and gender from its very beginning.[10] Thus, Enlightenment thought and politics brought forth a powerful critique of violence, although violence was never meant to be abolished but held in check and controlled, and its legitimate use was strictly confined to agents of the state. Yet state violence had to be reduced to a minimum and renounce any kind of cruelty, as the Baron de Montesquieu argued in "The Spirit of Laws" from 1748 or as expressed by the eighth amendment to the American Constitution, forbidding cruel and unusual punishment.[11] From the eighteenth century to the present day, renouncing wanton violence and cruelty have been crucial to the self-perception of the enlightened modern state and society as advanced and civilized. While wanton violence and cruelty came to be seen as barbaric and uncivilized, the controlled use of violence came to be seen as a sign of progress and civilization.

This constellation has led to constant reasoning, arguing, and struggling about the adequate and legitimate forms of state violence. It has also fostered a drift toward hiding state violence from the public instead of performing it on stage, particularly when it tended to smack of excess and cruelty.[12] At the same time, cruelty

and the transgression of normative boundaries have been constant companions of the modern state, and they have continuously aroused moral indignation and political conflict. One example of the twisted logic of modern enlightened states is the history of capital punishment, which was meant to be executed in a soft, sanitized, and publicly invisible manner so that the act of state killing seemed to square with a civilized self-image.[13] Other examples include the persistence of hidden torture practices despite their legal and moral condemnation,[14] the use of violence and force at national borders, the prison industries and everyday police actions against those people forced to live at the margins of society due to the color of their skin, their ethnic background, their social position, or their sexual orientation.[15] Moreover, the cruelty and violence of modern warfare is often hidden behind the disguise of a fight against global terror, humanitarian intervention, or military operations pretending to hit with "surgical precision"—a metaphor that connotes a carefully contained violence and even healing, which is favorably attached to modern acts of violence.[16]

Violence and Visibility explores these ambivalences and quandaries in the history of violence more deeply. It concentrates on violence by the state and its agents and focuses on Germany and the United States. Since the nineteenth century, Germany and the United States have been perceived as paradigmatic sites of Western modernity. Their culture and society have been similarly shaped by the central dynamics of modernization including urbanization, mechanization, industrialization, the emergence of mass societies, and a shared belief in economic growth and progress.[17] Also, both German and American societies have been shaped by strong social and geographical differences (urban vs. rural or North vs. South) and have been characterized by rigid systems of racial differentiation and oppression, though very different in their style and their dramatic consequences. In addition to that, both countries embarked on violent-ridden overseas imperial missions in the late nineteenth century. At the same time and as the contributions to this volume show, both countries developed visual strategies and techniques in dealing with the realities of violence and warfare, which can be taken as symptomatic for Western societies in general. Nevertheless, this should not preclude us from engaging in further investigations into the relationship of violence and visibility in other Western and non-Western societies.

The book argues that we need to examine the changing forms and visibilities of violence in order to cope with the avowed

aversion to physical violence, its concurrent persistence, and even pleasure-generating effects. We claim that in order to sustain this tension, violent practices are either adjusted to historical notions of decency and are thus not necessarily less violent or cruel, but considered as more appropriate at the particular moment in history, or camouflaged and veiled behind curtains. Sometimes, violence is deliberately made visible to reinforce a notion of superiority among a particular group of people, to arouse pleasurable excitement or horror, or both. Thus, as this book argues, in order to make state violence appear legitimate, its forms and visibilities have been constantly modified, and specific practices and politics of visualization or concealment have rendered the existence of manifold practices of violence in the name of state and society compatible with a self-understanding as modern and civilized.

It is important to note that we understand visibility first in the phenomenological meaning of the term as "being-visible," which raises questions regarding the settings and the specific audiences of violent acts. A second though intertwined understanding of visibility is embedded in recent cultural theory and discourse analysis. It asks us to investigate the conditions of possibility for specific types and acts of violence to come into view while others are concealed. This two-way, yet intertwined perspective on visibility is fueled by a methodological impetus from the currently developing field of visibility studies, which calls upon researchers to use the concept of visibility as a critical tool for social analysis.[18]

By analyzing the changing visibilities of violence in modern Western societies from a historical and theoretical perspective, this volume seeks to further extend the recently expanding scholarship on violence, its visualization, and the media.[19] Its contributions analyze different forms of state violence, their spatial settings, and the ways those forms of violence were framed by contemporary observers and by the use of visual media technologies such as photography and film. The chapters will address practices of violence by the state and the community in its classic areas, which are crime, policing, and punishment on the one hand and warfare on the other. By analyzing the ways in which different practices of violence in these two fields have been framed, hidden or presented during the past two-and-a-half centuries, it explores the forces that enable the ongoing existence of violence and cruelty in modern history. Yet we will begin with discussing major historiographical arguments revolving around the history of modern violence and visibility and how it has been shaped by space, media, and power.

2. Spatial Arrangements, Media, and Power:
A Historical and Historiographical Sketch

Even though two World Wars and the Shoah triggered a powerful debate on the "dialectic of Enlightenment,"[20] in the early-twenty-first century the dream of modernity without violence and cruelty seems alive and well. A most recent example has been given by psychologist Steven Pinker who argues that violence experienced a lasting decline throughout human history from the Stone Age to today. According to Pinker, a diminishing significance of violence is proven by the statistically measurable fact that the likelihood of becoming victim of a violent crime has steadily decreased during the history of humankind. As major reasons for this development Pinker invokes the emergence of increasingly organized societies since the Neolithic Age, the civilizing process since the Middle Ages, the spread of humanitarianism since the Enlightenment, the processes of pacification and decolonization after the Second World War, the reduction of military conflicts since the end of the Cold War, and the emergence and consolidation of a human rights discourse with the Universal Declaration of Human Rights in 1948 as its pinnacle.[21]

Pinker's arguments sound familiar as they sketch a positivist interpretation of history as a teleological process that goes hand in hand with the development of a more humane and civilized society and a monopolization of violence in the hands of their agents. However, as critics of his study have rightly pointed to, his statistical argument is irritating at best if we seek to understand how the doubtlessly existing violence of modern societies works and how this violence can be conceptualized in its historic distinctiveness. What, for example, is the value of Pinker's diagnosis if we want to come to terms with the twentieth century as a period that witnessed two World Wars, genocides, industrial mass murder, massive human displacement, colonialisms, and racisms of a hitherto unknown style and scale? What is the value of Pinker's quantifying approach if we seek to grasp the multiple meanings of violence, and here we are talking about both the cultural meanings as well as the meanings of violent experiences for victims and perpetrators? What is the value of Pinker's approach if we seek to understand the specific exposure of particular groups in society to particular forms of violence?

In parts of his analysis, Pinker heavily draws on the classic study by Norbert Elias on *The Civilizing Process*. In this book, first published in 1939, Elias diagnoses an increase of the affective self-control of human beings and a distancing from a formerly uninhibited "joy

in killing and destruction" since the late Middle Ages.[22] Since the publication of its second edition in 1969, Elias's study has been the object of both exhilarating praise and severe criticism in European academic discourse on violence and state formation. Historians of the Middle Ages and Early Modern Europe have pointed to Elias' uncritical and biased reading of medieval sources and to the distorted image of a senselessly violent premodern society that he draws in his study.[23] Sociologists and modern historians have criticized the overtly simplified implication of Elias's teleological model of civilization, the explanatory power of which is particularly doubtful given the twentieth century with its violence of a hitherto unknown type and dimension.[24] To phrase it differently: Having good manners and having one's temper under control does not necessarily mean shying away from mass murder and genocide, as we know since Hannah Arendt's observations on the "banality of evil."[25]

Notwithstanding the well-grounded criticism of Elias's *The Civilizing Process* from various angles of the academic spectrum, the picture presented by Elias is more complex than many critical arguments tend to suggest. Even though Elias's position is not always clear and consistent, he does not—at least not fully—subscribe to a simplistic and univocal narrative of teleological advancement of Western civilization, but scrutinizes how we came to *think of ourselves* as more "civilized" than our forebears and than non-Western societies. Elias's analysis, according to a recent retrospective in *History and Theory*, "did not condone these self-images; the point was not to share in European self-congratulation, but to understand the processes that led to the sense of cultural superiority."[26] For example, Elias critically refers to the fact that the disemboweling and processing of animals before dinner has been veiled behind curtains, handed over to specialists doing their work in separate rooms, or even to mechanized killing factories. According to Elias, this setting apart, this concealing behind curtains, this hiding away of what seems unpleasant and inappropriate, is a typical figure of the whole process called civilization.[27]

As British sociologist Dennis Smith pointed out, the work of Norbert Elias is "concerned with how perceptions of selfhood and society along with standards of behavior with respect to bodily functions and the management of human feelings have been transformed in the course of Western history."[28] This, Smith stresses, is also true for Michel Foucault, who, nevertheless, has often been portrayed as standing in a more or less clear-cut opposition to Elias.[29] Foucault's notion of contingency and rupture seems indeed at odds with Elias's idea of long and slow processual transformations. Yet, Foucault, too,

sought to explain the changes in the meanings and practices of violence and the state in the late eighteenth and nineteenth century by embedding them into long-term historical transformations in the history of mind, body, and institutions since the early seventeenth century.[30] Furthermore, in spite of all their differences, Elias and Foucault share significant conceptual approaches and dismiss simple causal explanations. Instead, they seek to explore how violence is embedded in so-called (con)figurations, which are defined as historically changing "ensembles of relations" of many different kinds (for instance, of juxtaposition or identification) between individuals, groups, institutions, etc. These configurations make, among other things, particular spatial arrangements possible, and they give certain practices of visualization or concealment a notion of being "obvious" or "adequate."[31]

Foucault's thoughts also help to reconcile the continuous existence of violence in modern societies. In his brief talk on "other spaces" he outlines an understanding of spatial arrangements that is very much consistent with Elias's comments on particular practices of hiding, which strive for some kind of purification of the visible public sphere.[32] Foucault described so-called heterotopias as "real places [. . .] that do exist and that are formed in the very founding of society—which are something like counter-sites, [. . .] in which [. . .] all the other real sites that can be found within the culture, are simultaneously represented, contested, and inverted."[33]

This reflection on spatial segregation and the creation of invisibilities obviously drove Foucault's 1975 book *Discipline and Punish.* The study made a powerful contribution to our understanding of the history of modern violence by scrutinizing how a new rationality of noncruel, but seemingly reformatory punishment emerged in the second half of the eighteenth century, epitomized by the penitentiary, which served as both a cause and a consequence of a particularly modern understanding of the relation of violence, visibility, and the state. The penitentiary replaced the publicly displayed mutilation of the human body as prototypical premodern punishment; the ostentatiously performed "art of unbearable sensations" was transformed into a suspension of rights and the production of docile selves, veiled behind closed prison doors and high prison walls. By then, the act of punishing itself appeared unpleasant and inappropriate, and, thus, it was hidden from the eyes of a public and transferred into the "other space" of the penitentiary. At the same time, the penitentiary was a condensed manifestation of predominant discourses and practices of humanitarianism, reason, discipline, and work ethic.[34] The penitentiary represented the

historically "new concern for the human body" and its physical integrity by stigmatizing cruel forms of punishment, torturous violence, and violent torture, which was tied to the discovery of a "fellow feeling" and "empathy" toward other humans beings.[35]

However, as observers noted from the very beginning of prison history, this new type of reform as punishment was not necessarily less violent and cruel, but violent and cruel in a different manner. Walking through an American prison, which was the ideal type and conceptual climax of early nineteenth century prisons in the enlightened "West," evoked the feeling of walking through a tomb, noted Alexis de Tocqueville and Gustave Beaumont in their report on "The Penitentiary System in the United States."[36] Yet the violence and suffering caused by punishments were now concealed from the public, and the scars they left on (or better: in) the condemned were less visible, as Charles Dickens observed after having visited the American model penitentiary "Cherry Hill" in Philadelphia.[37] This invisible form of violence through isolation and the separation of the suffering of the condemned from the public aroused a sense of shock and skepticism in the British writer. However, what Dickens did not point at were acts of plain physical violence, such as whippings, beatings, and abuse, which were also omnipresent in the prisons and reformatories.[38]

Moreover, physical violence as legal punishment did not come to an end with "the birth of the penitentiary." The history of the death penalty since the late eighteenth century is a case in point, and it is anything but a history of straight abolitionism, in either Europe or in the United States, where capital punishment still exists. From the introduction of the guillotine in France in 1792 and continuous efforts to "improve" the gallows to the invention of the electric chair, the gas chamber, and lethal injection in the United States, a desire for the technological perfection of execution methods has shaped the twisted logic of the death penalty in modern states. State killings were supposed to be executed so rapidly that they were almost invisible, painless, and, from the point of view of witnesses, devoid of cruelty and the visible mutilation of the body of the condemned. Modern executions have been hidden from the public gaze behind prison walls and in specifically designed execution chambers, with the production and dissemination of execution pictures anxiously avoided. In late-twentieth-century America, this historical development found its culmination in the lethal injection process, which is meant to convey the image of a medical intervention, and not to appear like a killing at all.[39]

As another example of the same historic process, torture was stigmatized and outlawed in enlightened states.[40] Since the second half of the eighteenth century, uncovering the truth of a crime and making manifest the guilt of a malefactor by deliberately and systematically employing violence and force seemed incompatible with a civilized self-design. Torture was abolished, but it reappeared in different forms and contexts and remained alive throughout modern history. First of all, slave plantations in the Western Hemisphere or colonial societies were places governed by arbitrary violence, and they again remind us of the fact that the so-called universal human rights only applied for white propertied men.[41] Second, modern torture changed from the purposeful and visible mutilation of a human body with thumbscrews, Spanish boots, and hot irons to such technologies that leave hardly any trace on the body of the tortured, such as electro torture, water boarding, or stress positions. Furthermore, during the twentieth century, the use of torture and police brutality were legally condoned and concealed, not least to escape the monitoring efforts of human rights groups and news media.[42]

Thus, as indicated by the modern histories of punishment and torture and as shown by many contributions to this volume, concealing violence has many different effects—and the same is true for making violence visible. Sometimes, it serves as a powerful tool of criticism of violence, and sometimes it underscores a system of difference and subordination. Then again, the invisibility of what happens behind closed doors has stirred up the imagination of the public from the very beginning of modern history. This can be exemplified by Benjamin Rush's famous 1787 essay on the penitentiary as opposed to public punishments. Rush echoes both the enlightened eighteenth-century philosophy of sensibility and the attractiveness of the Gothic novel, seeking to arouse the imagination of his readers and to create a delightful horror in their minds by mystifying hidden secrets. A large house "erected in a remote part of the state" with "difficult and gloomy" access and shut by an iron door causing an echo that would "deeply pierce the soul," the penitentiary was meant to appear as a "[horrifying] abode of discipline and misery" and as such arouse the public imagination. And yet, as the success of the Gothic novel hinted at and as Thomas Weitin and Bruce Dorsey show in their chapters in this book, what was meant to create horror and fear also evoked a pleasurable agony and pain in the minds of readers and observers. The concealment of violence gave its representation a pornographic edge.[43]

These reflections on the historiography and history of violence since the Enlightenment show in particular how arrangements of space are of central importance in organizing modern societies' relation to violence and its visibility. Furthermore, modern media and visual technology have played a significant role in the recent history of violence and visibility. Film and photography have been crucial instruments for the creation and dissemination of visual depictions of violence with various effects. In *The Civil Contract of Photography* and *The Cruel Radiance*, Ariella Azoulay and Susie Linfield have pointed to photography's potential of subverting and de-centering existing structures of power. As both writers ague, photographs of victims of war and disaster open up the possibility of alliances between the viewers and the viewed, thereby initiating forms of solidarity that evade the reach of the governing power. Their argument stands in contrast to numerous critics, who have expressed skepticism on the ability of photographs of political violence to bring about social and political changes.[44]

As Susan Sontag has shown in her seminal work on the history of war photography, the photographic visualization of warfare in the mid-nineteenth century went hand in hand with an intensifying preoccupation with images of war casualties. "Ever since cameras were invented in 1839," she claims, "photography has kept company with death." According to Sontag, the rise of photography intensified both the visual experience of wars and the uneasiness vis-à-vis the cruelty of warfare.[45] In the American Civil War, photographs of war and violence became most powerful tools in the controversy on warfare, on its legitimacy and bloodshed. Yet they also spurred the creation of new viewing patterns and a new type of visual consumer culture, as Annette Jael Lehmann shows in her chapter in this book.

In the late nineteenth and early twentieth century, technological development and the rise of private photography significantly broadened the possibility to document warfare and make the perspective of the observer-participant visible. This was of immense significance for the American colonial war in the Philippines, but also for the understanding of lynching in the American South, which historian Grace Hale analyzed as being embedded in a media revolution.[46] Furthermore, the many private and public pictures of lynchings produced multiple and contradictory effects, something historian Petra Bopp argues in this volume with regard to the Second World War: While the use of photography was intensified by the propaganda machine of the Third Reich, it also led to the creation of pictures that at times subverted the official interpretation of the war. The critical

potential of war images became even more apparent in the Vietnam War. Photographs of a street execution in Saigon, of the crying napalm girl, or of the My Lai massacre in 1968 intensified anti-war protests in the United States and worldwide.[47]

As the controversies stirred by Abu Ghraib and more recent images of violence in the Arab Spring uprisings and the war in Syria have shown, the invention of digital photography and the World Wide Web further accelerated this development. The seemingly unlimited possibilities of creating, publishing, and disseminating images of war and violence via the Internet have unleashed a hitherto unknown potential to use the visualization of violence for multiple and contradictory reasons and ends.[48] They reinforce Susan Sontag's argument that understanding the meaning of violence in modernity requires a historicization of modern media and how their tools and technologies have interacted with the presentation and reiteration of violence. To what extent and under which circumstances do particular types of media serve to legitimize or scandalize certain acts of violence? Or, more generally stated, which diverse effects are generated by the mediated visibilities and invisibilities of violence in modern societies? And who has access to which type of media to conceal, visualize, document, portray, spread or expel which type of violence against whom?

This, finally, brings the role of power structures to the forefront of our observations and how they are intertwined with violence and visibility. As Colin Dayan shows in her chapter in this book, the understanding of certain acts and kinds of violence as legitimate or illegitimate is directly affected by the social and legal status of victims and perpetrators and by who is involved on which side. This ties into questions raised after 9/11 by philosopher Judith Butler, who asks "who counts as human? Whose lives count as lives? And, finally, What *makes for a grievable life*?"[49]

In her book on *Frames of War*, Butler seeks to answer these questions by using the concept of the "frame," which refers to the culturally established modes of perception that make certain events and certain types of human beings appear more grievable than others.[50] Thus, she underscores that acts of violence and their meanings always depend on broader configurations of knowledge, perception, and power, which, according to Butler, determine who is recognizable as "subject" and thus whose vulnerability matters.[51]

This invokes the role of race as most powerful modern marker of difference that establishes and reinforces mechanisms of inclusion and exclusion with regard to, for instance, migration politics, social

politics, punishment, or the ascribed legitimacy of warfare. Judith Butler points out how "iconic versions of [whole] populations" are shaped, some of whom "are eminently grievable, and others whose loss is no loss, and who remain ungrievable."[52] Similarly, philosopher Zygmunt Bauman has explored this perspective in his recent work by describing the contemporary process of modernization as a mechanism that produces "wasted lives," that is "outcasts," such as asylum seekers and "economic migrants" who are excluded from the profitable socioeconomic realms of Western modernity.[53]

This raises crucial issues and questions for the understanding of modern violence, its meanings and effects, and asks us to study the composition of violent performances and of their "frames" more closely: Which forms of violence by which offenders and against which groups of victims can obtain attention in the fields of representation and articulation? To what extent is the visibility and invisibility of particular types of violence and its victims embedded in certain patterns of power, and how are these patterns shaped? To what extent do these "frames" define the opportunities of certain individuals to act against the violence they experience and against its conditions of possibility? In other words: Who, and under which circumstances, is in the position to make specific forms of violence visible, to document them, scandalize them, and question their legitimacy? Which forms of violence are concealed and by whom?

This book takes up these three dimensions—spatiality, media, and power—and analyzes violence and visibility in modern societies on both sides of the Atlantic. In 12 chapters it zooms in closely on different forms of violence and its representation and merges them into a long-shot perspective from the eighteenth to the twenty-first century in order to explore the complex dynamics of violence and visibility in modern societies. Here, by looking at cases from Germany and the United States, *Violence and Visibility* will carve out larger trends of modern history in their respective particularities, which are not necessarily national, but may also be situational. Alf Lüdtke, a leading scholar in the history of everyday life who has been working on both sides of the North Atlantic, asks historians to "get real close to their topics" when studying the modern history of violence so that they can grasp the multitude of experiences and get an understanding of the multifaceted dynamics that make the ongoing existence of violence in modernity possible. This book aspires to take that approach and seeks to merge close ups with long shots.[54]

3.   The Chapters

The chapters in *Violence and Visibility* are arranged in two groups. Both follow a more or less chronological order and present case studies from German and American history. While the first group covers visibilities of crime, policing, and punishment, the second group deals with visibilities of violence in warfare. They are preceded by a chapter by cultural theorist Colin Dayan who bridges both sections in her essay on the reemergence of torture and other dehumanizing practices against stigmatized "others" during the "War on Terror." Dayan scrutinizes rationalities that make cruel forms of punishment in modern society possible, despite its self-perception as humane and civilized. She urges us to relate the current practices of dehumanization to the history of racism and exclusion, and to understand how these practices are swiftly concealed by a language of universality with terms such as "decency," "humane," or "culture," which make the cruelty of state violence less obvious. This language of universality conceals the fact that what is "human," and what is "barbaric" or "*in*human," is contestable and contingent. Dayan criticizes the elaborated system of justifications that enables modern states to use different forms of torture, be it "under cover of necessity" or "under the cover of human treatment."

The section on "Visibilities of Crime, Policing, and Punishment" begins with a chapter by literary scholar Thomas Weitin. He analyzes the violence of European eighteenth-century early modern criminal procedures and asks how they were presented, transformed, and popularized in the famous case study collection *Der Pitaval* in the nineteenth century. By using the example of robber Nickel List and his companions, who were the inspiration for Friedrich Schiller's play *The Robbers*, Weitin explores the connection between physical violence and its imagination, which is of crucial importance for how torture operates. Efforts to increase or decrease the suffering by the means of imagination are at the heart of Weitin's analysis, showing how popular descriptions of torturous violence attracted a large readership, and yet at the same time kept order by holding people in submission.

In the second chapter of this section (chapter 4), historian Bruce Dorsey scrutinizes the public sensationalizing of murder cases in nineteenth- and twentieth-century America. Dorsey picks up Karen Halttunen's argument on the "pornography of pain" by investigating published reports on murder cases and by showing how their rising popularity was guided by a growing public fascination with horror and mystery. As Dorsey argues, nineteenth-century media

transformations significantly expanded the possibility to sensational-
ize murder cases. For instance, the creation of press photography at
the end of the nineteenth century was a major factor in this process
as it disentangled murder from its melodramatic stereotyping. Press
photographs made murder cases appear both sensational and routine,
and they paved the way to a broad acceptance of murder in American
society as normal.

The next chapter (chapter 5) by Martha Hodes reassesses the New
York City Race Riot of 1900. Hodes scrutinizes various efforts to
document acts of violence, and she analyzes strategies and procedures
employed by the police in an effort to obscure and disguise the use of
violence. At the same time, she shows how local, national, and interna-
tional newspapers reported on the New York City Race Riot, and how
local civil rights groups collected the testimony of African American
victims in an attempt to assert their legal rights. However, when
charges were brought against the police, local courts disregarded the
testimonies of African American witnesses. Taking up reflections by
anthropologist Michel-Rolph Trouillot on the "silences" of history,
Hodes argues that strategies of veiling and disguising violence were
guided by the "power of indifference." The absence of the victims'
voices in today's archival repositories reminds us that the visibility of
certain forms of violence is always bound to the creation or loss of
knowledge, to its preservation in the archives, and to predominant
power structures.

The next chapter (chapter 6) by Silvan Niedermeier takes the read-
ers to FBI torture investigations in the American South during the
1940s and early 1950s. Niedermeier discusses various strategies and
techniques used by the FBI to establish evidence of police torture
against African Americans in local Southern police stations and jails.
The modern methods of federal crime investigation challenged local
racist power structures by making police torture in Southern com-
munities more visible. When police officers and sheriffs were brought
to trial in southern federal courts, the FBI findings came into con-
flict with Southern whites' perceptions of law and order. While the
uncovering of torture seemed to question the local racial order, the
outcomes of the federal trials stood for the limited effects of federal
investigations. In the face of racist power structures, the success of
the visualization of torture in bringing about changes in Southern
race relations was limited.

The following chapter (chapter 7) by Amy Wood focuses on the
cinematic representation of racial punishments in late-nineteenth-
and early-twentieth-century American lynching movies. Her analysis

reveals the wide cultural outreach of Southern lynching practices as lynching movies generated a "broader, national tolerance for lynching" during the late nineteenth and early twentieth centuries. As Wood argues, lynching films used modern media technology to reframe decidedly antimodern positions. While distributed through modern communication channels at the turn of the century, lynching films appealed to the reactionary impulses of white audiences, allowing them to reenact and reinforce shared notions of white supremacy and black degeneracy.

Michael Wildt's final chapter (chapter 8) in this section on policing and punishment steers our attention from American lynchings to rituals of public degradation against Jews and "race defilers" in Nazi Germany before the Second World War. At the center of Wildt's analysis is the formation of the Nazi "people's community" (*Volksgemeinschaft*) by demonstrative, public acts of humiliation and violence. As Wildt points out, the visible display of racial violence in public degradation rituals and their documentation in photographs were of vital importance for the shaping of the *Volksgemeinschaft* based on notions of blood, race, and white "Aryan" supremacy. In these rituals, the public took on an active and essential role as bystanders, onlookers, and curious observes.

The second section revolves around the changing "Visibilities of Warfare" from the mid-nineteenth-century battles of the American Civil War to their reenactments today. In a chapter on civil war photography, performance scholar Annette Jael Lehmann discusses the stereograph as a special photographic technique that seeks to bring alive the real by creating three-dimensional images for the observer. Civil War stereographs brought the violence of this most bloody American war into the Victorian home, creating within the observer the feeling of actually being on the battlefield. Viewers immersed themselves in a stereoscopic image-space, which allowed reality to be enclosed in a manageable form and made the experience of its very presence viable, which enabled viewers to experience violence in safety.

Historian Petra Bopp further pursues this reflection on the mediatization of warfare by analyzing the private creation and collection of photographs from the Second World War. Her analysis of private picture albums of *Wehrmacht* soldiers looks into their motivations in pressing the shutter, collecting these images, and presenting them next to pictures of Christmas celebrations and other profane occasions. Bopp argues that operating a camera in the moment of most intense violence intensified the visual experience and thus became a

tool for heightening the pleasure of it. At the same time, according to Bopp taking a photograph created an emotional distance between the observer and the event. By analyzing a single seemingly peaceful photograph of a woman crossing a river, Bopp shows how images can obscure or conceal the violence of warfare. Only through the soldiers' accounts or the information written on the back of the picture, they reveal the cruelty of their content that shows a captured enemy forced to operate as living mine detector.

Jan Taubitz's contribution analyzes the visual legacy of the Shoah after the Second World War. In his reassessment of the fictional TV miniseries "Holocaust," Taubitz draws our attention to the use of historical photographs embedded in the series, used with the intention to bring across "authenticity." Many of these pictures had been taken by the perpetrators, and thus they change their meanings by their presentation in the context of the film. As Taubitz argues, TV shows affected the historical memory of the Holocaust by producing an indirect familiarity with original photographs, places, and events. His analysis demonstrates that the meaning of images of violence is never stable or ingrained in the picture as such, but rather that the presentation of an image is the moment when its meaning is created.

The following chapter by Sebastian Jobs (chapter 12) analyzes the different strategies and tactics of memorizing warfare in military victory parades. As Jobs argues, post–Second World War victory parades in New York induced the audience to indulge in the illusion of a clean and just war, while war's violence and despair remained untold and hidden. According to Jobs, in most parades the violence of war remained "an obscure background noise rather than a leitmotif." The ugliness of the wounded bodies is hazed over, and the way they are presented in the parade transforms them into ultimate signs of soldierly masculinity. Wounds and scars are turned into visible markers of men's stamina and fighting ability as citizen-soldiers, and the parade seeks to heal both the soldiers and the homeland.

The final chapter (chapter 13) by art historian Dora Apel crosses the bridge from the mid-nineteenth century to the present and between the visualization of racist concepts of punishment and warfare in historical reenactments. As Apel argues, reenactment performances of past violence are informed by the wish to make violence visible and transform its memory. While lynching reenactments contribute to the creation of a painful and powerful countermemory, reenactors of warfare often seek to embody the manly virtues and experiences of historical actors with the intention of reliving and

preserving their memory. Therefore, contemporary war reenactments might be considered as expressions of the "desire to control war's legacy," as Apel stresses by citing historian George Mosse. In war reenactments, war actions and the violence of warfare take on a fantasized and fetishized form. In contrast, countermemory reenactments like those of the Moore's Ford lynching in Georgia intend to bring to life a troubled, hidden, and suppressed past in order "to make visible the effects of that repression and its implications in the present," as Apel points out.

Taken together, the book's chapters address the multiple ways in which violence and visibility are interconnected in modern societies. At the same time, they emphasize the fruitfulness of transregional and transdisciplinary analyses. The investigation of the different frames of violence, of its mediatizations and concealments in different configurations allows us to understand continuities and discontinuities of violence in modern societies from the eighteenth century to the present. In doing so, this volume also seeks to provide a basis for a critical engagement with today's world. After all, showing the contingency of human existence in the past entails the plea to shape and change the parameters of our own existence in the present, or, as Martha Hodes says in her chapter to this book, "the endeavor of writing histories of violence assumes, of course, that the writing of history possesses, in some measure, the capacity to overcome the power of indifference."

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C H A P T E R   2

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T O R T U R E   B Y   A N Y   O T H E R   N A M E :
P R E L U D E   T O   G U A N T A N A M O

Colin Dayan

1.

I might also have called this chapter "Reasonable Torture, Or the
Sanctities," since there is an indelible link between servility and tor-
ture, between theory and what I call the "sanctities." On the fol-
lowing pages, I want to question the sanctified sphere of academic
theorizing, the experience of servility that is tied to the practice of
humanitarian care, and, ultimately, the choices we are offered as
scholars, writers, and teachers in this time of terror. They are difficult
choices. They force us to ask what it means to do intellectual work
and how it fares in the present landscape of debasement and ruin.

I ask how to address the facts on the ground, the rationales and
rituals of dehumanization that thrive under cover of necessity in this
our twenty-first century. A cure for all kinds of threats, reasonable-
ness has long been a presupposition for extending enslavement, dis-
ability, torture. But this rationality—like the theory that accompanies
it—is tied to figurative power; and, at any moment, its metaphors
can become more insistent and literal, operating as the legal theorist
Robert Cover famously wrote "on a field of pain and death."[1]

What constitutes the reasonable when the traffic between the real
and the fantastic, the acceptable and the horrific, becomes unfair to
the dead and dangerous to the living? In our "secular" and "progres-
sive" times, comprehensive forms of intimidation and punishment

function as the backdrop to civil community. And nowhere is oppressive state magic more accomplished than in cases of policing and torture, where infernal treatment thrives under cover of necessity.

The management of what is deemed society's refuse—what I call fecal motives—draws distinctions between the free and the bound, the familiar and the strange, the privileged and the stigmatized. This ongoing, blatantly displayed cultivation of human waste materials bears witness to the recasting of interpretation as an illegitimate practice. How can we shed the mantle of civility, reasonable consensus, and rationality just long enough to question the claims of decency? Terms like "decency," "humane," or "culture," just like the word "universal" that Chinua Achebe long ago warned against, make state violence less obvious. Absolute power, once set in motion by a panic of imperial brutality, depends on what Hannah Arendt described as the "general validity of reason as a purely formal quality"—a validation that enables rationally pursued subjugation.[2]

Chronologies of progress are always unreliable, especially when these narratives are told by the free in the name of the bound. The terminology of human rights is not natural. It has a history, both paradoxical and vexing, as Arendt explained in "The Decline of the Nation-State and the End of the Rights of Man," in *Origins of Totalitarianism*:

> No paradox of contemporary politics is filled with a more poignant irony than the discrepancy between the efforts of well-meaning idealists who stubbornly insist on regarding as "inalienable" those human rights which are enjoyed only by citizens of the most prosperous and civilized countries, and the situation of the rightless themselves.[3]

Despite claims to universality, humanity and "the right to have rights" are not shared. Unseemly tensions characterize the rhetoric of human rights, and nowhere do the duplicities of the claims of civilization become as obvious as in the recent uses of such terms as *dignity* or *decency* to justify the most extreme cruelty.

To emphasize the dangers of beneficence, I would underline Carl Schmitt's critique of the operations of liberal and parliamentary democracy in *The Concept of the Political,* written right before his conversion to Hitlerism in 1933:

> When a state fights its political enemy in the name of humanity, it is not a war for the sake of humanity, but a war wherein a particular

state seeks to usurp a universal concept against its military oppo-
nent...To confiscate the word humanity, to invoke and monopolize
such a term probably has certain incalculable effects, such as denying
the enemy the quality of being human and declaring him to be an out-
law of humanity; and a war can thereby be driven to the most extreme
inhumanity.[4]

Everything depends on the object of humane treatment: the legal
protection of slaves, for example, never prohibited mutilation or "cor-
rection *even* unto death," words that would be echoed in the "torture
memos" of the Bush White House on the legal limits of interroga-
tion. Humanitarian claims and benign moral rectitude have always
permitted the torments of continued servitude. Just as with slavery,
the language in prison cases undergoes unusual permutations: words
no longer mean what they usually do. When you deal with persons
labeled as anomalous and extraneous to civil society—whether slaves,
criminals, or detainees—they do not have *rights* as the term is nor-
mally used.

To be acceptable, communal emotions must be endowed with a
rational form. This craving for the rational operates in tandem with
the necessity of social control and valuation. We must no doubt rec-
ognize, right down to details, the force of principle in how irrational-
ity tracks the civilizing claims of the reasonable. The shadows of the
Furies, buried so that the polis could be born, still pursue the icons
of order. So the modern state, its counterfeits and its terrors, betrays a
subterranean legacy. In understanding how the obscene becomes law-
ful, how law can facilitate official and pragmatic lawlessness, we are
pressed hard to admit that rituals considered primitive, even super-
seded, maintain their presence in what we consider our truly civil and
modern society. Not hanging, not burning, stoning or drawing and
quartering, castration or flogging—the worst cruelties belong to a
politer time.

The new acceptance of torture, and the violence—seen and
unseen—that accompanies it, is not a sign of illegality but rather a
sign of increased social rationalism, an excess of legal clarity that actu-
ally licenses torture, which institutes judicial novelties that the law
itself was designed to prohibit. The scope of my inquiry—in light
of the deep penetration into public discourse of legal terms, criteria,
and concepts, whether through our courts, Guantánamo, or prisons
here or overseas in the "War on Terror"—has insensibly broadened.
The Obama administration, like the previous one, utilizes the vague-
ness of US domestic standards of what constitutes "cruel and unusual

punishment" in order to redefine the meaning of "cruel, inhuman, or degrading treatment" under international law and ultimately legalizes abusive treatment of detainees and prisoners. I have been interested, both legally and practically, in the term "human treatment"—so often used by the White House with respect to the treatment of those restrained in their liberty. What is "human," and what—in the language of international human rights—is "barbaric" or "*in*human," is contestable, contingent, and exclusionary.

2.

What is this violence that becomes instrumental to quotidian harassment and daily cruelty, even when—or because—it is so exceptional? Violence often depends on invisibility—the extremes of violence in the practice of lethal injection, the removal of state executions from public observation, the supermax units of prisons where prisoners live, isolated indefinitely, without human contact from the outside. Indeed, when dealing with cruel and unusual punishment in the United States, judges have repeatedly ruled that psychological trauma induced by open-ended solitary confinement is within the limits of permissible pain.[5]

Conditions of confinement are now accommodated to the neutralization of individuality. Punishment has been gradually reinvented as an alteration of mind. This change is as profound as it is legally illegible. With each decision to make the prison more legal or to tailor its conditions to constitutional expectations, punishment became more refined and hidden, less vulgar and visible.

But there is also, as we have seen in the spectacle of Abu Ghraib, the staging of violence that permits its acceptance, its continuation, and our ability *not* to be moved, *not* to care. How can I speak about the repeated enactments of violation, the excess that allows suffering to become distant? Perspectives of nonrelation govern this onslaught of images, so total does its efficacy prove to be. Stigmatized as superfluous, persecuted US citizens, Iraqis, Afghans—or the myriads of so-called ghost detainees, terrorists, or simply those thought disposable—become just so much human material exposed to violence. The logic of terror and the meaning of torture depend on the oddly fastidious representation of absolute vulnerability.

Torture has been recast as care. Under cover of humane treatment, physicians at Guantánamo assist in force-feeding, interrogation, and the living death of solitary confinement. It took until

June 2010 for Physicians for Human Rights to point out publicly what had long been known. The roles that medical personnel play in determining how far harsh interrogation could go (providing legal cover against prosecution and designing—through experimentation on humans—future interrogation procedures) are morally detestable, professionally shocking, legally crimes, and betray every tenet of the Hippocratic Oath. It is perhaps the cohabitation of claims of decency and barbarism that makes the lethal magic of state power less open to criticism. The illusionists who engineer terror rely on the claims of civilization to guarantee its malignancy and predation.

The threats and acts of physical and psychic harm, the rationales of violence, though extreme, are intrinsic to the making of civil culture and necessary to the certainty and sacredness of its frame of reference. The sanction of holy authority does not remain separate from secular culture but rather signifies their interdependence. A mandate for sacred violence can only endure if citizens systematically stigmatize the subjugated as dangerous and superfluous. The drive to label, condemn, and exterminate has become a moral enterprise.

The affidavits of the tortured in the numerous interviews given by prisoners at Guantánamo, the continued revelations by Amnesty International, Human Rights Watch, the American Civil Liberties Union (ACLU), and the Center for Constitutional Rights regarding cruel and unusual punishment in the United States, are harrowing. And the deposits of terror are familiar to us, whether we turn to the everyday treatment of prisoners in the United States, the debates about the torture of detainees in the War on Terror, or the legal limits of coercive interrogation in Iraq, Guantánamo, Afghanistan, and Abu Ghraib. Prolonged incommunicado detention. Sleep deprivation. Forcibly bending the detainee's back backwards. Slapping and blows. Coerced crouching in a frog-like position. Prolonged shackling. Forced feeding. Threats of arrest and physical abuse of family members.

The sites of state-sanctioned degradation and outlawry prompt us to rethink definitions of torture. The more specific the legal analysis of what is obviously torture, the more arbitrary the definition, the more equivocal its limits become. Torture is not always tied to judicial forms, but is implemented in such a way that it suffuses everything—nothing in daily life can be seen or touched that is not a reminder of degradation. This drama turns on the relation between those who get to be wanton and others who count only

as something of nonvalue: conceptually no longer persons who suffer. Glee and malice work together in the abuse of those targeted for humiliation. In the reports following the first leaks of the Abu Ghraib photos, the press described the merging of "chastisement and caprice," "punishment and amusement," "wantonness and cruelty."[6]

At this point, after witnessing the infinite possibilities of desecration, let us try to bring our language closer to a definition of torture. While recognizing the ancient meaning of judicial torture as "the torment and suffering of the body in order to elicit the truth," I encourage a move beyond the legal definition to what should be designated as "a moral definition of torture," or even "a sentimental definition." I appreciate the dangers of such expansive application—taking torture to be "a moral-sentimental term designating the infliction of suffering, however defined, upon anyone for any purpose—or for no purpose." Yet the indignities and damages committed against persons in various contemporary sites of disabling demand that we become sentimental, even hyperbolic, in our stand against systems of terror. I have been suggesting that atrocities are acclaimed, magnified, and allowed through a language that blinds, manipulates, and deadens. A reorientation of language is necessary to guarantee a politics that is both rigorous and visible.

Aimé Césaire in *Discourse on Colonialism* once condemned "the gigantic rape of everything intimate" as the consummate torture.[7] State coercion, wreckage, and waste are not only displayed in the public sphere, but inflicted in the most private places. Subordinated to the vagaries of military control and formal detention, individuals also suffer random attacks on their personal and moral integrity. These are attacks on personal identity, modes of violence that work on the psyche of those targeted by the authorities of law and order. Prejudicial practices are designed to engineer the collapse of personality. Spectacles of humiliation and violence are the surest chaperons of the global mechanics of greed and racism.

To be in constant danger, to experience the self as no longer certain, exposed to arbitrary schemes that penetrate personal and social existence is to undergo a debilitation usually confined to total institutions such as prisons. Such an order of confinement goes beyond the precincts of punishment. And with this extension, the design of torture prompts us to bear witness both to the excessive violence of the perpetrators and to the incredible resilience of the victims.

3.

In thinking about both spectacular public rituals of degradation and other more radical, though hidden disfigurings of identity, we find a hint of the story I want to tell. The rules of law trade on the lure of the spirit—banking on religion and its debate between matter and spirit, sacred and profane—in order to transfer the power of the deity to the corrective of the state. What are the conditions under which categories of identity are legally reconstructed? By giving weight to gradations in terminology—whether the object of penance, the person to be judged, the thing to be punished—the law performs rituals of knowledge. Before the state can punish, it must appear to know what is being outlawed.

To say that law uses and represents history is also to know how it becomes a habit of memory and commemoration. How does law materialize memory? If law is a locus of embodied history—where words over time coerce a commitment to order—how do we define that order and what are the limits of its representations? Speaking broadly, I would suggest that it is in legal documents and under legal forms that the social arrangements of remote times are made visible to us. It is quite possible that statute and case law were more crucial than social relations or beliefs in systematically excluding certain persons, putting them outside the pale of human empathy. Can we construct an analytic of power that would not take law as its model? In condemning an administration that takes us outside the laws we thought fundamental to our heritage, we should instead concentrate on its *hyperlegality*.

In extending the understanding of ritual practice to the exercise of law, I mean a form of law from which religion cannot be divorced. I take the rules of law to be not the underside of the sacred, but its haunting. The focus of ritual is on zones of stress and uncertainty. It is always more or less political. Also, to insist on the ritual in law is to know again its extraordinary ability to bewitch, to transfigure. To cover and uncover, to clothe with or strip of rights, becomes as easy and as solemn as ritual. It helps that in the background of the figurative giving and taking away—lifting one up into a person or reducing one to a thing—hovered the resurrection body complete with a new skin or rotting in an old carcass.

Old forms of terror maintain themselves as they find new content. Foucault's metropolitan world of public torture died out by the beginning of the nineteenth century, but the excesses of physical mutilation were resurrected in the Caribbean colonies and in the American South. Matter and mind were recuperated in the

novel, fantastical logic of slavery. The accoutrements of deperson-alization here introduced the legal metaphysics through which vis-ible injury became regulatory, schematic, particularly insofar as it created the stigma that adheres to and sustains radical states of nonbelonging.

The uniqueness of contemporary punishment in the United States—state-sponsored execution, prolonged and indefinite soli-tary confinement, and other kinds of psychological torture increas-ingly shared by other countries in the endlessly reinvented civilized world—can be traced to the country's colonial history of stigma and deprivation. An older terrain of servitude and disfigured personhood survives as the only true colonial site, now global in reach and time-less in its severity.

4.

Describing the standard interrogation techniques for Iraqis detained at Abu Ghraib, the lawyer for Specialist Charles A. Graner said "a certain amount of violence was to be expected," adding, "Striking doesn't mean a lot…Breaking a rib or bone—*that* would be exces-sive." The lawyer for Specialist Megan M. Ambuhl juggled his terms, arguing that it was intimidation, not torture: "I wouldn't term it abuse." The lawyer for Sergeant Javal S. Davis argued that the pris-oner was not harmed when Davis stomped on his fingers. "He may have stepped on the hands, but there was no stomping, no broken bones."[8]

The words of Marine Brigadier General Michael R. Lehner, who first ran the detention operation at Guantánamo Bay, eight years ago now, prompt us to reconsider the nature of legal inquiry. "There is no torture, no whips, no bright lights, no drugging…We are a nation of laws." In the past two decades, prison administrators throughout the United States have devised legal forms of torture—prolonged iso-lation or the use of electro-shock weapons—while the US Supreme Court has turned extraordinary practices—disciplinary sanctions, renamed "administrative segregation" that obviates the need for due process in the call for "security"—into the "ordinary incidents" of prison life.[9]

Once you create the category of the stigmatized, even if as a fic-tion, the legal embodiment remains: not only the fragments of words sustained through time as precedent, but the bodies of those made visible again in the flesh by these fictions of law. These types of body, once reduced to a specific kind of human, remain so powerful that

opposing terms such as "deficient" and "normal" can be joined, their distinctions blurred as the intact person turns into the senseless icon of the human.

The black codes, penal sanctions, the juridical no-man's land of illegal immigration and deportation, as well as increasingly visible territorial redefinition and administrative enforcement, form the skeleton of the body politic. But we cannot be too scornful of bones, even if they're dry bones. We must know their anatomy, for legal structures produce the terms for making and unmaking persons. In the range of comparative disabilities, it could be argued that legal constructions should not be given such free play. Can a statute with the purpose of punishment be changed from penal law if it imposes some other legitimate purpose? What if something that sounds like penal law, once declared to be a congressional exercise of the war power, becomes nonpenal, as if a new label has just been pasted on it?

5.

When does an emotional scar become visible? To make it visible is to stigmatize, yet only certain kinds of stigmatization are recognized: those that accord with the substandard of what disposable persons are assumed to be. They are all bodies. Only some are granted minds. And who is to decide? The unspoken assumption remains: they are not persons. Or at best, they are a different kind of human, so dirtied, so dehumanized, so pitied that legal protections no longer apply. In a global penal system that has become instrumental in managing the dispossessed, the unfit, the dishonored, such phrases as "minimal civilized measure of life's necessities" or "the basic necessities of human life" prompt us to reconsider the meaning of "human."

The law instinct, we might argue, is permanently *primitive*, to invoke all the bias in the term. The Anglo-American common law hoard of precedent in its language and repetition drags into light the myths of modernity and civilization. In its precincts anything can happen: the residues of human materials, forgotten, are dredged up when necessary. And once the doors are opened into the house of law, we find implausible metamorphoses that have the power to exploit and oppress. Once inside, we encounter historical fragments, legal fictions, and spiritual beliefs. We see humans turned into things, ghosts into persons, and corpses into spirits. The really intriguing thing is the thoroughly matter-of-fact way these metamorphoses are dealt with legally.

On this bewitched ground, the fantastic and the commonplace intermingle. Ghosts are very much part of the legal domain. Human materials are remade and persons are undone in the sanctity of the courtroom. Whether slaves, dead bodies, criminals, ghost detainees, or any one of the many spectral entities held in limbo in the no-man's lands sustained by state power, they all remain subject to the undue influences and occult revelations of law's rituals. A belief in ghosts rests perhaps all too easily alongside the practices of law. Perhaps we need not only take the risk involved in treating supernatural phenomena as real, but also more importantly consider what counts as real. At issue here is whether or not in the legal world a new situation is being described as uncontroversial.

Rituals of expulsion remain intact to intimidate and control. Who gets banned and expelled so that we can live in reasonable consensus? Let us name them: Security Threats. Terrorists. Enemy Aliens. Illegal Immigrants. Migrant Contaminants. Unlawful Enemy Alien Combatants. These are new orders of life; they hover outside the bounds of the civil, cut off from the sociocultural networks of daily life.

Is there any afterlife of ostracism? What remains once civil has been replaced with penal life? Legal definitions are instrumental in condemning these unthinkable entities to circumstances where dogmatic divisions between humans and monsters no longer count. Their disposability counts in a blatantly phenomenal and therefore pervasively spectral manner. Though alive, they are incessantly dying in new ways. Situated beyond the terror of mortality, they work powerfully on the minds of the as-yet included. We cannot ignore the threat of this malediction. Ecclesiastical exorcism survives in the burlesque of justice that continues to find ways to eliminate the accused without due process, without conviction, without trial, without evidence, without even a charge.

Some of those called terrorists in the early days of Guantánamo were labeled as threats and imprisoned without being accused of any offense. They were also subjected to an extrajudicial exhibition of containment. That exhibition preceded their detention, abuse, and torture. Changed into a chrysalis of confinement, they were drugged, shackled hand and foot, made to wear ear cuffs and mittens, hooded, blindfolded by blacked-out goggles, and photographed for all to see.

These distancing effects, once fixed on their bodies, shrink the space of isolation into a second skin. And the place of incapacitation and the incapacitated person collapse into one. "I am in my tomb," wrote Abdelli Feghoul, in solitary confinement at Camp 6

at Guantánamo.[10] In the ostensibly more lenient Camp 5 and Camp Echo, prisoners are confined to steel and concrete isolation cells for at least 20 hours a day, with virtually no human contact. Let us remember that the approximately 240 men who remain imprisoned in this offshore pen are held in defiance of international law. In many if not all cases the victims of acknowledged kidnapping and illegal transfer across international borders by the US government, they are not guilty or even alleged to be guilty of any crimes. They have not been accused, charged, tried, or found guilty of anything at all. Not even, as the records show—at least at the time of their seizure and torture—of hostility to the United States (which is not, let us remember, a crime).

Since 2002, in response to collective punishment, the captives have initiated a series of individual and coordinated mass suicide attempts, classified by the military as "manipulative self-injurious behavior." The hunger strikes bear witness to images of incapacitation and the realities of protest. In December 2005, the number of hunger strikes dropped after mobile restraint chairs (called "torture chairs" by prisoners) were introduced. Clive Stafford Smith, a lawyer at Guantánamo, writes that it "looked rather like an updated electric chair." As well as straps for the prisoner's arms and legs, "the Guantánamo chairs had been modified to add two additional straps for the head and the chest."[11]

The largest hunger strike, in which 131 prisoners participated, ended in 2006 with twice-daily force-feeding through nose tubes, a process that involves excruciating pain, bleeding, and vomiting. Talking to a group of reporters about the chair to which prisoners were strapped during the insertion of the feeding tubes, General John Craddock, the head of the United States Southern Command, assured them, "It's not like 'The Chair,' it's a chair. It's pretty comfortable, it's not abusive." Expanding on his notion of nonabusive comfort, he added that his soldiers gave those he called "detainees" a choice of colors for feeding tubes—yellow and beige—adding, "They like the yellow."[12]

Seven years after the first captives arrived at Guantánamo, President Barack Obama on January 22, 2009, issued a series of executive orders concerning Guantánamo and US policies on executive detention. Besides requiring the closure of the prison within a year, he ordered that conditions of confinement there be reviewed by the secretary of defense, who appointed a team of investigators. In the "Review of Department Compliance with President's Executive Order on Detainee Conditions of Confinement," presented to Obama by

Admiral Patrick W. Walsh in February 2009, the practice of "enteral feeding" is described in chilling detail. In the section called "Medical Ethics—Medical Treatment of Hunger Strikers," the Department of Defense review team presents coercion as care.

The feeding process, the report argues, comports with Common Article 3 of the Geneva Convention. A surprising conclusion, since that article prohibits, among other things, "outrages upon personal dignity, in particular humiliating and degrading treatment." Systematic debasement is made to take on the appearance of emergency preservation. A physician is aided by "a feeding nurse and one or more Corpsmen," with "periodic consultations from a nutritionist." When prisoners refuse to come out of their cells, the "Joint Detention Group Commander" authorizes a "Forced Cell Extraction" (FCE). The feeding is then done by FCE teams in "feeding chairs" with "head restraints." A footnote explains that the "nasogastric tube used is size 10 or 12 French, which would be 3.5–4.5 millimeters in diameter (slightly larger in diameter than a piece of cooked spaghetti but less than a pencil eraser)."[13]

Shaker Aamer, captured in Afghanistan in December 2001 and among the leaders of the hunger strike that began in July 2005, asked Stafford Smith to take down his words when he was in isolation in the supermax unit Camp Echo:

> I am dying here every day...Mentally and physically, this is happening to all of us. We have been ignored, locked up in the middle of this ocean for four years. Rather than humiliate myself, having to beg for water here in Camp Echo, I have decided to hurry up a process that is going to happen anyway.[14]

The question is whether captives who have chosen to die, whether as protest or in response to unendurable suffering, should have their decisions respected or should be "saved" by force. In other words, should the deliberate, conscious decision to die by starvation be duly regarded, or should the military guards prevent fully aware and responsible individuals from killing themselves in this way? Do we find our ethics by forcing captives held in defiance of law to live in a dying situation, by refusing them an escape from a situation worse than death, where such a thing as *life* acquires new meaning? In this context, to safeguard health is to make persons accept their passage from subject to object. The transition is involuntary, unlike the willed riposte of suicide. The personhood of the men at Guantánamo

remains bound up with their right to decide how they maintain and express their group identity, when they warrant recognition, what they do with their bodies. Not allowing persons to choose death as an escape from a murderous fate depends on the skilled manipulation of grim technologies.

On February 23, 2009, on the same day as the presentation of the Department of Defense review, the Center for Constitutional Rights issued its own report on conditions at Guantánamo, revealing that purportedly humane methods there consisted of sensory and sleep deprivation in the camps, as well as force-feeding, described by the euphemism "intensified assisted feeding." Sabin Willett, an attorney for Guantánamo prisoners, described the experiences of one of his clients: "[Y]ou try talking to a man who only wants to see the sun. You will never forget the experience."[15]

Human in form but dead in spirit, these captive entities live on in our minds, preserved in amber, like the corpse kept in cellophane in that singularly unreal photo from Abu Ghraib. Dependent on spectacle for their force—whether the proliferation of effigies from Abu Ghraib and Guantánamo or the haunt of the unseen in lethal injection rooms or supermax cells in the United States—these hints of something worse than death produce a new sign of the self. These dead are not improved by dying.

What happens to the bodies of the dead already entombed at Guantánamo? In the haunt of Guantánamo, the spirits of persons lie dead. This nightmarish dispensation puts us on the cusp of a belief in ghosts. Describing the fate of "outlaws, convicted felons and excommunicates," who take on the shape of wolves, Frederick Pollock and Frederic William Maitland in their *History of English Law* a century ago focus on "outlawry" as "the law's ultimate weapon." The decree of outlawry, they explain, occurred not at a time of no law, but "when law was weak, and its weakness was displayed by a ready recourse to outlawry."[16]

Has outlawry—or, for that matter, law—lost its exterminating character? Not if we consider the Obama administration's revised plan for trial by military commission. The three men accused of planning 9/11, outlaws who desire the transfiguration of martyrdom, will have their chance. They can be exterminated without a genuine hearing. In a very unusual juridical turn, these prisoners will be allowed to plead guilty, thus eliminating the need for "proof," which might necessarily include acknowledgment of torture. Thus, security secrets will not be divulged, nor illegal interrogation techniques revealed.

Lynn White once wrote: "To know the subliminal mind of a society, one must study the sources of its liturgies of inflicting death."[17] The tensions between archaic and modern are fitful and rapidly evaporating. Once considered legal aberrations, the ruins of an irrational past are reconfigured as acceptable. In May 2009, Obama proposed, as if a novel idea, the protracted incarceration of alleged terrorists. In spite of admirable intentions, his suggested "legitimate legal framework"— what he also described as "an appropriate legal regime" for preventive detention—is both unprecedented within the law and unconstitutional. It is not unprecedented in actuality. It remains indistinct from the worst, though least-discussed excess of Guantánamo: the use of indefinite isolation as psychological torture. Sensory deprivation is the form of discipline preferred by prison management. Now it is offered as the solution to the Guantánamo disgrace.

By legitimizing incapacitation without proven crimes or violations of law—and without trial—President Obama regularizes the anomalous and rationalizes solitary torture. He re-imagines *preventive detention* offshore as *prolonged detention* on the mainland. Not as cowardly or mendacious a euphemism perhaps as Bush's "enhanced interrogation techniques" for torture, but a euphemism nevertheless. In the wily magic of changing terminologies, "prolonged detention" replaces both "indefinite detention" and "administrative segregation"—the latter already an evasive, and legally convenient renaming of "solitary confinement."[18]

The majority of prisoners held in supermax confinement are labeled "security threat groups." These alleged gang members usually have no disciplinary infractions; they are locked down allegedly for the safety of the rest of the prison population. The incarceration of "dangerous terrorism suspects" on our soil without due (or indeed, any) process of law also trades on the promise of security. The new global logic of punishment promises democracy while dispensing with judge and jury.

What the United Nations Convention Against Torture, as well as human rights groups such as Human Rights Watch, Amnesty International, and others, have long singled out as torturous solitary confinement practices in the United States and what Guantánamo detainees have revealed to be the most horrific part of their detention—its systematic psychic cannibalism—President Obama presents as what every reasonable American should admit as worthy of our heritage: "the power of our most fundamental values." He asks us to bear in mind: "Nobody has ever escaped from one of our federal supermax prisons, which hold hundreds of convicted terrorists." His proposal, he says, resulted from approaching "difficult questions with

honesty and care and a dose of common sense." When did common sense become so difficult, honesty so terrifying?[19]

"After two days of solitude," J. M. Coetzee writes in *Waiting for the Barbarians*, "my lips feel slack and useless, my own speech seems strange to me . . . I build my day unreasonably around the hours when I am fed. I guzzle my food like a dog. A bestial life is turning me into a beast."[20] But this dog, though reduced to appetite alone, at least has the chance to know, to desire. There are other more ruinous kinds of metamorphoses: the nefarious production of another kind of person—whether ghostly, human relic, or spirit—drained of self-identity, excluded from belonging, bereft of intimacy.

The incapacitated, the as yet improperly apprehended legal person is sufficiently unreal to make claims on our habits of thought. If more-or-less tangible objects can be either "property" or "persons" in the eyes of the law, what we consider subjects of legal rights and duties can also be stripped of these attributes. We are obliged to consider the creation of a species of depersonalized persons. Deprived of rights to due process, to bodily integrity, or life, these creatures remain, must remain *persons in law*. The reasoning necessary to this terrain of the undead sanctions the irrational: the reasonable extension of unspeakable treatment into an unknowable future.

In an age of scientific advances, when "spare-part" medicine is applied to corpses or living bodies, when the unborn fetus becomes rights-bearing, and genetic and embryonic chimeras are realities, the question of legal personhood corresponds with an inscrutable idiom. It is perhaps because of this cohabitation and the inscrutable "magicalities" it allows that state power is less open to criticism. If witchcraft is "the use of preternatural power by one person to damage others," then the practitioners who inhabit the dark world of stigma know how to make law the basis of extra-legality. This sorcery is not overt, and the illusionists who practice it rely on secrecy to guarantee its effects.[21]

Life and death, possession and demonism are, to a surprising extent, buttressed by the normal forms and regular course of law. And when law is called upon to ascertain a rational basis for sustaining the dominion of the dead and the ghostly, much depends on assumptions that most of us claim to find intolerable. But recent events continue to prove how much we can tolerate. How easy it is for fear, dogma, and terror to allow us to demonize others, to deny them a common humanity, the protection of our laws, to do unspeakable things to them.

Legal directives join then in the solemn enactment of social structure. Moral discrimination cedes to obligatory practice. Cultural expectations of legitimate punishment, necessary pain, and reasonable

violence are produced, transmitted, and sustained in a legal idiom. And as I have been suggesting, the US government and courts are busy turning living, willful, sentient, believing persons into inanimate, rightless objects. These objects are disfigured, reduced to organs that can fail and legally be put at the threshold of life and death, where pain is torture only if it causes death.

NOTES

The chapter—a keynote address given in June 2010 at the conference "Violence and Visibility: Historical, Political, and Cultural Perspectives from the 19th Century to the Present" in Berlin—draws in part on Colin Dayan, *The Law Is a White Dog: How Legal Rituals Make and Unmake Persons*, © 2011 Princeton University Press, reprinted by permission of Princeton University Press.

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5. See Colin Dayan, *The Story of Cruel and Unusual* (Cambridge: Boston Review/MIT Press, 2007).
6. Scott Higham and Joes Stephens, "Punishment and Amusement: Documents Indicate 3 Photos Were Not Staged for Interrogation," *Washington Post*, May 22, 2004.
7. Aimé Césaire, *Discourse on Colonialism*, trans. Joan Pinkham, intro. by Robin D.G. Kelley (1955; New York: Monthly Review Press, 2000), 77.
8. Adam Liptak, Michael Moss, and Kate Zernike, "Accused G.I.'s Try to Shift Blame in Prison Abuse," *New York Times,* May 16, 2004.
9. For my previous writings on the legal redefinition of the contours of injury during the Rehnquist years, see Dayan, "Held in the Body of the State: Prisons and the Law," in *History, Memory, and the Law,* ed. Austin Sarat and Thomas Kearns (Ann Arbor: University of Michigan Press, 1999) and "Due Process and Lethal Confinement," *States of Violence: War, Capital Punishment, and Letting Die,* eds. Austin Sarat and Jennifer L. Culbert (Cambridge: Cambridge University Press, 2009), 127–150.
10. Cited in Clive Stafford Smith, *Bad Men: Guantánamo Bay and the Secret Prisons* (London: Widenfeld and Nicolson, 2007), 209, from Shaker Aamer's diary, November 21, 2005.

11. Stafford Smith, *Bad Men,* 207.
12. Julian E. Barnes, "Military Says Special Chair Stops Gitmo Hunger Strikes," *US News.Com*, February 22, 2006, http://www.usnews.com/usnews/news/articles/060222/22gitmo.htm (July 5, 2013).
13. U.S. Department of Defense, "Review of Department Compliance with President's Executive Order on Detainee Conditions of Confinement," Arlington, VA, February 23, 2009, 56–57.
14. Stafford Smith, *Bad Men,* 207.
15. Sabin Willett, Testimony to the House Committee on Foreign Affaris' Subcommittee on International Organizations, Human Rights and Oversight, May 20, 2008, in *Current Conditions of Confinement at Guantánamo: Still in Violation of the Law*, Center for Constitutional Rights, February 23, 2009, http://ccrjustice.org/files/CCR_Report_Conditions_At_Guantanamo.pdf (July 5, 2013). In March 2013 another hunger strike began, which lasted until July. Of the 166 remaining prisoners, 104 went on hunger strike and 44 were force-fed.
16. Frederick Pollock and Frederic William Maitland, *The History of English Law Before the Time of Edward 1,* 2 vols. (1898; repr., Cambridge: Cambridge University Press, 1968) 1:476, 2:580, 2:449.
17. Lynn White, "The Legacy of the Middle Ages in the American Wild West," *Speculum* 40,2 (1965): 199, quoted in Edward Peters, *The Magician, the Witch, and the Law* (Philadelphia: University of Pennsylvania Press, 1978), 192.
18. Sheryl Gay Stolberg, "Obama Would Move some Terror Detainees to U.S," *New York Times,* May 21, 2009, A1.
19. The White House, Office of the Press Secretary, "Remarks By the President on National Security," May 21, 2009, http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-On-National-Security-5–21–09 (July 5, 2013). Since this paper was delivered in 2010, 168 prisoners remain at Guantánamo and still fight for their rights. Over six years since *Hamdan v. Rumsfeld* and eight years after *Hamdi v. Rumsfeld*, Judge Royce Lamberth of Federal District Court for the District of Columbia (*In Re: Guantanamo Bay Detainee Continued Access to Counsel*), rejected rules imposed by the Obama administration on prisoners' attempts to prove their illegal confinement. Lamberth declared that the government's attempt to impose restrictions on legal access contradicted "the separation-of-powers principles and our constitutional scheme." Access to the courts "means nothing without access to counsel," Judge Lamberth ruled, and he condemned the Obama administration for what amounted to nothing less than "executive fiat." Charlie Savage, "Judge Rejects New Rules on Access to Prisoners," *New York Times*, September 6, 2012, http://www.nytimes.com/2012/09/07/us/judge-rejects-limits-on-lawyers-access-to-guantanamo-prisoners.html (July 5, 2013).

20. J.M. Coetzee, *Waiting for the Barbarians* (New York: Penguin, 1982), 78.

21. I take the term "magicalities" from Jean Comaroff's and John Comaroff's introduction to *Modernity and its Malcontents: Ritual and Power in Postcolonial Africa* (Chicago: University of Chicago Press, 1993) xxx; Ralph A. Austin, "The Moral Economy of Witchcraft," Ibid., 90; Philippe Ducor, "The Legal Status of Human Materials," *Drake Law Review* 44,2 (1996): 195–260.

PART I

VISIBILITIES OF CRIME, POLICING,
AND PUNISHMENT

C H A P T E R   3

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THE VISIBILITY OF TORTURE IN NINETEENTH-CENTURY CASE STUDY COLLECTIONS

Thomas Weitin

1.   ARCHIVES AND THE POWER OF VISIBILITY

Recording and archiving acts of physical violence used to be an everyday practice in criminal law in the early modern period, provided such torture was used as a legal means of forcing evidence. As the places where these records are held, court archives represent a decisive instance of the visibility of violence, yet they record the treatment of the body only as detailed as required by the respective court proceedings. In the case I will analyze in the following, for example, only the behavior of the torture victims and not the violence administered by the executioner was recorded.[1]

The fact that we can speak of "cases" at all is due to the twofold power of archives. This power acts not only internally in the form of the decision regarding what is and what is not to be included in the records; it is also externally effective when a report of records is composed for the public on the basis of archival material. A "documentary report" from the files embeds individual juridical documents—transcripts, written confessions, verdicts, etc.—into a narrative. Collections of criminal law cases enjoyed great popularity in eighteenth- and nineteenth-century Europe and they made ample use of such reports or even referred to themselves as "documentary reports."[2] While these collections were

concerned with closed cases, the form of the written inquisition required that narratives had already been fabricated from files during the proceedings. In the case of capital offences, the court of enquiry generally limited itself to collecting all evidence in written form only and sending it to a superior instance, which then decided on the case on the basis of these records alone. The verdict of the higher court was prepared by means of so-called relations. Jurists defined these relations as a summary of a given case made by a member of the court for his colleagues for the purpose of deliberation and reported by him during the court session in which a decision was to be made.[3] Central to these relations is the account of the respective facts of the case; this was referred to as a "historical account" ("Geschichtserzählung").[4] Viewed historically, the narrative core of criminal law is to be discovered here. The relations acted as models for law casebooks and collections of case studies, which had a decisive influence on the development of criminal literature.

As a hybrid between literature and law, the popularity of casebooks was a reflection of a general interest in the phenomenon of crime and criminality. However, they also acted as a forum for legal and political Enlightenment discussions on the social causes of delinquency and the appropriate forms of criminal trials and the penal system. Torture, the centuries-old means of producing evidence, was discussed in a particularly intensive way, as it stood at the center of the debate on the fairness of judicial and penal procedures.

This chapter explores the transformation in the perceptions and application of state violence in the Enlightenment by analyzing legal case studies that were published after the abolition of torture in the early nineteenth century. As I will argue, these case studies point to a long history of invisible forms of force and coercion that accompanied the application of legal torture from the early modern era on. When torture was abolished, both official interrogation practices and the symbolic framing of legal procedures extended these invisible forms of coercions, the *Tortura spritualis*. My examination thus points to an important change in legal history during the eighteenth and nineteenth centuries, as it shows that torturous violence continued to uphold its powerful impact by being transformed into verbal and imaginary forms of violence.

For this analysis, I have selected a case that I believe shows how torture becomes visible in this popular medium as well as the form that it takes. The case concerns the famous story of the robber Nickel List and his companions, who were the inspiration for Friedrich Schiller's play *The Robbers*. In 1843, Eduard Hitzig and Willibald Alexis included the case in their new journal and casebook *The New Pitaval*

(*Der Neue Pitaval*).[5] The events on which the account was based were first made known to the public during the Thirty Years' War by means of a report of records by Pastor Sigismund Hosmann, who was assigned as prison chaplain to the robbers detained in the German town of Celle. Appearing in 1700, he entitled his account *Excellent Monument of Divine Governance* (*Fürtreffliches Denck=Mahl Der Göttlichen Regierung*), a title that underscored the true significance of the successful criminal proceedings. The robber band had caused a sensation all over Europe, largely because they had stolen the golden tablet from the Church of St. Michael in Luneburg. Its members were arrested in different German lands, transferred to Celle, and, with almost no exception, executed on account of confessions made under torture.

The case history presented in the *Neue Pitaval* corresponds largely to Hosmann's report—a report, however, from which the editors distance themselves. Hitzig and Alexis view themselves as legal philosophers of the Enlightenment. They write in the context of a bourgeois epoch in which torture had been abolished, whereas for Hosmann the violent extortion of confessions was still taken for granted as a normal part of criminal proceedings. Hosmann, to whom Hitzig and Alexis, using the correct legal terminology, refer to as "our reporter" ("unser Berichterstatter" oder "Referent"),[6] had composed his report primarily on the basis of records of interrogation and torture. Though the editors of the *Pivatal* follow Hosmann in his description of the investigation and the trial as well as his depiction of the individual band members and their personal histories in every detail, he is figured into their account as a representative of an already antiquated form of premodernity. Friedrich Avé-Lallement's definitive four-volume work *German Roguery* (*Das deutsche Gaunerthum*, 1858), the earliest attempt to classify "literature of roguery" into separate genres, mentions Hosmann's report first under the heading "Relations."[7] In view of the large number of competing sources in this field, the claim that Hosmann is the "first reference of narrated criminality"[8] should be met with some skepticism. Prior to 1733, however, Hosmann's work was released in a total of six editions and was thus a success that had popularized the story of Nickel List and his most spectacular theft. Hosmann's book functions as a prototype of the genre of source material already referred to as the "documentary report." This is because his text exhibits a tension between the actual report of records and its narrative organization, which is typical of the genre. Though he made very exact use of the records,[9] the theologian followed interests that were entirely his own and related to his religious office. He had to transform the thieves— the souls of whom were entrusted to his care—into repentant sinners

by the time of the execution. It is on this aspect that I would like to
concentrate from this point on. I will use this example to demonstrate
the connection between physical and psychological violence, which is
central to understanding how the visibility of torture functions. The
connection between the two types of violence becomes tangible here
in the form of *spiritual violence.* Used by religious authorities spiritual
violence works with both imaginary threat scenarios and verbal intimi-
dation. Its coercive effect is due to the observation that in terms of
forcing confessions the promise of punishment has proven more effec-
tive than the punishment itself, which is true for the divine justice as
well as for the use of torture. Torture, as I will show in the following,
must be seen as a combination of physical pain and the imagination of
it or of even more pain. To speak of "spiritual violence" highlights the
enforced imagination of physical suffering, which becomes visible for
the inner eye of a (potential) torture victim.

2.   SPIRITUAL VIOLENCE

In the case under discussion, torture is of cardinal importance as an
instrument used to convict the accused robbers. And Pastor Hosmann
has an active role in the process. As the prison chaplain entrusted to
the robbers detained in Celle, he arranged regular prayers while hav-
ing to compete with a Catholic colleague in attempting to mollify
their hardened spirits and convert them into repentant Christians.
The editors of the *Pivatal* are able to muster some respect for the
"difficult task" of the preacher, "persevering in the subterranean
holes, combating their obdurateness, their crudeness, their equally
heart-wrenching curses and cries of anguish."[10] This scenario, how-
ever, probably does not refer to one of the prayer sessions for which
the prisoners were often brought together to the chaplain. Instead,
most likely it has to do with one of his numerous visits to the torture
vault. According to his own account, he by no means offered com-
forting support, but rather helped to augment the physical violence
of the torture by means of added psychological pressure in order to
extort statements:

> Thus I went to him as the instrument had just been removed from
> him and found him sitting on the straw gesturing in highly piteous
> way and whimpering fearsomely. As soon as he saw me, he asked for
> consolation. Instead of this, I announced to him the Divine Justice.
> [. . .] The Lord would punish him even more severely if he hardened
> his heart any longer.[11]

The assignment of the parson is not external to the juridical procedure. It represents a decisive factor in jointly maximizing real and imaginary violence. This, however, does not mean that he affirms and goes along with the torture in an entirely unreflective manner.

In Hosmann's report of records, just when he comes to speak about the first use of torture on one of the band members, he interrupts the chronology of the account and launches into an examination of a treatise by Jacob Schaller, which had already made the argument in 1657 that the practice should be banned from Christian states. Point by point, every argument made by the Strasbourg theology professor is refuted in a scholastic manner, with the crux of the counterargumentation resting on the notion of combating crimes in the service of the general public. Hosmann counters the impression that torture is a measure devoid of "proportion" with the statement that its aim is the truth, on which the "welfare" of the "entire country" depends.[12] The determination of the truth in the interest of the security of the country may not, he argues, be threatened by an individual's refusal to speak. He emphasizes, on the other hand, that the individual is not entirely unprotected, since the then still valid *Constitutio Criminalis Carolina* of Emperor Charles V., which outlined laws for the judgment of capital crimes, had decreed that no one should be tortured without probable cause. In the case of transgressions against this principle, it is, as Hosmann states, forbidden to use confessions achieved by means of torture.[13] The parson's assessment of the *Carolina* accords with the established principle of the inquisition process of first proceeding from general to special inquisition, which could justify the use of torture after the collection of a "half-proof."[14] Hosmann quotes the practice, mentioned both by the Old Testament[15] and the *Carolina*[16] of passing death sentences only on the basis of two witness accounts. He argues against this practice by maintaining that there is always the possibility of false witnesses, citing the witnesses testifying against Jesus: "The witnesses who rose against Christ were such."[17] In comparison to witnesses, Hosmann regards torture as a reliable means of attaining the truth. It just has to be used "with reason" and in the right measure. A judge should, he warns, proceed carefully and respect the "boundaries" of the law.[18]

Hosmann endeavors to set limits to torture and to give it a legal framework; for example, in his remark that "no judgment"[19] should be passed on the basis of statements obtained only through the use of torture. It is in this light that he rejects the disorderly and unregulated practices of the witch trials.[20] The pastor's statements stand in

the starkest contrast to the reality of the procedures used in Celle. The
Carolina only gave general recommendations for trials, and this non-
binding character applied especially to the practice of torture, the exact
use of which was left to the discretion of the judge. The eagerness
with which the authorities in Celle pursued their inquiries led to an
unusually frequent, always swift, and brutal use of torture. The attempt
was made, although illegal, to force the alleged perpetrators to make
statements about third parties or about other offences.[21] In any case,
there was a decided lack of concern with maintaining boundaries and
proportion. When the robber Christian Müller, already toughened by
torture endured in other trials, asks the executioner, "what grade [of
torture] he is to receive here," he is given the answer, "we use no grades
here, but rather inquire as long as it takes for him to confess."[22]

3.   VISIBILITY AND IMAGINATION: *TORTURA SPIRITUALIS*

In our case, the unregulated, purely goal-oriented use of torture con-
cerned delinquents who had already experienced regulated torture at
other tribunals and had an intimate knowledge of its procedures. On
the basis of this insight, some could develop tactics for enduring the
pain. Christian Müller was one of these. He is careful to point out
to the other robbers the importance of "measured times"[23] for the
use of a given torture instrument. When one begins to torture him in
Celle, he looks "hastily towards the table for the clock in order to see
whether the appointed time for the torture is soon over."[24] In order to
remove the effects of the violence from the control of the interrogated,
some courts ordered the clock to be placed so that they could not see
it.[25] However, since they applied torture with no clear rules of time or
intensity, this rule was more or less irrelevant for the Celle interroga-
tion officers. But this helped little in the case of the intractable robber
Müller. The confession that was finally forced from him was so inco-
herent and riddled with false statements that it seemed barely useable.

The other inquisitions came out with similar results. Jonas
Meyer, one of the Jewish robbers in the association, confessed only
"piecemeal"[26] and withheld crucial information. Another of the
accused revoked his forced testimony afterward, claiming that he
had confessed everything "merely out of fear."[27] After enduring the
thumbscrews and toescrews and refusing to confess over a long period,
a close confidant of Nickel List finally gave in, but only because of a
mistaken perception: He believed the open fire in the torture cellar to
be the next step in his torture.[28]

The special situation of the Celle trial, in which delinquents accustomed to a regulated use of torture were subjected to an unregulated, archaic procedure, offers insight into the aporia of forced evidence. When proceeding with no adherence to form and without according the delinquents any rights—such as the right guaranteed in legal criminal policies of some regions allowing an attorney to defend the accused against the transition to the special inquisition with torture[29]—intractable behavior was the only chance for the accused to avoid sentencing. Conversely, the more the physical violence was regulated and tempered by laws, the more transparent and inefficient it became. It is common knowledge that this double inefficiency of torture was an important reason for its abolishment.[30]

This logic comes to light more clearly in the case history presented in the *Pivatal* than in Hosmann's report of records since the editors of the *Pitaval* begin their account by representing different interrogations from the point of view of their systematic similarities. Insofar as the resistance of the tortured to their torture becomes a basic judicial problem, a further aspect comes to light, which is directly connected to the aporia of regulation. The coercive effect of torture is based on the interrogated party's ignorance of how long the torture is to be applied, what will happen to him next, how severe the torture will become, etc. This necessary uncertainty must always stand contrary to regulation as long as this regulation cannot remain completely hidden. On the other hand, it was common knowledge that the imagination contributes greatly to the effect of violence, and one tried to profit from this knowledge. The editors of the *Pitaval* cite the "singular observation" that, in Celle, especially stubborn delinquents who had endured all grades of torture in a regulated procedure, could be rushed into a confession after being exposed to those who had just endured it.[31] The "sight of torture itself," they claim, was "not so ghastly" for them as "the confrontation with other criminals who had already withstood it."[32]

This practice of confrontation found frequent use, though it was not always only the sight of others, who had really been tortured, but also the mere indication or assumption that a given person was tortured or could confess that was used to intimidate. In comparison to purely physical violence, psychological pressure and verbal intimidation proved much more effective, especially when used in combination with threatening images and suggestions. Nickel List's imprisonment vindicated this insight. List was arrested in Hof with other robbers and made a complete confession after the first grade of torture. During the heavily guarded transport to Celle, as we read in Hosmann's account, his fellow prisoners, who had not yet confessed, "were horrified [. . .]

upon seeing him."[33] Even Andreas Schwartze, his most intimate confidant, denied knowing him, at which point List objected: "Oh good fellow! How well you know me: But when you will have gotten blue thumbs, you will know me then and speak entirely differently."[34]

It seems as if the leader of the robber band, he himself having confessed, now appears as the expert of interrogation who, although pretending great understanding, is engaged in nothing other than the practice of *territio*: With his own body, he is indirectly threatening his confidant with the instruments that were used against himself. This is not without implications for legal history: "Advanced humanity,"[35] to which the enlightened *Pivatal* editors claim to belong, meant first and foremost a transformation of physical violence into verbal and imaginary violence. Following the abolition of torture, reform-oriented jurists, such as Aloys Kleinschrod, employed the concept of "mental torture" ("Geistestortur") for this practice and provided the judges with "rules of wisdom" ("Klugheitsregeln"), which described how to translate now prohibited physical violence into the psychological pressure of hard interrogation.[36] In the corresponding texts, it is admitted explicitly that hard questioning bears "some analogy to torture."[37] In enlightened Prussia, the analogy of torture and interrogation was established by means of an edict issued by the king, which, three months after the final abolition of torture, ordered that its abolition should be kept secret in order for courts to be able to make further effective use of the instruments in a merely threatening capacity.[38] Another analogy that applies to the transformation of physical into verbal violence is the one established by Immanuel Kant in his theory of law, which compares the corporeal coercive measure of torture with the mental coercion to speak the truth implied by oaths. Kant, who spoke against torture but in favor of the *territio*,[39] actually takes a dismissive stance toward oaths because their implied coercion, in his view, contradicts civic freedom.[40] Nevertheless, he regards it as an indispensible "expedient" for the administration of justice, since the courts would otherwise be insufficiently able to determine secret facts and thus to dispense justice. Thus the courts should be allowed "to make use of this spiritual coercion (*tortura spiritualis*)."[41]

4.   CONCLUSION

The discussed case shows that the *tortura spiritualis* was not originally the achievement of an Enlightenment era, which created a milder replacement following the abolition of physical torture. Rather, it was already present as a central part of the violent coercion of evidence in interrogational procedures that had been employed since the early

modern period. In the everyday understanding of early modernity, physical and imaginary violence shared a close connection. A living collective imagination functioned as an established form of violence. In this light, Monika Mommertz has advocated the systematic integration of imaginary violence into general research on violence.[42] Not only do I support this notion, but I would also endeavor to add the symbolic, as another, third dimension to the analysis. In line with its threefold effect, violence must be investigated as real, imaginary, and symbolic. These three dimensions belong to the transformation mentioned above. In Pastor Hosmann's intervention during the interrogations of Nickel List and his companions, we were able to observe torture as a complex of violence that stands in a relation of constant tension with its own juridification, a process that is never limited to physical violence alone and thus persists beyond its supposed abolition. However, *tortura spiritualis* not only includes imaginary threat scenarios, which accompany or replace the exercise of real physical violence; to this concept also belongs the transfer of violence to the symbolic power of language and speech acts, an example of which is the institution of the oath. The more successful the research that uses this complex notion of violence to study the abolition of torture, the more valuable historical analysis will be for the current debate on the return of torture.

Translated by Eric Kuchle.

NOTES

1. Uwe Danker, *Räuberbanden im Alten Reich um 1700. Ein Beitrag zur Geschichte von Herrschaft und Kriminalität in der Frühen Neuzeit* (Frankfurt/Main: Suhrkamp, 1988), 548 (footnote 103). Concerning the textual and visual documentation of torture and its legal and cultural implications see also Silvan Niedermeier's chapter in this volume.
2. A famous example is Anselm Feuerbach's *Documentary Record of Remarkable Crimes* (*Aktenmäßige Darstellung merkwürdiger Verbrechen*, 1827/1829). All German titles mentioned in the text are translated with the original title in parentheses.
3. Wolfgang Schild, "Relationen und Referierkunst," in *Erzählte Kriminalität. Zur Typologie und Funktion von narrativen Darstellungen in Strafrechtspflege, Publizistik und Literatur zwischen 1770 und 1920*, ed. Jörg Schönert (Tübingen: Niemeyer, 1991), 165.
4. Justus Claproth, *Grundsäze von Verfertigung der Relationen aus Gerichtsacten*, 4th increased and revised edition (Göttingen: Vandenhoeck & Ruprecht, 1789), 12 i.a. All German quotations are translated into English. Short quotes are followed by the German original in parentheses.

5. The assumption of the editors of the *Pitaval* that the case of Nickel List was the model for Schiller's *The Robbers* (Eduard Hitzig and Wilhelm Häring, "Nickel List und seine Gesellen," in *Der neue Pitaval. Eine Sammlung der interessantesten Criminalgeschichten aller Länder aus älterer und neuerer Zeit*, vol. 3, eds. Eduard Hitzig/ Wilhelm Häring [Leipzig: Brockhaus, 1843], 357) was verified by later research (Günther Kraft, *Historische Studien zu Schillers Schauspiel "Die Räuber"* [Weimar: Arion, 1959], 89; Dorothy Hewlett, *A Life of John Keats* [New York; Barnes & Noble, 1950], 237). However, there have been no detailed studies of the sources until now. Nickel List is not even mentioned in the historical-critical edition of Schiller's works.

6. Hitzig/Häring, "Nickel List und seine Gesellen," 353, 375.

7. Cf. Friedrich Christian Benedict Avé-Lallement, *Das Deutsche Gaunerthum in seiner social-politischen, literarischen und linguistischen Ausbildung zu seinem heutigen Bestande. Erster Theil* (Leipzig: Brockhaus, 1858), 221.

8. Ernst Schubert, "Der berühmteste Kirchenraub der deutschen Kriminalgeschichte. Der Raub der Lüneburger Goldenen Tafel 1698," in *Vielfalt und Aktualität des Mittelalters. Festschrift für Wolfgang Petke zum 65. Geburtstag*, eds. Sabine Arend et al. (Bielefeld: Verlag für Regionalgeschichte, 2006), 462.

9. This was shown by Danker in his comparison with the case records in the German Federal Archive in Hannover and in the Braunschweig Municipal Archive (cf. Danker, *Räuberbanden*, 30).

10. Hitzig/Häring, "Nickel List und seine Gesellen," 355.

11. Sigismund Hosmann, *Fürtreffliches Denck-Mahl*, part II (Leipzig/ Zelle: Hoffmann, 1718), 71.

12. Ibid.

13. The Carolina comments upon Article 20 as follows: "That no one should be questioned under torture without due proof" (*Die Peinliche Gerichtsordnung Kaiser Karls V. von 1532, hrsg. und erläutert von Gustav Radbruch*, ed. Arthur Kaufmann [Stuttgart: Reclam, 1984], 40). Cited in the following as the "Carolina."

14. Johann Christian von Quistorp, *Grundsätze des deutschen peinlichen Rechts*, 5th edition (Leipzig/Rostock: Stiller, 1794 [Reprint: Goldbach: Kneip, 1996]) § 667, 214.

15. "At the mouth of two witnesses, or three witnesses, shall he that is worthy of death be put to death; but at the mouth of one witness he shall not be put to death" (Deuteronomy 17:6).

16. It is decreed in Article 67 that "a misdeed is proven with at least two or three credible, good witnesses who speak from a single, true knowledge" (Carolina, 59).

17. Hosmann, *Fürtreffliches Denck-Mahl*, part II, 85.

18. Ibid, 67.

19. Ibid, 68.
20. "Those who did it differently and set the stake aflame perhaps only because of mere testimony made under torture, allowing the poor unfortunates to be fed to the furious blaze, they may know how they will answer to this before the highest tribunal [...]." (Hosmann, *Fürtreffliches Denck-Mahl*, part I, 67).
21. Cf. Danker, *Räuberbanden*, 139.
22. Hosmann, *Fürtreffliches Denck-Mahl*, part II, 85.
23. Hitzig/Häring, "Nickel List und seine Gesellen," 360.
24. Ibid.
25. Peter Oestmann provided me with the reference to the *Hessen=Darmstädtische Peinliche Gerichtsordnung* from the year 1726, paragraph 6 of which demands that torture be used, both in intensity and duration, according to a "well regulated and reasonable judgement." To this belongs the constant control of "whether, judging by the condition [of the subject] at every level, the torture should be decreased or intensified," and the inspection "that real torture be sustained for no more than an hour." The latter was to be guaranteed by an hourglass, which was to be placed in a way "that the delinquent would not be aware of it." (Hessen=Darmstädtische Peinliche Gerichtsordnung vom Jahr 1726 [Darmstadt: Druck und Verlag von Carl Wilhelm Leske, 1830], 429;

    Anselm Feuerbach also emphasizes this typical time limit in his *Lehrbuch des gemeinen in Deutschland geltenden Rechts* (*Textbook of the Law Commonly Valid in Germany*), paragraph 614 of which states: "According to the practice, *one* hour is the longest duration of torture." (Paul Johann Anselm Feuerbach, *Lehrbuch des gemeinen in Deutschland geltenden Rechts* [Gießen: bei Georg Friedrich Heyer, 1801], 483.
26. Hitzig/Häring, "Nickel List und seine Gesellen," 362.
27. Ibid, 362.
28. Ibid, 358.
29. Cf. Alexander Ignor, *Geschichte des Strafprozesses in Deutschland 1532–1846. Von der Carolina Karls V. bis zu den Reformen des Vormärz* (Paderborn: Schöningh, 2002), 121–122.
30. Edward Peters, *Torture* (Philadelphia: University of Pennsylvania Press, 1996); John H. Langbein, *Torture and the Law of Proof: Europe and England in the Ancien Régime* (Chicago: University of Chicago Press, 1977).
31. Hitzig/Häring, "Nickel List und seine Gesellen," 376.
32. Ibid.
33. Hosmann, *Fürtreffliches Denck-Mahl*, part I, 139.
34. Ibid.
35. Hitzig/Häring, "Nickel List und seine Gesellen," 300.
36. Gallus Alloys Kleinschrod, "Ueber die Rechte, Pflichten und Klugheitsregeln des Richters bey peinlichen Verhören und der

Erforschung der Wahrheit in peinlichen Fällen," *Archiv des Criminalrechts*, vol. 1 (1799), 2nd part, 79.

37. Kleinschrod, "Ueber die Rechte, Pflichten und Klugheitsregeln des Richters," 79.

38. Cf. on this topic: Weitin, "Die Ökonomie der Folter," *Folter: Politik und Technik des Schmerzes*, eds. Thomas Macho/Karin Harrasser/ Burkhardt Wolf (München: Fink, 2007), 281.

39. "No one may be punished but following a proven crime. Thus he cannot be tortured. But territio occurs." (Immanuel Kant, *Gesammelte Schriften*, ed. Akademie der Wissenschaften [Berlin/Leipzig: Reimer, 1934], vol. 19, 413.

40. Cf. Immanuel Kant, *Die Metaphysik der Sitten*, in Werkausgabe, ed. Wilhelm Weinschädel (Frankfurt/Main: Suhrkamp, 1977), vol. 8, 421. Cf. on Kant's position on oaths: Marcus Twellmann, "Volksaufklärung im Recht? Am Rand einer Anekdote," in *Fatale Sprachen. Eid und Fluch in Literatur- und Rechtsgeschichte*, eds. Peter Friedrich/Manfred Schneider (München: Fink, 2009), 219– 225 (chapter 7: 'Der kantische Einschnitt').

41. Kant, *Die Metaphysik der Sitten*, 421.

42. Mommertz, Monika, "'Imaginative Gewalt' – praxe(m)ologische Überlegungen zu einer vernachlässigten Gewaltform," in *Gewalt in der Frühen Neuzeit. Beiträge zur 5. Tagung der Arbeitsgemeinschaft Frühe Neuzeit im VHD*, eds. Claudia Ulbrich/Claudia Jarzebowski/ Michaela Hohkamp (Berlin: Duncker & Humblot, 2005), 245.

CHAPTER 4

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CHANGING REPRESENTATIONS OF
SCANDALOUS MURDERS IN THE
UNITED STATES

Bruce Dorsey

The United States has been throughout its history a violent and murderous place. Scandalous and sensationalized murders have regularly attracted local and national attention. In the recent past, the eight-month-long trial of American football-star-turned-actor, O. J. Simpson, for murdering his ex-wife and her friend, generated hundreds of hours of cable television broadcasting and billions of dollars in revenues. Simpson's trial, however, was merely one of countless high-profile episodes of violent death that have influenced American culture. Since the beginning of the nation, the history of scandalous murders can be traced through notable incidents such as the fatal shooting of Alexander Hamilton by Vice President Aaron Burr in 1804 or the notorious family murder charged to Lizzie Borden in 1892. Still, social histories of murder in America have been more interested in trying to explain the anomaly of the high homicide rates in the United States; whereas per-capita incidents of murder have steadily declined for centuries in Europe, homicide rates remained at least five times higher in the United States than in Europe at the end of twentieth century.[1]

A cultural history of murder, by contrast, suggests a different approach to explaining lethal violence, focusing instead on the prevalent forms of representing and explaining murders in texts and

images. An examination of American cultural conventions and discourses surrounding sensational murders thus offers an intriguing way in which to explore the relationship of visibility and violence in the nineteenth and twentieth centuries. Murders, in and of themselves, have not always provoked scandal in either local or national contexts. By conceiving of scandals as "the disruptive publicity of transgression," a cultural history of murders can thus reveal the ways in which modern media have chosen to make violence visible over the course of a century of new media technologies and narrative conventions in the United States.[2]

As I will show, the increasing visibility of murder in nineteenth- and early twentieth-century America made possible by new media forms and technologies, such as the emerging penny papers and halftone photography, did not lead to a growing critique of interpersonal violence. Instead it gave way to new modes of scandalization and consumption of violence. Scandalous murders corresponded with a literary spectacle of violence, whether expressed first in images of the murderer as a monstrous figure outside the social and moral realm of the community, or later in depictions of the mundane details of the murderer as an ordinary individual gone bad.

My investigation emerges from research on one particular murder trial that took place in 1833, in which a Methodist minister named Ephraim K. Avery was charged with impregnating and killing a female factory worker and fellow Methodist named Sarah Maria Cornell outside the textile mill town of Fall River, Massachusetts. After Avery was acquitted in a month-long trial, this local controversy exploded into a nationwide scandal through stories in newspapers, pamphlets, political cartoons, popular songs, and even two plays, all produced for a burgeoning reading public whose lives increasingly intersected with factories or revivalist religion, or both. This case had everything that early nineteenth-century audiences found irresistible—sexually charged violence, adultery, the hypocrisy and downfall of a church leader, secrecy and mystery, conspiracies, and accusations of insanity—precisely, that is, what has attracted American audiences to criminal scandals during any era, including the present day. The Avery-Cornell scandal surfaced at the cusp of important changes in representations of murderous violence in nineteenth-century America, ushering in a century of changing print technologies and discourses about murder.

This chapter essay analyzes print media representations of murder through an examination of what might best be called tabloid

newspapers and popular crime literature. In particular, I will devote considerable attention to the first national popular publication devoted to crime reporting, the *National Police Gazette*, a transitional and significant cultural phenomenon, which began publication in the mid-1840s and continued into the twentieth century. This inquiry into the changing representations of violence sheds light on why some murders provoke scandal while others remain silently accepted features of a violent society.

1. Murder in Early American Crime Literature

The myriad of print media attempting to articulate the meanings of Sarah Maria Cornell's violent death pointed both backward to older ideas about murder and forward toward new cultural expressions of American imaginings of violence. Throughout the colonial era, news of murders in New England reached a broad audience primarily through the genre of the execution sermon, which typically included a brief biography and the dying words of a convicted killer. Although the cultural sway of these sermons faded by the early nineteenth century, replaced by the more secular literary form of the trial report, visual images of murders remained confined to formulaic and simplistic woodcut engravings in both types of early American crime literature. Colonial-era and early-republic crime pamphlets typically limited their visual depictions to standard images of a coffin representing the victim, along with a man hanging from the gallows to represent the murderer.[3] Popular song sheets sold during and after Avery's trial (Figure 4.1) to elicit moral warnings about the dangers of seduction and murder contained images that resembled these earlier restraints on depictions of violence. The same holds true for images of the murder victim. To represent Sarah Maria Cornell before her death, printers in the 1830s borrowed and used available engraving plates that could illustrate any young woman, whether respectable or notorious, rather than produce an accurate likeness of Cornell herself. These standardized images can be attributed to both the nature of technology and market demand. Woodcut engravings were laborious and skilled art work too expensive for early American printers to justify the costs without greater consumer demand.

At the same time, the Avery case also sparked the production of popular print representations that pointed forward, both by the proliferation of new print forms to satisfy a reading public's growing interest in scandalous murders and by contributing to new
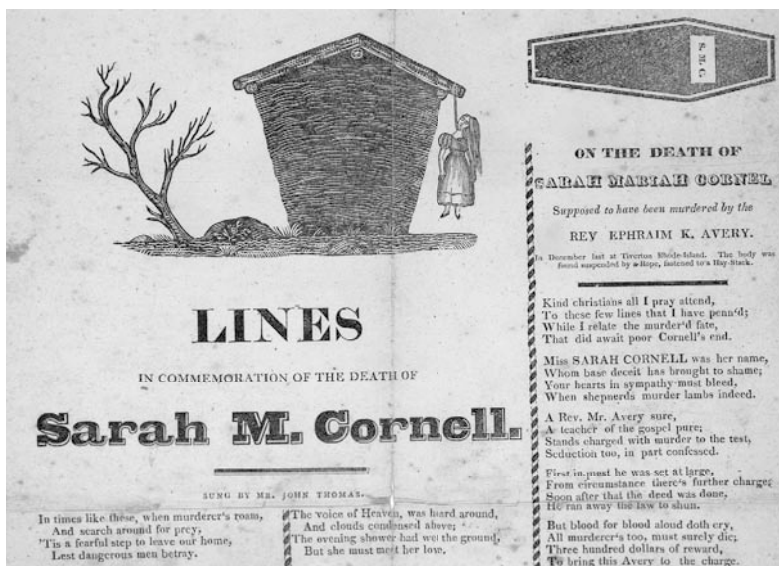
Figure 4.1 *Lines in Commemoration of the Death of Sarah M. Cornell* (Philadelphia, 1833). Library of Congress, Rare Book and Special Collections Division.

imaginings of the nature of murder and the figure of the murderer. As historian Karen Halttunen has shown, the discourse of murder experienced a significant shift by the beginning of the nineteenth century. In a Calvinist religious culture earlier imaginings focused on the idea of the murderer as a common sinner, not far removed from everyone else who possessed a sinful nature. His transgression, then, served as a moral lesson for the broader community. Hence, standardized and interchangeable images could represent any murderer. Nineteenth-century Americans, by contrast, crafted a vision of the killer as a moral monster, an alien creature both different and isolated from the community. This development in turn encouraged a Gothic fascination with the horror and mystery of the violent crime itself. This new discourse of murder and murderers developed alongside a new print genre—the trial report. The Avery-Cornell scandal generated no less than 21 published pamphlets and trial reports (more than any other comparable case), in addition to plays, ballads, and verses that comprised a "street literature" all to be consumed by an interested viewing public.[4] In fact, this appears to be one of the only murders where the reading of trial reports became linked directly to another murder. Within weeks of Avery's acquittal, Sally Cochran

was murdered in New Hampshire by a young farm laborer, Abraham Prescott, who lived at her home. While the two were picking strawberries, Prescott made sexual advances toward Mrs. Cochran and, when rebuffed, he beat her to death with a wooden stake. At the very moment of Cochran's death, her husband was at home reading a report of Avery's trial. Prescott's defense attorneys suggested that reading such salacious material created a household climate that made possible Prescott's murderous actions.[5]

2. Literary Spectacle of Violent Crime

The Avery case also stood at a transformative moment in mass media in the nineteenth-century United States. Three months after Avery's acquittal, the first successful penny-press paper, *The Sun*, appeared in New York City, and its first issue included a story on the public's unending fascination with Avery.[6] Two years later, James Gordon Bennett began publishing the *New York Herald* as a competitor in the market for cheap daily news. Before this development, American newspapers had devoted their attention to commerce and national politics, were financed by political parties, and required a costly annual subscription, which limited their circulation to at best a few thousand subscribers. The daily penny papers, by contrast, soon had a New York readership of more than 40,000. This was neither merely a result of their inexpensive price nor of the introduction of new print technologies.[7] Rather, the penny papers' sensationalist content, their innovative coverage (sometimes even manufacturing) of local news, especially crime news, fueled this new readership. Penny papers did not invent sensationalism, but they brought it to greater numbers of readers with increasing regularity.[8] While old-guard urban papers in the United States had little interest in crime reporting, penny dailies posted reporters at the local police courts to record the city's daily crimes. *The Herald* explained its inspiration in this way:

> There is a moral—a principle—a little salt in every event in life—why not extract it and present it to the public in a new and elegant dress?...if a Shakespeare could have taken a stroll in the morning or afternoon through the Police, does any one imagine he could not have picked up half a dozen dramas and some original character?[9]

The Herald built its appeal (in fact, New York's sensational dailies secured their permanence) based on coverage of the 1836 murder of a prostitute named Helen Jewett, who was killed with an axe and her

body set afire in a posh brothel bedroom, followed by the captivating trial and acquittal of a young clerk, Richard Robinson. Like Sarah Maria Cornell's murder four years earlier, this scandalous crime captivated American audiences for months.[10]

The penny papers' innovation in crime-reporting rested in an expansive new literary spectacle of violent crime rather than in visual depictions of murders. *The Herald* devoted its entire front page to the news of Jewett's gruesome death, but without illustration. The mystery behind the murder fueled a plethora of stories, including graphically worded scenes of the brothel where Jewett plied her trade, her taste in dresses and the poems of Lord Byron, the love letters she exchanged with her clients, as well as Robinson's apartment and the double lives of seemingly respectable clerks and merchants. Histories of journalism have heralded this proliferation of crime reporting in the penny press as the beginning of a revolution in "news"—an alternative to newspapers as engines of party politics and the introduction of an emphasis on facts, everyday life, and a myth of objectivity. They note as well the populist, working-class culture and democratic egalitarianism that inspired these papers. What these histories do not address is the role that the visibility of personal violence played in this transformation. They assume that any titillating stories about wrongdoing, especially if it exposed the privileges and abuses of pretentious elites, served these democratic and populist aspirations. Yet, penny papers comprised part of new and interdependent forms of a literary spectacle of violence in pre–Civil War America.[11]

The visibility of scandalous murders expanded even further with the publication of the first illustrated crime newspaper in America, the *National Police Gazette*, started by an experienced penny-press crime reporter, George Wilkes, in 1845. The *National Police Gazette* was born amidst violent deaths. The inaugural issue, with its front-page series, "The Lives of the Felons," provoked a saloon brawl in gangland Manhattan that cost the saloon-keeper an ear and two fingers and a bar patron his life.[12] Most of the *Gazette*'s early murder stories were written as short paragraphs recounting killings and executions in communities throughout the nation, but Wilkes soon discovered the power of the sensational murder case. Two months after the *Gazette* was founded, Wilkes exploited Albert Tirrell's murder of his adulterous lover, Maria Bickford, in Boston for all its sensational potential. The accompanying illustration (Figure 4.2), with Bickford's breasts heaving upward and the graphic image of a knife slashing through her throat, marked the moment when tabloid newspapers caught up

Figure 4.2 *National Police Gazette*, December 13, 1845. Beinecke Rare Book and Manuscript Library, Yale University.

to the sensationalist street literature of trial reports. The *National Police Gazette* channeled the visible attractions to violence that trial reports first introduced in American culture.

By mid-century, trial reports had joined with fiction to transform reading practices, whereby texts, as Halttunen notes, were now approached as "a commodity that could be casually taken up,

discarded, and replaced by the next, in a restless quest for the 'latest intelligence.'" This spawned a whole new form of writing—realism— that insisted on greater attention to every possible detail of motive, personality, and setting connected with a murder. Visual representations of murders were now tailored to the individual crime, in contrast to the generic images employed in the past. These stylized, even melodramatic, engravings attempted to capture all the action, emotion, and terror of a murder in a single image. Readers were invited to look into those mysterious and secret spaces, much like peering through a keyhole, where violent murders occurred.[13]

What audiences saw—or more accurately, what they were repeatedly told they saw—was horror, the kind of horrific violence that demanded a visceral emotional response. In formulaic fashion murder literature referred to each new crime as "the most horrible murder ever committed." But rather than revulsion, horror sparked attraction. The editors of the *National Police Gazette*, just like the authors of trial reports, understood this. In one of its earliest issues, the *Gazette* promised its readers: "We offer this week a most interesting record of horrid murders, outrageous robberies, . . . hideous rapes, [and] vulgar seductions . . . ." Horror, of course, requires an intense interest in the nature of the violence, in bodies in pain and dying, what Halttunen has called a "pornography of violence," the "deliberate use of pain and horror to generate readers' *pleasure*." What the *Police Gazette* shared with trial reports and Gothic fiction was the creation of a literature of popular excitement, the "thrill of horror," and the unending entertainment of sensationalism.[14] Indeed, when Wilkes could not find a murder scandalous enough to warrant a sensationalist take, he resurrected the Helen Jewett murder a full 12 years after it had taken place, running stories about the case for several consecutive weeks.

3.   INCREASING VISIBILITY OF SCANDALOUS VIOLENCE

Although the *National Police Gazette* had by the late 1840s meshed its formula of realism in crime reporting with the attractions of Gothic murder literature, it could not survive the financial panic of 1857. Wilkes sold the paper to an ex–New York police chief, but readership fell precipitously during and after the Civil War. In 1876, however, the crime tabloid was resurrected by an entrepreneur even more in tune with popular American tastes than Wilkes. Richard Kyle Fox transformed the *Police Gazette* into a visual extravaganza of crime,

sex, and masculine sporting culture. Most important, Fox placed a greater emphasis on illustrations than on text. The *Gazette*'s illustrations in the last decades of the nineteenth century became even more graphic in their depictions of violent murders, as well as more titillating in their display of the exposed flesh of scantily clothed women. One historian has described these images as "all that was gruesome or thrilling."[15] Fox also added a regular column entitled "Murder and Suicide: A Gush of Gore and Shattering Brains All Around the Horizon," along with another called "This Wicked World" to address the seductions and sexual vices of men and women alike.[16]

Fox's *Police Gazette* also began blurring the meaning of realism and authenticity in its depictions of violence.[17] Nowhere was this more evident than in its ubiquitous representations of violence perpetrated by women. As nineteenth-century murder literature made clear, murders were almost always committed by young men. Yet at the end of the century, Fox's *Gazette* was littered with countless images of women enacting violence and murder on both men and other women. This certainly perpetuated the pornography of violence that characterized America's murder literature, but these images of the inversion of violent women were also a popular, albeit hostile, response to the greater public visibility and emancipation of women at the turn of the century, caricatured as the stereotypical "New Woman." The *Police Gazette* contained those changes in gender conventions by depicting women, once freed from Victorian constraints, as either violent monsters or deserving victims, kept in their place by violence.[18]

Lest we think of this publication as harmless entertainment, the *National Police Gazette* was also among the loudest voices popularizing the invidious racism of Southern lynch law in the post-Reconstruction United States. Alongside titillating pictures of dancing girls and voyeuristic images of female murderers, the *Gazette* promulgated in words and pictures the idea of black men as beasts, with insatiable appetites for white women and murderous violence, thereby working to justify lynchings for northern white working-class readers. Richard Kyle Fox contributed as much as any southern Democratic politician or newspaper editor, including the notorious white supremacist Ben Tillman of South Carolina, to the myth of the black rapist, thus inducing white indifference to murderous racial violence.[19]

4. A GOOD MAN GONE WRONG

The *National Police Gazette* reached the pinnacle of its commercial success with a half million readers under Fox's editorial guidance, but

it would soon be eclipsed by the new "yellow journalism" newspapers that emulated the *Gazette*'s sensationalist crime coverage with even more expansive (and now daily) coverage of scandalous murders. Joseph Pulitzer's *The World* and William Randolph Hearst's *New York Journal* were New York City beachheads for publishing empires that reached millions of American readers by the turn of the century. A glance at the front pages of the *New York Journal* during a typical ten-day period in 1898, for example, reveals a lead story on a murder, execution, or suicide for eight of those ten days, with personal violence dislodged only by a natural disaster or the approaching war with Spain (the war that gave these yellow journalist papers their name and fortune).

As historian Michael Trotti has demonstrated, daily newspapers now possessed a technological breakthrough that would exponentially increase the visibility of violent murders. Halftone photographs (the mechanical means of transferring photographs to printing presses) meant that photographic images replaced engravings as the preferred means of visibly communicating the news. This technology especially suited the coverage of murders. According to Trotti, this change "marked a visual revolution in American mass culture at the turn of the twentieth century." Not only could reading audiences consume more images (twentieth-century newspapers sometimes printed hundreds of photographs to accompany their coverage of a scandalous murder), but the images also began to assume a new meaning for those audiences. Hence, the visibility of violence increased as a result of transformations in modern forms of media and communication, rather than from any measurable expansion in the quantity or intensity of violence in modern industrial societies. In the United States, technological advancement in news photos led to a saturation in public exposure for any murder that newspaper editors deemed scandalous.

Interestingly, photographs could not convey the intensely emotional and melodramatic stereotyping of murderers as moral monsters in the way that engravings had. Nor could they encapsulate an act of murder in a single moralistic image. Thus, with the proliferation of hundreds of different photographs of, for instance, a murderer's childhood home, elementary school, and college sports teams, as well as the site of the murder and evidence of police activity, the mundane and commonplace reasserted themselves in representations of murders. Newspaper audiences in the early decades of the twentieth century craved stories that made murders at once sensational and yet also the acts of ordinary people engaged in familiar patterns of behavior. As H. L. Mencken described Henry Judd Gray, the corset salesman who conspired with a

woman to kill her husband in 1927, he was "a good man gone wrong."[20] The 1920s and 1930s continued these trends. The murder trials of Leopold and Loeb, Leo Frank, Sacco and Vanzetti, and the kidnapping of Charles Lindbergh's baby, all perpetuated the attraction of scandalous murders in America. As historian John R. Brazil has noted, it was not the gruesome details or the supposed fame of the defendants that excited public interest, but rather the sense among readers that the murders were committed by average, ordinary people. Although the *Chicago Tribune* printed over 260 photographs relating to Leopold and Loeb in 1924, and the case displayed the elements of secrecy, sexual violence, and insanity—all the ingredients that made a murder scandalous—the discourse surrounding the murderers revolved around whether or not the killers were just normal boys.[21] The new technology of halftone photographs allowed for scandalous murders to seem simultaneously routine and sensational.

By the late nineteenth and early twentieth centuries, media representations of scandalous murders also became fixated on the idea of the "crime of the century." Surprisingly, that phrase was never invoked to describe what is today the most remembered murder of the era, the axe murder of Lizzie Borden's father and stepmother in 1892. Within a few years, a piece of doggerel verse about the crime became engraved in the minds of generations of Americans:

> Lizzie Borden took an axe,
> And gave her mother forty whacks.
> When she saw what she had done,
> She gave her father forty-one.

Despite its factual inaccuracy—it was her stepmother, there were not 40 blows, and a jury acquitted Borden of the crime—this verse reveals that a certain "street" form of popular culture surrounding murders never entirely died out. Twentieth-century newspaper audiences, however, were told repeatedly that a certain murder was a "crime of the century," from the first notorious trial in 1900 until the media spectacle of O. J. Simpson's trial in the 1990s. Despite the invented superlatives to distinguish each trial, murders remained routine and killers assumed the characteristics of the normal and ordinary.[22]

5. Conclusions

This survey of the popular culture of murders raises an important question: why have the vast majority of murders in the most violent

industrialized nation generated so little scandal compare to these more conspicuous examples of violence? Why do some murders provoke scandal while others remain private tragedies that evoke neither public outcry nor scandal? Perhaps the answer lies somewhere within the complex explanations for the greater prevalence and acceptance of violence in the United States. Too little historical work has been done on the de-sensitization of Americans to violence over the course of their history. Perhaps as well, the answer lies in the landscapes of memory and shame that geographer Kenneth Foote has recently explored in his study of the memorialization of places in the United States where tragic violence occurred.[23] At the same time, this investigation of the changing print representations of murder suggests another answer. Perhaps the American cultural obsession with scandalous murders obscures the all-too-present interpersonal violence that remains unresolved in families and local communities in America. American culture has developed methods of reading and consuming murderous violence that have contributed greatly to the seeming ubiquity of notorious murders, while, these methods have also regularly masked the more mundane murders that are far too common in the United States. All the efforts to sensationalize and make scandalous the violent taking of human lives for a consuming public have contributed to making the awareness of murders seem normal in everyday American life. Just as Susan Sontag has argued that "the shock of photographed atrocities wears off with repeated viewings," perhaps the scandalization of murder makes "the horrible seem more ordinary."[24]

The media frenzy that characterized the O. J. Simpson murder trial at the end of the twentieth century was neither the "crime of the century," nor some kind of aberration produced by a celebrity-obsessed media. Rather, it was another instance of the scandalization of violence within a continuously evolving visible culture of murder in the United States. As James Lull and Stephen Hinerman have noted, a media scandal "does not materialize until events are shaped into narrative form and those narratives are made accessible to a consuming public, who interpret and use the symbolic resources provided for their own purposes." By this means, what makes a murder a scandal is the simultaneous product of both the media and its audiences. Over the course of two centuries, cultural representations of scandalous murders illustrate clearly how the visibility of murder has been shaped by narrative conventions produced and consumed in the news media and popular culture in the United States.[25]

Notes

1. George Lipsitz, "The Greatest Story Ever Sold: Marketing and the O.J. Simpson Trial," *Birth of Nation'hood: Gaze, Script, and Spectacle in the O.J. Simpson Case*, ed. Toni Morrison (New York: Pantheon, 1997), 3–30. For recent historical explanations for U.S. homicide rates, see Eric Monkkonen, "Homicide: Explaining America's Exceptionalism," *American Historical Review* 111 (2006), 76–94; Randolph Roth, *American Homicide* (Cambridge, MA: Harvard University Press, 2009); see also Roger Lane, *Murder in America: A History* (Columbus: Ohio State University Press, 1997).

2. Ari Adut, *On Scandal: Moral Disturbances in Society, Politics, and Art* (Cambridge: Cambridge University Press, 2008), 3, 23–24; Gary Alan Fine, *Difficult Reputations: Collective Memories of the Evil, Inept, and Controversial* (Chicago: University of Chicago Press, 2001), 1–6, 130–66; Sara L. Knox, *Murder: A Tale of Modern American Life* (Durham: Duke, 1998). James Lull and Stephen Hinerman define a "media scandal" as occurring "when private acts that disgrace or offend the idealized, dominant morality of a social community are made public and narrativized by the media, producing a range of effects from ideological and cultural retrenchment to disruption and change." *Media Scandals: Morality and Desire in the Popular Culture Marketplace*, eds. James Lull and Stephen Hinerman (New York: Columbia University Press, 1997), 3.

3. Daniel A. Cohen, *Pillars of Salt, Monuments of Grace: New England Crime Literature and the Origins of American Popular Culture, 1674–1860* (New York: Oxford University Press, 1993); Karen Halttunen, *Murder Most Foul: The Killer and the American Gothic Imagination* (Cambridge, MA: Harvard University Press, 1998), 7–32; Michael Ayers Trotti, "Murder Made Real: The Visual Revolution of the Halftone," *Virginia Magazine of History and Biography* 111 (2003), 384–385.

4. The principal sources on Avery's trial are Benjamin F. Hallett, *A Full Report of the Trial of the Trial of Ephraim K. Avery, Charged with the Murder of Sarah M. Cornell [. . .]*, 2nd ed. (Boston: Daily Commercial Gazette, 1833); Benjamin F. Hallett, *Avery's Trial [Supplementary Edition.]* (Boston: Daily Commercial Gazette, 1833); Benjamin F. Hallett, *The Arguments of Counsel in the Close of the Trial of Rev. Ephraim K. Avery, [. . .]* (Boston: Daily Commercial Gazette, 1833); Richard Hildreth, *A Report of the Trial of the Rev. Ephraim K. Avery [. . .]* (Boston: Russell, Odiorne, 1833); *The Correct, Full and Impartial Report of the Trial of Rev. Ephraim K. Avery, [. . .]* (Providence: Marshall and Brown, 1833); Richard Adams Locke, *Report of the Trial of the Rev. Ephraim K. Avery, [. . .]* (New York: William Stodart, 1833); Luke Drury, *A Report of the Examination of Rev. Ephraim K. Avery, for the Murder of Sarah Maria Cornell* (Providence: n.p., 1833); William R. Staples, *A Correct Report of the*

Examination of Rev. Ephraim K. Avery, [...] (Providence: Marshall and Brown, 1833); and one of the earliest "true crime" narratives written in America [Catharine R. Williams], *Fall River, An Authentic Narrative* (Providence: Marshall and Brown, 1833).

5. *Report of the Trial of Abraham Prescott* (Concord, NH: Atwood, Currier & Hall, 1834), 3, 8–13, 53–54.

6. *The Sun* (September 3, 1833).

7. In fact, technological advances lagged behind consumer demand; Michael Schudson, *Discovering the News: A Social History of American Newspapers* (New York: Basic Books, 1978), 18, 31–35; Dan Schiller, *Objectivity and the News: The Public and the Rise of Commercial Journalism* (Philadelphia: University of Pennsylvania Press, 1981), 12–14; David Ray Papke, *Framing the Criminal: Crime, Cultural Work, and the Loss of Critical Perspective, 1830–1900* (Hamden, CT: Archon, 1987), 39.

8. John D. Stevens, *Sensationalism and the New York Press* (New York: Columbia University Press, 1991). Historians have mistakenly characterized this as the origins of sensationalism. Sensationalist crime literature had existed for centuries in early modern Europe; see Joy Wiltenburg, "True Crime: The Origins of Modern Sensationalism," *American Historical Review* 109 (2004), 1377–1404. Wiltenburg cites the example of Burkard Waldis, a Lutheran minister, whose 1551 pamphlet, "A true and most horrifying account of how a woman tyrannically murdered her four children and also killed herself, at Weidenhausen near Eschwege in Hesse," possessed all the characteristics of modern sensationalism—emotive language, suspense, and graphic descriptions of bloody violence, including a "grisly woodcut of the mother dismembering her children" (1386).

9. *New York Herald* (August 31, 1835) as quoted in Papke, *Framing the Criminal,* 40–41; Schudson, *Discovering the News,* 23.

10. Circulation figures were certainly helped when the *Sun* and *Herald* took opposing sides as to the innocence of Robinson; see Patricia Cline Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth-Century New York* (New York: Knopf, 1998); Andie Tucher, *Froth and Scum: Truth, Beauty, Goodness, and the Ax Murder in America's First Mass Medium* (Chapel Hill: University of North Carolina Press, 1994); Stevens, *Sensationalism and the New York Press*, 42–53. The readership for Bennett's *New York Herald* tripled during the few months of the Robinson-Jewett scandal; see Frank Luther Mott, *American Journalism: A History of Newspapers in the United States through 250 Years, 1690–1940* (New York: Macmillan, 1941), 233.

11. Schudson, *Discovering the News,* 12–60; Schiller, *Objectivity and the News,* 12–95. The logos of penny papers reveal the democratic egalitarianism that fueled this form of popular news reporting. The *Sun*'s

logo was "It Shines for All"; the Philadelphia *Spirit of the Times* had as its motto, "Democratic and Fearless: Devoted to No Clique and Bound to No Master"; Schiller, *Objectivity and the News,* 48–50.

12. The first episode of the "The Lives of the Felons" exposed the crimes of pugilist, forger, and otherwise notorious criminal, Robert Sutton, known as "Bob the Wheeler." Members of Sutton's gang, or his own son, started the saloon brawl over the exposé. When Sutton was released from prison a few months later, his gang descended on the *Gazette* office to exact vengeance, and in the ensuing melee, three more lives were lost; see *National Police Gazette* (October 16, 1845); Walter Davenport, "The Nickel Shocker," *Colliers* 81 (March 10, 1928), 26, 28.

13. This paragraph and the next were influenced by Karen Halttunen's interpretation of nineteenth-century murder literature in *Murder Most Foul*; quotations from pp. 37, 38, 50, 60–61; see also Trotti, "Murder Made Real," 379–410.

14. *National Police Gazette*, date unknown, quoted in Davenport, "The Nickel Shocker," 28.

15. Elliott J. Gorn, "The Wicked World: The *National Police Gazette* and Gilded-Age America," *Media Studies Journal* 6 (1992), 5; see also Guy Reel, *The National Police Gazette and the Making of the Modern American Man, 1879–1906* (New York: Palgrave Macmillan, 2006).

16. *National Police Gazette* (March 25, 1882); (April 11, 1885).

17. Dan Schiller has argued that the *National Police Gazette* represented a critical development in self-representation of journalism as fact-based, authentic, and marked by objectivity. Contemporary newspapers heralded the *Gazette* for reporting "founded entirely on truth," or for "pictures of reality, not fancy"; see Schiller, *Objectivity and the News,* 96–124; quotations on p. 103. What Schiller does not address is the common trope of authenticity used to mask imaginative and fictional productions in American popular culture. For a fine reflection on authenticity, realism, and the masking of fiction in Buffalo Bill's Wild West Shows, see Louis S. Warren, *Buffalo Bill's America: William Cody and the Wild West Show* (New York: Knopf, 2005).

18. Since the idea of visibility is most prevalent in scholarship about gender and sexuality, it is imperative that we highlight the gender and sexual dimensions of imaginings and representations of murder. The sources on visibility and gender and sexuality are too numerous to cite here. On the visibility and spectacle of new women and murderous violence at the end of the nineteenth century, see, for example, Lisa Duggan, *Sapphic Slashers: Sex, Violence, and American Modernity* (Durham, NC: Duke University Press, 2000); Catherine Ross Nickerson, "'The Deftness of Her Sex': Innocence, Guilt, and Gender in the Trial of Lizzie Borden," *Lethal Imagination: Violence and Brutality in American History*, ed. Michael A. Bellesiles (New York: New York University, 1999), 261–282.

19. Among the plentiful examples of stories on black sexual violence and lynchings are: *National Police Gazette* (April 27, 1878); (May 4, 1878); (October 26, 1878); (February 1, 1879); (February 7, 1880); (January 6, 1883); (February 18. 1893); (May 13, 1899). Gorn, "The Wicked World," 11.

20. Trotti, "Murder Made Real," 379–410; John R. Brazil, "Murder Trials, Murder, and Twenties America," *American Quarterly* 33 (1981), 163–184; H. L. Mencken, "A Good Man Gone Wrong," *American Mercury* (February 1929), 254–255.

21. Brazil, "Murder Trials, Murder, and Twenties America."

22. Ironically, the phrase was first used in American newspapers to refer to the Compromise of 1877 that ended Northern reconstruction of the South in exchange for the ascent to the presidency of Rutherford B. Hayes. Congressman James Garfield of Ohio described that secretive compromise as "the crime of the century" in 1878. The first use of the phrase to refer to a violent murder was President Garfield's assassination three years later in July 1881. Thereafter, newspapers invoked the phrase to refer to incidents as diverse as the Republican Party tariff bill (1889), the monopoly of Standard Oil (1890), the red tape blocking a new military camp in Illinois (1898), and the sexual promiscuity and aborted pregnancy of a young woman (1880). There were 266 uses of the phrase "crime of the century" in the database, *America's Historical Newspapers* [http://www.readex.com], from 1877 to 1900; 59 of those appeared at the end of the century (1899–1900). By contrast, only one use of the phrase appears in a newspaper from the database before the Civil War, and it refers to a murder in Paris, France, in 1844.

23. Kenneth E. Foote, *Shadowed Ground: America's Landscapes of Violence and Tragedy*, rev. ed. (Austin: University of Texas Press, 2003).

24. Susan Sontag, *On Photography* (New York: Farrar, Straus and Giroux, 1977), 20–21.

25. Lull and Hinerman, *Media Scandals*, 16.

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THE POWER OF INDIFFERENCE: VIOLENCE, VISIBILITY, AND INVISIBILITY IN THE NEW YORK CITY RACE RIOT OF 1900

Martha Hodes

In New York City in the summer of 1900, white residents attacked black residents over the course of two days, with the police force at times inciting the violence and joining the mob. What came to be called the New York City race riot of 1900 began on a hot August night in the racially mixed, working-class neighborhood known as "The Tenderloin," or sometimes "Hell's Kitchen." On the corner of 41st Street and Eighth Avenue, a white man named Robert Thorpe had bothered a black woman named May Enoch, and a black man named Arthur Harris had come to Enoch's rescue. The white man clubbed the black man, and the black man stabbed his assailant, who turned out to be a police officer patrolling in plainclothes that night. Robert Thorpe had assumed that May Enoch was a prostitute—she had been waiting on the corner for Arthur Harris, with whom she lived—and was about to arrest her. Officer Thorpe died of his stab wounds, and Harris, a recent arrival from Virginia, was subsequently convicted and sentenced to life in prison.[1]

It was the death of a white policeman at the hands of a black man that touched off the anarchic violence. The night before Thorpe's funeral, a crowd gathered outside his tenement in the West 40s.

There a fight broke out, and soon the mourners changed into a mob. Thus on Wednesday and Thursday, August 15 and 16, 1900, thousands of white New Yorkers turned on black New Yorkers. The savagery in the streets was followed by brutality at the police station, where the mostly Irish-American constabulary assaulted black men and women, kicking, shoving, punching, and clubbing them, spitting in their faces, tripping them so they fell forward, even throwing them down whole flights of stairs. No one was killed, but, as the *New York Tribune* reported, "Negroes were set upon wherever they could be found and brutally beaten."[2]

The violence in New York that summer was highly visible, not only because it came to pass in the city's streets for a prolonged period of time, but also because the bloodshed was extensively covered in the press and because the victims and their allies spoke out in the weeks and months that followed. The New York City race riot of 1900 was widely reported, described in detail by the victims, and publicly condemned, yet the results of all these challenges were far from inevitable. Michel-Rolph Trouillot's meditations on "silencing the past" are illuminating here, as he reminds us of the blurred boundaries between the experiences of historical actors and the narrators of historical events, insisting that the events must be untangled from the stories told about them, in order to "discover the differential exercise of power that makes some narratives possible and silences others." In the case of the New York riot, the shift from visibility to invisibility was facilitated both by what came to pass at the time and by the ways in which the historical archive was created and preserved.[3]

At the same time, I seek to add another analytical dimension to Trouillot's investigations of history and narration, power and silence. In the course of exploring the ways in which violence that is made visible can ultimately remain invisible, both at the time and in the historical record, I argue that we must account for what I call the *power of indifference*. To assume that making racial violence visible will bring justice in its wake is to assume not only that those who encounter the visible violence will judge it as unjust, but also that they would be concerned in any way by it, or even choose to think about it at all. To be sure, in the case of the New York City race riot of 1900, the highly visible violence was overwhelmed and overpowered by the justifications of those who embraced and furthered Jim Crow racism. But that historical factor cannot by itself fully explain the shift from visibility to invisibility. In the case of the New York riot, concerted and prolonged efforts that did, in fact, make the violence highly visible were not enough to bring justice to the victims. Here, I define

indifference generally as a lack of interest or concern, and more particularly as the absence of moral sympathy or ethical consciousness. The power of indifference, I argue, was central here to the trajectory of injustice.[4]

In advancing this argument, this chapter explores the shift from visibility to invisibility in the aftermath of the New York City race riot of 1900, by reflecting on three themes and processes related to histories of violence and visibility. To begin, I consider the ways in which documenting particular acts of violence served to make those acts scandalous, and the ways in which this record was intended to assist the victims in asserting and claiming legal rights. Next, I consider the ways in which the concealment and masking of the white-on-black violence, by the state, served to justify the behavior of the mob and the police, thus rendering it invisible. Last, I reflect on the state of the historical records with which scholars must work in order to write the history of the New York City race riot of 1900, in light of visible violence made invisible.

1.   MAKING THE VIOLENCE VISIBLE

After a drenching rain broke the August heat wave, and the streets around the west side of midtown Manhattan finally grew quiet, it became clear that what everyone was calling the "race riot" had been deeply disturbing to many: to African American victims, their families, neighbors, and friends; to black community activists; and to white people who allied themselves with the victims. The violence perpetrated by white residents and the city's police force prompted protests, community organizing, meetings, speeches, the gathering of testimony, and demands for an investigation, all of which was undertaken with the determination to make the violence visible and scandalous for the explicit purpose of claiming legal rights and equality for African Americans. As James Weldon Johnson noted, writing about the 1900 riot from the vantage point of the 1930s, although the investigation led nowhere, "the Negroes of New York, moved by this sudden realization of their danger, had taken a step towards making that city anew the chief radiating centre of the forces contending for equal rights."[5]

In the following weeks, Reverend W. H. Brooks, who presided over New York's wealthiest black church, preached about the violence. As the *New York Times* headline put it, "Negro Pastor Defies Police to Answer. Charges Them with Many Crimes in Race Troubles. Declares War Through Law"; the last in this series of sub-headlines read, "Unless the Guilty Men Are Removed"—referring to the Police

Department—"He Predicts Another Big Outbreak and Loss of
Confidence." African American leaders soon created an organization
called the Citizens' Protective League, which easily attracted 5,000
members. Brooks, serving as president of the League, would write
letters to the police commissioners, the District Attorney, Mayor
Robert Van Wyck, and Governor Theodore Roosevelt. At Carnegie
Hall in mid-September, more than 3,000 people listened to speeches
condemning the violence that had been directed at any and all black
inhabitants of the neighborhood and the city.[6] The protestors gained
white allies, too. A white lawyer, Israel Ludlow, asked the police for
an investigation, including testimony from the assaulted and injured.
Another white man, Frank Moss, served as the victims' attorney and
proceeded to collect evidence of his own, which revealed "brutal and
shocking outrages" openly committed by officers of the law. As to
the charges of police brutality, Moss said, "the whole city knows they
are true."[7]

    While these protests were being formulated and carried out, the
New York violence was also kept in view by press coverage, both in
black-owned newspapers and in the mainstream press, both within
the city and well beyond. By the opening of the twentieth century,
news traveled easily and quickly through the electric telegraph, and
reports of the New York riot were picked up by newspapers in New
England, the South, the Midwest, and the West. In the farthest
national reach, the *Los Angeles Times* saw fit to run the Associated
Press report, which observed that such "a furious ebullition of race
hatred" had "not been equaled in many years." Beyond national
borders, the *Jamaica Daily Gleaner* ran a long story, complete with
descriptions of "wild scenes," blood-stained sidewalks, and frenzied
crowds "yelling in hatred against the blacks."[8]

    Significantly, reporters and writers placed the local circumstances
and events in larger geographical frameworks, viewing the episode
in regional, national, and global contexts. Although a few New York
newspapers cast the neighborhood violence as a product of local racial
hostilities, most appraised the riot as far more than a community
disturbance, suggesting its import beyond the boundaries of the
neighborhood, the city, the North, and in some cases, the nation.[9] A
Christian newspaper in New York, invoking the racial violence that
had broken out in New Orleans earlier that same summer, deplored
the fact that "New York would follow New Orleans so closely in the
disgrace of a riotous attack upon its negro residents." Another New
York writer, addressing "my colored fellow-citizens in the South,"
also worried about the two riots, expressing anxiety over the "jeers

and taunts" of white southerners eager to minimize the epidemic of lynching in the late nineteenth-century South. On the other side, the editors of the *Atlanta Constitution* accordingly appeared gleefully to pose the question, in a headline, "Is It 'The Barbarous North' Now?" By the same token, South Carolina white supremacist Benjamin R. Tillman, writing in the *North American Review*, looked to New York City, as well as to recent white-on-black violence in Akron, Ohio, proclaiming that those two events should "silence for all time any charges against the Southern whites of being more cruel in their treatment of the negro than Northern men are" (Tillman also readily betrayed southern injustice by bragging that a lynching targeted "the man who is guilty or supposed to be guilty").[10]

Other observers moved beyond the regional North-South divide, fitting the New York violence into a larger, national framework. A Boston newspaper named "race hatred" as the cause of the trouble in the North (New York), the South (New Orleans), and the Midwest (Akron) alike, while the *Political Science Quarterly* wrote of the New York, New Orleans, and Akron riots alongside racial violence in Georgia and South Carolina. A New York reporter spoke of the New York and New Orleans riots in the same breath as he told of the burning of a black man in Colorado, and a Christian paper out of Louisville, Kentucky, added racial violence in Illinois and Georgia to the roster, along with labor unrest in Chicago, St. Louis, Pennsylvania, and Idaho.[11]

The press coverage invoked a global context, too. A white writer in Boston discussed the violence in New York, New Orleans, and Akron in light of "the race antagonism that is so profoundly influencing the relation of the white to the yellow and black races on the international arena." Tillman, the white supremacist, also thought transnationally, citing the New York riot as proof of universal race hatred, thereby defending his opposition to imperial interests in the Philippines and Puerto Rico; the nation, he claimed, should not be "incorporating any more colored men into the body politic." A Chicago reporter looked even farther afield, comparing the violence in New York to the attacks on foreigners in China, judging "the New York hoodlums" as even "less excusable than the Boxers."[12]

African Americans and their allies also invoked the problem of imperialism, if to a different end. The black civil rights lawyer D. Macon Webster, making notes for a speech, wrote that the American flag had "carried freedom" not only to four million black men in the United States after the Civil War, but had also brought "peace and freedom" to the Atlantic (Puerto Rico and Cuba) and the Pacific

(the Philippines); for a "government that stands among the nations of the world as the protector of the weak, the guarantor of freedom and justice," he wrote, the violence in New York was "an outrage." A white Baptist minister, speaking at a meeting that had been called to protest the riot, put it this way: "Some of our countrymen seem to have more concern for the brown man on the other side of the world than they have for the negro at home. Does not imperialism flourish in New York?"[13]

Whereas the voices most often preserved in the archives of racial violence are those of the powerful, in the case of New York in 1900, the experiences of the less powerful and the powerless have been preserved as well, not only in the press but also more directly. First, in the testimony of Arthur Harris, the black man who stabbed the white policeman, we have his plea for self-defense. In county court, Harris described how Officer Robert Thorpe had assaulted his companion, May Enoch, then turned on Harris when Harris came to Enoch's defense. Harris also made clear that there had been no way for him to know that Thorpe was an officer of the law. "If I had known this man was a police officer I would have had no trouble that night," Harris stated, "if he had said he was an officer, if he had said, 'I am an officer, I am putting this woman under arrest,' I would not have said anything." At the same time, though, Harris made clear that the white man had struck him first. (It is important to point out here that those who protested the police violence in no way defended the fatal stabbing of Thorpe. Reverend Brooks, for example, told the mayor that he condemned Harris's actions, yet made clear that those actions did "not justify the policemen in their savage and indiscriminate attack upon innocent and helpless people."[14])

Alongside Harris's testimony, the historical record preserves unusually extensive testimony from the victims of the riot. The Citizens' Protective League told its version of events in a report called, simply, *Story of the Riot* (the title implying its status as the definitive version), published as a pamphlet sometime in October. In these pages, the white lawyer Frank Moss maintained that the riot had been planned by members of the police force in order to avenge the death of Robert Thorpe. On the day of Thorpe's funeral, Moss averred, "several officers told informants of mine that they were going to punish the Negroes that night," and a black neighborhood resident stated that he had heard white men assuring one another that "We are going to get back at the niggers to-night."[15]

Story of the Riot, subtitled "Persecution of Negroes by Roughs and Policemen, in the City of New York, August 1900," runs nearly 80

pages and presents the testimony of almost 80 victims and witnesses. This testimony exposes countless violent imperatives from the white mob ("Give us a coon and we'll lynch him!"; "Club every damned nigger you see; kill them; shoot them"); the taunts of the police ("You damned black son of a bitch, if you move I will shoot you like a dog!"; "You God damn black bitch, get back where you belong, or I'll club the brains out of you"); and the responses of the victims ("Officer, I have done nothing; why do you strike me?"; "For God's sake don't kill me, I have a wife and children"). The testimony also reveals that a few white witnesses were horrified enough to aid the victims ("Don't go down there, you'll get killed," said one. "Come over here, mister," said another, "don't stand there and get killed"). In short, the published report aimed to keep already highly visible violence in the spotlight and to circulate the information as widely as possible. Moss, who named specific members of the police force as responsible, including Acting Captain John Cooney, was confident that his report would help to accomplish an "overthrow of the infernal system."[16]

2. MAKING VISIBLE VIOLENCE INVISIBLE

The nineteenth-century revolution in communications, argues historian Daniel Walker Howe, "gave a new urgency to social criticism." Not only was the slave South subject to the condemnation of distant critics, but nations could now observe, report on, and judge one another with relative speed.[17] The telegraphic spread of news would thus make it more difficult for oppressors to carry out oppression, since their actions would be circulated across the globe. According to this vision, what happened in one New York City neighborhood on a hot summer night could be scrutinized by the world: the perpetrators of racial violence would be condemned, the victims vindicated. The violence would be made visible, and visibility would hasten justice.

But what happened next in New York in the late summer of 1900 demonstrates a pattern quite different from this ideal. What happened next began with the defense mounted by the local police, then reinforced by the mayor and the governor. This process of the masking and concealment of the violence ultimately facilitated a remarkably swift shift from visibility to invisibility. In one sense, of course, the explanation is simple: the shift from visibility to invisibility was facilitated by racism and power, and by the power of racism. In Trouillot's keen analysis of "silencing the past," it is the element of power that is crucial, as the silences of different historical narratives are unique to each particular narrative. The key, then, is to discern "when and

where power gets into the story," for as Trouillot reminds us, it "does not enter the story once and for all, but at different times and from different angles."[18]

In this analytical undertaking, it is important to pay particular attention to the factor of indifference, and its relationship to power. Historian Gilbert Osofsky, the first scholar to research the New York City race riot of 1900 in depth, writing in the 1960s, noted that the Citizens' Protective League had ultimately "accomplished nothing," for the "little power it could wield was hardly enough to crack an almost solid wall of indifference and opposition." It is Osofsky's mention of *indifference* that deserves fuller investigation, in tandem with Trouillot's ideas about power. In order to understand what happened in New York City in 1900, we must consider indifference as a form of power. To state it perhaps too crudely, it did not matter what story the victims and their allies told, or how widely that information was circulated, if the fact of horrific violence perpetrated against guiltless African Americans was of little concern to most white Americans in the first place. In making sense of historical narratives, Trouillot explains that silences "enter the process of historical production" at "the moment of fact creation (the making of *sources*); the moment of fact assembly (the making of *archives*); the moment of fact retrieval (the making of *narratives*); and the moment of retrospective significance (the making of *history* in the final instance)." In New York City in 1900, the power of indifference operated as a parallel to the reporting and documentation of the riot by the press and by the victims and their allies. This indifference, in its diffuse and contaminating form, permeated all parts of the process: the creation, assembly, and retrieval of facts, followed by their interpretation.[19]

It is useful, then, to follow a chronology of the ways in which the New York riot entered the public record, apart from the press coverage. Less than a week after the violence had subsided, Acting Captain John Cooney, one of the men named by Frank Moss as responsible for the riot, put forward the police force's version of events. Cooney's report claimed that the violence could not have been stopped because almost every black man was armed and threatening white people with knives and guns. That was, in Cooney's analysis, precisely what brought the mob to "a state of frenzy" until "vast crowds" of white people were forced to defend themselves. The police, Cooney said, tried to "come to the rescue" of the victims, but black people threw bricks and other objects from the windows and rooftops of their tenements, and by 11 P.M. the riot was fully underway. Cooney, according to Inspector Walter Thompson, deserved "all praise" for his prompt

actions, and the police force as a whole deserved commendation. Here we see a clear instance of the perpetrators of violence portraying themselves as more civilized than their victims. As historian Leon Litwack has written of lynching, "the inhumanity, depravity, bestiality, and savagery practiced by white participants" was "justified in the name of humanity, morality, justice, civilization, and Christianity." In this light, visible violence that is provoked by racism is entirely compatible with a self-image of modernity and advancement.[20]

Correspondence in the mayor's papers, dated late August 1900, illuminates the experiences of a black man named William Elliott who had been attacked on his way to work at a hotel and then assaulted again at the police station. An officer had punched Elliott in the jaw and another had clubbed him over the head, while, according to Elliott, other officers chanted "Kill him, kill the nigger." Unsurprisingly, the police disagreed that Elliott was "in any manner abused or assaulted," and even though Elliott's testimony was corroborated by three eyewitness journalists, it was "flatly contradicted" by Cooney and other officers; the officers' testimony was then used to justify Elliott's arrest.[21] In early September, the Board of Police took testimony from eight more victims who were permitted no counsel and no cross-examination. According to *Story of the Riot*, the witnesses "were examined superficially" and "were controverted by double the number of policemen," when "it was suddenly announced that the hearings were closed." Sixteen more victims had also filed claims, though no action appears to have been taken on those charges. As the *New York Times* reported, "it would be a full and complete investigation," but "would not take the form of a trial of Capt. Cooney, at least at first."[22]

Later that month, Frank Moss went to the City Magistrates' Court representing two victims, John Hains and George Myers, each man bringing suit against an individual policeman. Hains, a longshoreman who had previously worked as a butler in the Vermont summer home of Union Army General Oliver O. Howard, testified that the police woke him at two o'clock in the morning at his tenement on West 36th Street, beating him with a club and insisting that he had been shooting a revolver out the window. Identifying an officer named Herman Ohm, Hains testified that he was dragged to the station ("Let's shoot the damned nigger"), where he was clubbed some more, requiring stitches ("Club as hard as you can; this is a damned hard head") and "given no opportunity to deny the false charges." Here the court report refers to "nearly eighty pages" of testimony and "nearly 102 pages" of testimony. The mayor's papers refer also to "a large number of witnesses" called for a Grand Jury, with another reference to "Four

hundred pages of testimony." In the end, the justices determined that "Officer Ohm simply did his duty."[23]

For his part, George Myers brought suit against one Officer John Cleary, claiming to have been arrested without cause, threatened with death, and clubbed until unconscious. Cleary had accused Myers of "interfering with an officer," whereas Myers stated that he was merely standing in the doorway of a building where he worked as a janitor. According to Myers's wife, she begged the police to stop clubbing her husband, whom she described as "a cripple," and "when she saw an officer break his billy over her husband's head, she thought they had killed him." Before the Magistrates' Court, eight witnesses were called for the plaintiff (along with ten for the defendant), generating "139 pages of testimony." Here the court concluded that "the conduct of the officer was not only justifiable but deserving of commendation."[24]

Although *Story of the Riot*, with its detailed testimony of dozens of victims and witnesses (including Elliott, Hains, and Myers), was published in October, it apparently had little effect, for in late November, Reverend W. H. Brooks was pleading for the assistance of Governor Theodore Roosevelt, proclaiming the whole investigation a farce "more heinous" than "the offences of the brutal policemen who clubbed the inoffensive black people." Brooks was, in effect, recognizing and naming the power of indifference. Indeed, in December, the Board of Police Commissioners exonerated every member of the police force. True, the commissioners noted, "many people were clubbed," but the neighborhood trouble had been "very serious"; after all, a black man had killed a white policeman, and so the violence had served to "restore order." In the words of Bernard J. York, President of the Board of Police, "It may be that some innocent people, both colored and white, were injured during the progress of the trouble," but the police had to "preserve the peace, and in unusual and extreme conditions, they are required to act vigorously and in so doing much must be left to the good judgment of the officer in immediate command at the place of disturbance." Note here that the description of the officers' judgment as "good" was put in the form of an unquestionable fact—and, in the end, not a single member of the police force paid any consequence whatsoever.[25]

3.   VISIBILITY AND INVISIBILITY IN THE ARCHIVES

This timeline of the visibility and ultimate invisibility of the violence offers a rough map of the workings of power, indifference, and

the power of indifference. In the summer and autumn of 1900, the police and their allies submerged and subjugated the knowledge of atrocious white-on-black violence through a process of erasure and silence that is illuminated in the surviving documents of the police archive. It is not simply that the state came down on the side of the white perpetrators and against the black victims, it is also that the violence of the riot continued in the destruction of the evidence, in the erasure of the voices of the victims who spoke to the authorities. Recall the references, in the surviving documents, to "nearly eighty pages of testimony," "nearly 102 pages of testimony," testimony from a "large number of witnesses" called by a Grand Jury, "Four hundred pages of testimony," and "139 pages of testimony." These pages point to the preservation of many of the voices and experiences of those who became victims of the white mob—and yet none of these hundreds of pages is to be found in the archives. This destroyed testimony included the stories of victims and police alike, but only the conclusions, in favor of the police, have been preserved.[26]

Making the New York violence invisible continued in the realm of the archives, then, when those in authority exercised the power to decide what was worth preserving, either willfully or carelessly. Perhaps this voluminous testimony never made it into the repository, purposefully destroyed due to its incriminating nature, a direct manifestation of silencing the past. Or perhaps New York City archivists believed that the testimony did not need to be saved, once the case was closed, a manifestation of silencing the past through the power of indifference. As for *Story of the Riot*, with its 80 pages of printed testimony against the police—only a fraction of all the victims' testimony originally recorded—it has been collected by libraries (likely in the 1960s and 1970s, during the building of the field of African American history), but as a document created and preserved by the relatively powerless, it must have remained unread by white people in 1900, or, if read, disbelieved and dismissed. All that came to pass after the New York City race riot of 1900 thus demonstrates vividly the ways in which violence that has been made visible could subsequently be made invisible by its perpetrators and their allies.[27]

In one other way, too, the evidence of the New York riot has been covered over. The neighborhood known as "The Tenderloin" or "Hell's Kitchen" disappeared with the construction of the Lincoln Tunnel beginning in the 1930s, the Port Authority bus terminal in the 1950s, and more recently the Times Square Hilton Hotel and the

dazzling 52-story *New York Times* building. The 1957 musical *West Side Story* (which continues to be revived both on Broadway and by national touring companies) romanticizes the neighborhood's post–World War II gang violence, which continued into the 1980s. In the 1990s came the beginnings of gentrification, and today the neighborhood, though still run-down along many blocks, is called Midtown West, at least by real estate agents. Although Officer Robert Thorpe's tenement is still standing, much of the old neighborhood continues to be torn down and rebuilt, with the process of gentrification metaphorically obscuring the past and making it invisible. Indeed, a popular history of the neighborhood dismisses the 1900 riot with the two sentences, "For many years, Hell's Kitchen was famous for its fights. From ax-handle arguments over clotheslines to race riots, violence was a way of life."[28]

In the case of the New York City race riot of 1900, then, even the intense visibility of the violence at the time had little power to make a difference, precisely because of the tremendous power exerted directly by racism and more obliquely—though no less forcefully—by indifference. Indeed, if we define indifference to mean a lack of moral or ethical sympathy or consciousness, we see that racism and indifference are not separable factors, as moral and ethical apathy can be understood as components of racism. In an effort to understand the complete lack of justice that followed the exposure of white-on-black violence in New York City in the summer of 1900, we must therefore account not only for the active power of racism in the Jim Crow–era nation, but also for racism expressed through the extraordinary power of indifference that came into play during and immediately after the illumination of the violence. In this light, even the widest and most vivid visibility of American racial violence had little power to bring justice; in this light, the power of indifference smoothly and skillfully trumped the potential of visibility.

As for the tasks of historians, we cannot assume that visibility in the past brought justice to the wronged. To suppose as much is to believe that those who consumed knowledge of such violence would consider it unjust, or that they would even care. By writing histories of violence, we begin the journey from invisibility back to visibility, thereby ensuring that the historical profession does not do violence to the past and does not itself become a metaphorical form of violence. The endeavor of writing histories of violence assumes, of course, that the writing of history possesses, in some measure, the capacity to overcome the power of indifference.

NOTES

1. *People v. Arthur Harris*, Aug. 1900, County of New York, District Attorney case #32015, New York City Municipal Archives (hereafter NYCMA). For mainstream newspaper coverage, see "Negroes Wound a Policeman," *New York Times*, Aug. 13, 1900; "A Policeman Roughly Used," *New York Tribune*, Aug. 13, 1900; "Capture of Arthur Harris," *New York Times*, Aug. 17, 1900; "Life Imprisonment for Murderer Harris," *New York Times*, Nov. 3, 1900.

2. "Policeman Thorpe Buried," *New York Times*, Aug. 17, 1900; "West Side Race Riot," *New York Tribune*, Aug. 16, 1900, and "Race Riot on West Side," *New York Times*, Aug. 16, 1900. The main secondary source is the work of Gilbert Osofsky, *Harlem: The Making of a Ghetto—Negro New York, 1890–1930* (1963; reprint, Chicago: Ivan R. Dee, 1966), 46–52, and Osofsky, "Race Riot, 1900: A Study of Ethnic Violence," *Journal of Negro Education* 32 (1963), 16–24. For a nuanced and important treatment of the riot that focuses on the experiences of black women, see Cheryl D. Hicks, *Talk With You Like a Woman: African American Women, Justice, and Reform in New York, 1890–1935* (Chapel Hill: University of North Carolina, 2010), 53–90. Other works that discuss the riot include Ann V. Collins, "New York City Riot of 1900," in *Encyclopedia of American Race Riots*, eds. Walter Rucker and James Nathaniel Upton (Westport: Greenwood, 2007), 2: 474–476; Marcy S. Sacks, *Before Harlem: The Black Experience in New York City Before World War I* (Philadelphia: University of Pennsylvania, 2006), 39–42; Marilynn Johnson, *Street Justice: A History of Police Violence in New York City* (Boston: Beacon, 2003), 57–69; Val Marie Johnson, "Defining 'Social Evil': Moral Citizenship and Governance in New York City, 1890–1920," PhD diss., New School University, 2002, pp. 319–360; Margaret Washington, "The New York City Riot," interview for "America 1900," David Grubin Productions, PBS American Experience, 1998, http://www.pbs.org/wgbh/amex/1900/ (July 5, 2013); Judith Weisenfeld, *African American Women and Christian Activism: New York's Black YWCA, 1905–1945* (Cambridge, MA: Harvard, 1997), 69–74.

3. Michel-Rolph Trouillot, "The Power in the Story," in: Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon, 1995), 2, 25 (quotation).

4. This argument was first advanced, in a different context and to different ends, in Martha Hodes, "Knowledge and Indifference in the New York City Race Riot of 1900: An Argument in Search of a Story," *Rethinking History* 15 (2011), 61–89. Portions of this article appeared there, again in a different context and to different ends. As I noted there, Ann Laura Stoler offers the phrase "well-tended conditions of disregard" to illuminate the tenuous relationship between knowledge and ethical consciousness, noting the

distinction between simple ignorance and more complicated "acts of ignoring"; see Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NJ: Princeton, 2009), 256. For historians of abolitionism reflecting on the relationship between knowledge and moral action, see Thomas Bender, ed. *The Antislavery Debate: Capitalism and Abolitionism as a Problem in Historical Interpretation* (Berkeley: University of California, 1992), 255. See "indifference," n.1, definition #2, OED Online. Sept. 2012. Oxford University Press. http://www.oed.com, defined in part as "Absence of care for or about a person or thing; want of zeal, interest, concern, or attention; unconcern, apathy."

5. James Weldon Johnson, *Black Manhattan* (1930; reprint: Boston: DaCapo, 1991), 130.

6. "Negro Pastor Defies Police to Answer," *New York Times*, Aug. 27, 1900. Citizens' Protective League, *Story of the Riot* (New York: Citizens' Protective League, 1900), unnumbered prefatory pages, 3, 4. For Brooks's letters, see W. H. Brooks to Bernard J. York, John B. Sexton, Jacob Hess, Henry E. Abell, New York, n. d. (likely Nov. 1900); W. H. Brooks to Asa Bird Gardiner, New York, Nov. 22, 1900; W. H. Brooks to Robert A. Van Wyck, New York, Nov. 22, 1900; W. H. Brooks to Theodore Roosevelt, New York, Nov. 22, 1900, all in Miscellaneous American Letters and Papers, Schomburg Center for Research in Black Culture and History, New York Public Library (hereafter SC). See also W. H. Brooks to Robert A. Van Wyck, New York, Sept. 12, 1900, in *Story of the Riot*, unnumbered prefatory pages. "Negroes' Public Protest," *New York Times*, Sept. 13, 1900 (Carnegie Hall).

7. Israel Ludlow to Bernard J. York, New York, Aug. 30, 1900, and Frank Moss to Bernard J. York, New York, Sept. 14, 1900, both in Robert A. Van Wyck Papers, "Police Department," box 10, folder 121 (hereafter RAVW), NYCMA. Frank Moss was an anti-Tammany lawyer, a "prominent Republican attorney, counsel for the Society for the Prevention of Crime, and former city police commissioner"; see Daniel Czitrom, "Underworlds and Underdogs: Big Tim Sullivan and Metropolitan Politics in New York, 1889–1913," *Journal of American History* 78 (1991), 548.

8. "War on the Blacks," *Los Angeles Times*, Aug. 17, 1900. "Race Riots in New York," *Jamaica Daily Gleaner*, Aug. 24, 1900. For coverage in the black press, see for example, "Rioting in New York," *Colored Citizen* (Topeka, KS), Aug. 17, 1900; "Anti-Negro Mobs a Southern Product Only," *The Bee* (Washington, DC), Aug. 25, 1900; "The New York Race Riot," *Colored American* (Washington, DC), Sept. 1, 1900; "Negroes' Suits Against New York City," *Richmond Planet*, Sept. 1, 1900. New York's main black newspaper at this time, the *New York Age*, was edited and published by T. Thomas Fortune who

chaired the executive committee of the Citizens' Protective League (*Story of the Riot*, unnumbered prefatory pages); no copies of the *Age* are available from August 1900.

9. "The Race Riots in New York," *Outlook*, Aug. 25, 1900, p. 946 ("a very local outbreak"); "Race Riot on West Side," *New York Times*, Aug. 16, 1900 ("hard feeling between the white people and the negroes in that district").

10. "A Betrayal of Trust," *New York Evangelist*, Aug. 23, 1900. "Letters from Readers: Defense of the Negro," *New York Times*, Sept. 2, 1900. On the New Orleans riot, see William Ivy Hair, *Carnival of Fury: Robert Charles and the New Orleans Race Riot of 1900* (1976; revised, Baton Rouge: Louisiana State University, 2008); Ida B. Wells, "Mob Rule in New Orleans," in: *Southern Horrors and Other Writings: The Anti-Lynching Campaign of Ida B. Wells, 1892–1900*, ed. Jacqueline Jones Royster (Boston: Bedford-St. Martin's, 1997), 158–208; "Is it 'The Barbarous North' Now?" *Atlanta Constitution*, Aug. 18, 1900. Benjamin R. Tillman, "Causes of Southern Opposition to Imperialism," *North American Review* 171 (1900), 443. For a similar point made by the governor of Georgia, see "Murderous Onslaught upon the Negro Population of this City," *Christian Advocate* (NY), Aug. 23, 1900 (quoting Georgia governor). On Tillman, see Stephen Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy* (Chapel Hill: University of North Carolina, 2000). On the Akron, Ohio, riot of 1900, see "The Akron Riot," *Cleveland Gazette*, Sept. 1, 1900; Jack S. Blocker, *A Little More Freedom: African Americans Enter the Urban Midwest, 1860–1930* (Columbus: Ohio State, 2008), 105–106, 118–119; "Immigration and Migration in the Industrial Age, 1870–1930," in "Black, White, and Beyond: An Interactive History," Coming Together Project, University of Akron, http://learn.uakron.edu/beyond/industrialAge.htm (Nov. 12, 2012).

11. "Waning Respect for Law," *Congregationalist*, Aug. 30, 1900. William R. Shepherd, "Lynch Law and Race Feuds," *Political Science Quarterly* 15 (1900), 752–753. "Survey of the World," *Independent*, Jan. 3, 1901, p. 5. "Riots—The Church's Influence," *Christian Observer*, Aug. 29, 1900.

12. "The Anti-Negro Riots," *Watchman*, Aug. 30, 1900. Tillman, "Causes of Southern Opposition," 445; on racist anti-imperialism, see Eric T. L. Love, *Race Over Empire: Racism and U. S. Imperialism, 1865–1900* (Chapel Hill: University of North Carolina, 2004). "The New York Riot," *Chicago Daily Tribune*, Aug. 17, 1900; on the Boxer Rebellion, see Paul A. Cohen, *History in Three Keys: The Boxers as Event, Experience, and Myth* (New York: Columbia, 1997).

13. Notes of D. Macon Webster, ca. Fall 1900 (misspelling in original), Miscellaneous American Letters and Papers, SC. On Webster, see

Susan D. Carle, "Race, Class, and Legal Ethics in the Early NAACP (1910–1920)," *Law and History Review* 20 (2002), 112–113. "Negroes' Public Protest," *New York Times*, Sept. 13, 1900 (minister).

14. Statement of Arthur Harris, Aug. 19, 1900, *People v. Harris*, NYCMA. For more on Harris, see Hodes, "Knowledge and Indifference." W. H. Brooks to Robert A. Van Wyck, New York, Sept. 12, 1900, *Story of the Riot*, unnumbered prefatory pages.

15. *Story of the Riot*, 2. Testimony of W. H. Cooper, *Story of the Riot*, 79. Just as the police and their sympathizers crafted their stories to defend themselves, so too did the victims and their allies; Moss wrote, for example, "The dissolute Negroes who are so often seen lounging about the 'Tenderloin' and its neighborhood are not to be found among the witnesses" (*Story of the Riot*, 5).

16. Testimony of Paul Leitenberger and Alfred E. Borman, Charles Bennett, William H. Ross, Lucy A. Jones, William E. Johnson, P. A. Johnson, *Story of the Riot*, 46, 27, 39, 54, 35, 6. Testimony of Oscar Slaughter, Robert Myrick (whites), *Story of the Riot*, 7, 41; see also 31, 69. *Story of the Riot*, 5 (infernal). I have filled in the words "d___" and "b____" in *Story of the Riot*.

17. Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815–1848* (New York: Oxford, 2007), 7.

18. Trouillot, "Power in the Story," 28–29.

19. Osofsky, "Race Riot, 1900," 24. Trouillot, "Power in the Story," 26 (emphases in original). For the lack of press coverage in Great Britain, see Martha Hodes, "Knowledge and Indifference: The New York City Race Riot of 1900 in the Black Atlantic," paper delivered at University of Erfurt, Germany, July 2010.

20. John Cooney to Walter L. Thompson, New York, Aug. 20, 1900, and Walter L. Thompson to William S. Devery, New York, Aug. 21, 1900, both in RAVW, NYCMA. Leon F. Litwack, "Hellhounds," in: *Without Sanctuary: Lynching Photography in America*, ed. James Allen (Santa Fe, NM: Twin Palms, 2000), 22; and see Gail Bederman, *Manliness and Civilization: A Cultural History of Gender and Race in the United States, 1880–1917* (Chicago: University of Chicago, 1995), 45–76.

21. Israel Ludlow to Bernard J. York, New York, Aug. 30, 1900; Walter A. Thompson to William S. Devery, New York, Aug. 21, 1900; and Bernard J. York to Police Board, New York, n. d., all in RAVW, NYCMA. Testimony of William Elliott, *Story of the Riot*, 68–73 (at the police station, according to Elliott, Cooney said, "Don't kill that man in here. The reporters are out here, and there is going to be a charge made against you," p. 72); W. H. Brooks to Robert A. Van Wyck, New York, Nov. 22, 1900, Miscellaneous American Letters and Papers, SC; "Looking Into Race Riots," *New York Times*, Sept. 8, 1900; "Race Riot Investigation," *New York Times*, Sept. 15, 1900.

22. *Story of the Riot*, 3–4. W. H. Brooks to Robert A. Van Wyck, New York, Nov. 22, 1900, Miscellaneous American Letters and Papers, SC. "Race Riot Investigation," *New York Times*, Sept. 1, 1900. The police maintained that cross-examination would only serve the interests of the lawyers on the other side, rather than getting at "the true facts" (Bernard J. York to Police Board, New York, n. d., RAVW, NYCMA); see also Bernard J. York to Frank Moss, New York, Sept. 8, 1900, and Bernard J. York to W. H. Brooks, New York, Sept. 18, 1900, both in RAVW, NYCMA.

23. Testimony of John Haines, *Story of the Riot*, 50–51; see also testimony of John L. Newman, *Story of the Riot*, 18. Opinion of Henry A. Brann, *John Hains v. Herman A. Ohm*, City Magistrates' Court, Oct. 26, 1900; Bernard J. York to Police Board, New York, n. d., both in RAVW, NYCMA.

24. Testimony of George L. Myers and testimony of Mrs. Frances C. Myers, *Story of the Riot*, 63–65. Opinion of Henry A. Brann, *George L. Myers v. John J. Cleary*, City Magistrates' Court, Oct. 26, 1900, RAVW, NYCMA; this case concerned police violence on Aug. 26, described as having "resulted from a riot on the west side of the City, occasioned by the killing of Officer Thorpe, who was done to death by a colored man."

25. Frank Moss's introduction in *Story of the Riot* is dated Oct. 1, 1900 (*Story of the Riot*, 5). W. H. Brooks to Theodore Roosevelt, New York, Nov. 22, 1900, Miscellaneous American Letters and Papers, SC. See also "Complains to the Governor," *New York Times*, Dec. 1, 1900. "Police Are Exonerated," *New York Times*, Dec. 9, 1900. Bernard J. York to Police Board, New York, n.d., RAVW, NYCMA.

26. The numbers appear in *John Hains v. Herman A. Ohm* and *George L. Myers v. John J. Cleary*, City Magistrates' Court, Oct. 26, 1900; and Bernard J. York to Police Board, New York, n.d., all in RAVW, NYCMA.

27. Ironically, for those working with the present-day historical record, it is much easier to come by the voices of the victims: The WorldCat database shows thirteen different printed, microfilmed, and electronic editions of *Story of the Riot*, with the first edition alone available in over 300 libraries in the United States, Canada, Great Britain, and Australia. By contrast, the version told by the police can be found only at the New York City Municipal Archives, among the voluminous papers of Mayor Robert A. Van Wyck, in two folders vaguely labeled "Police Department." <WorldCat.org>, provided by Online Computer Library Center, Inc., is "the world's largest network of library content and services"; search for *Story of the Riot* accessed Nov. 12, 2012.

28. Robert A. M. Stern, David Fishman, and Thomas Mellins, *New York 1960: Architecture and Urbanism Between the Second World War and the Bicentennial* (New York: Monacelli, 1995), 468–471.

"The Official West Side Story Website," http://westsidestory.com (July 5, 2013); John Strausbaugh, "Weekend Explorer: Turf of Gangs and Gangsters," *New York Times*, Aug. 17, 2007; Kirkley Greenwell, "History of Hell's Kitchen Neighborhood," website of Hell's Kitchen Neighborhood Association, http://hknanyc.org/aboutus/history.php (Nov. 12, 2012).

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Violence, Visibility, and the Investigation of Police Torture in the American South, 1940–1955

Silvan Niedermeier

The vast archival records of the National Association for the Advancement of Colored People (NAACP) in Washington, D.C., contain a surprising and unsettling document: a color drawing made by an unknown person in the late 1940s. It is located in one of the hundreds of legal folders concerning the issue of "police brutality" (Figure 6.1).[1] The drawing shows the lashing of a prisoner by three men. One of the men is wearing a police uniform, including a sheriff's hat and a badge. The nude body of the male prisoner in the middle of the picture is drawn in shades of gray. The prisoner is hanging from handcuffs affixed to a pipe above his head. His chest, back, and thighs are covered with wounds inflicted by the ongoing lashes from his three tormentors.[2]

Integrated into the scenery is a handwritten text on the left side of the picture. Presumably citing the statement of an African American prisoner, the text reads:

> [. . .] then the four men took me to the jailhouse to the top floor. They handcuffed me to a pipe so my feet just touched the floor. Then they pulled my shirt up over my head and pulled my pants down to the floor. Then they took rubber hoses and whipped me till I could feel the blood.[3]
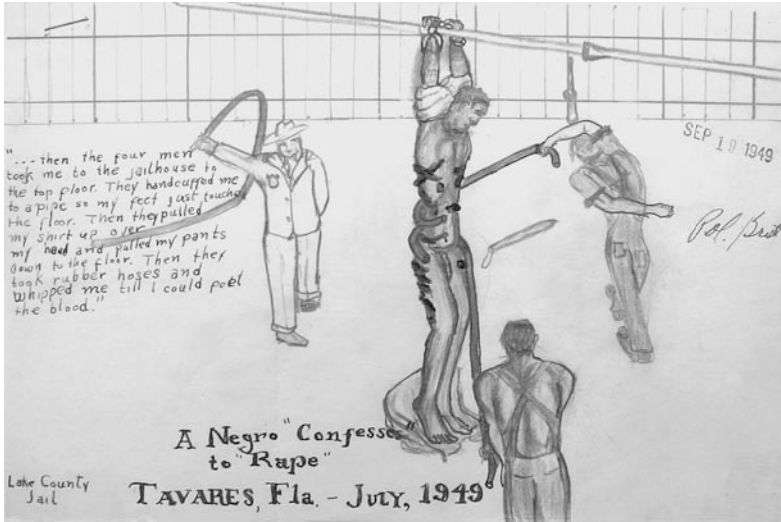
Figure 6.1 Anonymous drawing "A Negro 'Confesses' to 'Rape'." Manuscript Divison, Library of Congress, Washington D.C. The author wishes to thank the National Association for the Advancement of Colored People, for authorizing the use of this drawing.

As indicated by a stamp on the right side, the drawing was sent to the NAACP headquarters in New York City in September 1949. Most likely it was related to a legal case from Lake County, Florida, where four African American men were accused of raping a white woman. While one of the four men was killed by a posse shortly after rumors of the accusation spread in Lake County, three men were brought to trial, two of them receiving the death penalty while one of the accused, a 16-year old youth, was sentenced to life imprisonment.[4]

The anonymous drawing from this case constitutes a remarkable historical resource, not only because hand drawn documents rarely reach the realm of the historical archive, but also because this drawing visualized a form of racist violence in the American South that was administered secretly behind the walls of southern police stations and jails. Different from lynchings, which were frequently performed in public, police torture was acted out within southern criminal justice institutions, thus remaining hidden from the public view.[5]

Read against this background, the drawing can be interpreted as an individual attempt to document and attack the system of racist violence and segregation prevalent in the mid-twentieth-century American South. This becomes evident when one examines the

specific way in which the artist arranged the text and scene: While the picture's caption—"A Negro 'Confesses' to 'Rape'"—paraphrases and questions the official account of the event (see the quotation marks around "confesses" and "rape"), the precise and detailed drawing of the torture scene explicitly counters this account. Moreover, the juxtaposition of the cited statement and the detailed drawing of the torture scene indicate the artist's endeavor to authenticate the torture allegations of the supposed victim. According to this interpretation, the drawing itself can be read as a material intervention into the segregated order of the South, an individual attempt at *making visible* the hidden existence of torture and racist discrimination within southern legal institutions.

Following these observations, this chapter probes the relationship between violence and visibility by inquiring the implications arising from strategies of concealing or making visible specific acts of violence: What are the functions of practices that either aim to disguise or to reveal certain forms of violence? To what extent and under which circumstances may they serve to legitimize or to destabilize existing power structures?

Considering these questions, this chapter explores the different practices and techniques that were used to investigate and document the hidden practice of police torture against African Americans in the American South. More specifically, I will analyze the investigative files produced by agents of the Federal Bureau of Investigation (FBI) during the 1940s and early 1950s in the effort of the US Department of Justice to legally sanction incidents of police brutality and torture against African Americans in southern federal courts. By pointing out the discursive effects of these documents, I argue that the FBI's investigative and documentary practices challenged the established local customs and racial hierarchies in the South. In addition, I seek to show that the trial proceedings arising out of the federal torture investigations constituted symbolically charged events that both destabilized and affirmed local racist power structures.[6]

The chapter proceeds in four steps: First, I will point out the decisive role of police brutality within the southern system of segregation during the late nineteenth and the first half of the twentieth century. Following this, I will sketch the background of the federal torture investigations in the American South, which started in the early 1940s. In the third part, I will examine the various strategies and techniques used by the FBI during its investigations into southern torture cases and highlight their implications for the segregated order of the South. Finally, the fourth section addresses the legal

implications of these investigations. Here, I will present and analyze several trials in southern federal courts against southern law enforcement officers accused of torture during the 1940s and early 1950s.

1. POLICE BRUTALITY IN THE AMERICAN SOUTH

The modern system of policing in the American South took shape after the end of the American Civil War (1861–1865) and the abolition of slavery. In various ways, southern police institutions adopted the traditions of the slave patrols, which had been used to violently maintain the system of slavery in the Old South. Following the end of Reconstruction (1865–1877), police brutality became a crucial tool for white southerners in their attempts to reinforce white supremacy, build up segregation, and protect the social, political, and economic status quo. Consequently, police brutality practices were directed against different racial/ethnic and minority groups, yet predominantly against African Americans.[7]

Within the southern system of segregation, police violence constituted a central means of enforcing Jim Crow laws and regulations. Southern police officers habitually used undue physical force against African Americans who seemed to challenge the claim of white supremacy and refused to accept their subordinate position within the segregated southern order. As a contemporary observer noted, "[i]t is part of the policeman's philosophy that Negro criminals or suspects, or any Negro who shows signs of insubordination, should be punished bodily, and that this is a device for preventing crime and for keeping the 'Negro in his place' generally."[8] As a result, southern policemen used excessive physical violence against African Americans in a variety of situations: during arrests, house searches, and everyday public contacts. In addition, southern police officers frequently resorted to physical force during interrogations.[9]

While police torture was prevalent throughout the United States and practiced extensively by police in cities such as Chicago, Detroit, and New York during the first decades of the twentieth century, it had a special function within southern communities. Police officers in the South used physical violence during interrogations both as a form of informal punishment and as a means to force confessions from African American suspects and thus ensure their conviction in court.[10]

In general, policemen denied the use of torture against African American suspects and prisoners. The official silence surrounding the use of torture methods frustrated attempts by African Americans to corroborate their torture claims during criminal trials. At the same

time, it enabled the widespread use of police torture practices within southern criminal institutions. Southern judges, state attorneys, and juries usually sanctioned the use of police torture methods against African Americans by refusing to prosecute southern police officers for this offense. This was due to the perception that a legal conviction of police officers would challenge both their strategically important position within the southern system of segregation and white supremacy as such.[11] Archival records document that African Americans did not react passively toward these illegal acts of state violence. They often resisted police torture by filing complaints and calling for legal assistance by civil rights institutions. Due to the lack of support by local white officials, however, these protests stopped short of curtailing the widespread use of police brutality against southern African American citizens.[12]

2.   POLICE BRUTALITY AND FEDERAL CIVIL RIGHTS INVESTIGATIONS IN THE AMERICAN SOUTH

From the late nineteenth century on, civil rights activists began to call for federal intervention in the American South in order to protect the civil rights of southern African Americans. These efforts gained prominence during the 1920s and 1930s when the NAACP and other civil rights organizations publicly lobbied for a federal law against lynching. Until the first decades of the twentieth century, the extralegal punishment and murder of men and women by lynch mobs was widely practiced throughout the United States. In the American South alone, some 3,900 men and women fell victim to lynch mobs between 1882 and 1946. In more than 80 percent of these cases, the victims were African American. Since white southerners frequently justified lynching as a necessary means of upholding social order and protecting southern white womanhood, southern law enforcement agencies usually refused to punish the participants of lynch mobs for murdering black lynch victims.[13]

As anti-lynching activists argued, only a law that would make lynching a federal crime—thus enabling federal institutions to prosecute the participants of lynch mobs—would effectively curtail the illegal practice of lynching in the American South. While the House of Representatives passed anti-lynching laws several times during the 1920s, 1930s, and 1940s, southern members of the US Senate continuously blocked these initiatives arguing that anti-lynching legislation would constitute an encroachment upon rights of the southern states. In addition, the Department of Justice remained inactive in

lynching cases, although NAACP activists argued that the government had the right to interfere in those cases when the state had actively violated the rights of individuals (as for example in the case of police officers assisting lynch mobs). As a consequence, the practice persisted until the early 1940s when federal agencies started to prosecute selected lynching and police brutality cases in the South.[14]

This new initiative was inaugurated by the Civil Rights Section (CRS) of the US Department of Justice, founded in 1939 (from February 1939 to June 1941 it held the name Civil Liberties Unit). Its inception was stimulated in part by New Deal reformism and liberal concerns regarding the state of minority rights in America. In addition, US government officials decided to push for a federal investigation of some of the most egregious civil rights violations in the American South because they were distressed about America's perception abroad during the early 1940s. Especially European and Asian newspaper reports on incidents of racial violence in the US South seemed to threaten the credibility of America's moral stance toward fascism and German National Socialism.[15]

The CRS based its civil rights initiative upon statues from the *United States Code,* which had been adopted by the US Congress as part of the civil rights legislation initiatives during the post–Civil War period. Prior to 1940, however, the civil rights statutes had hardly been used by federal agencies to enforce civil rights in the American South and beyond. These statutes enabled federal authorities to prosecute state law enforcement officers who, "acting under color of law," had violated the civil rights of American citizens. Depending on the statutes applied, these acts could be punished by one to ten years of imprisonment and a fine up to $5,000.[16] From its inception on, the CRS annually received thousands of complaints on possible civil rights violations from all parts of the United States, including, among others, police brutality, lynching cases, obstruction of voting rights, and violations of religious freedom. Due to its strategic considerations and its limited resources, however, the CRS initiated FBI investigations into only a small fraction of these cases. Only some of these FBI investigations led to trials in federal courts. In 1942 for example, the CRS received 8,612 complaints that resulted in 26 prosecutions, while in 1944 some 20,000 complaints culminated in only 64 prosecutions.[17] In the cases of police brutality, the CRS explicitly focused on the American South. Internal documents reveal that the CRS was highly selective in deciding which cases should be investigated by the FBI. While the CRS declined to pursue police brutality complaints raised by so called "hardened criminals," it also explicitly limited its investigations "to cases of outright brutality."[18]

3. "BURN SCAR AT BASE OF NECK": FBI INVESTIGATIONS AND THE DOCUMENTATION OF TORTURE

In 1940, Justice Department officials gave orders for the first FBI investigation into a southern police torture case. It would be followed by investigations of several cases of southern police brutality and lynchings initiated by the CRS during the 1940s and early 1950s.[19]

The investigation starting in March 1940 was triggered by newspaper reports on the torture of the 16-year-old African American Quinter South at the headquarters of the Atlanta Police Department. According to the newspaper accounts, a city police officer named William F. Sutherland had used an electric device—a so-called tacking iron[20]—to make Quinter South confess to the burglary of a local gymnasium. Following the reports, numerous white citizens of Atlanta expressed their moral indignation toward the events and publicly supported the black community's call for an investigation into the incident.[21] However, the trial against Sutherland at Atlanta's criminal court ended in a verdict of not guilty. Despite the fact that convincing evidence of the torture act was presented in court, the white jury refused to convict Officer Sutherland for the criminal assault of Quinter South. In order to discredit Quinter South's torture claim, several police officers took the witness stand and testified that they had not seen any wounds on Quinter South's body while he was being held in police custody.[22]

Parallel to the local court proceedings, representatives of the Justice Department had already initiated a full-scale FBI investigation of the case. On March 26, 1940, FBI director J. Edgar Hoover sent the first report on the case to the US Department of Justice.[23] The report by FBI Special Agent Ronald R. Hassig encompassed 35 typewritten pages, which summarized and documented his initial findings.[24] The report exemplifies the different investigative forms and techniques used during the FBI investigation. At the same time, it attests to the contemporary self-conception of the FBI as a modern, scientific, and professional national law enforcement agency, a picture that was actively promoted by FBI director J. Edgar Hoover and widely distributed by media reports, books, and movies on the FBI during the 1930s and 1940s.[25]

The FBI's professional self-understanding became evident in the formal rules of documentation used throughout the report as well as in the modern technical methods used during the investigation. The FBI report included the statements of Quinter South and Officer Sutherland as well as those of numerous other witnesses who either

saw Quinter South before or after the incident at the police department. Each of the typewritten statements opened with a preliminary phrase, confirming that the witness had made his or her statement voluntarily, and that "no threats, promises or inducements [had] been used for obtaining the statement." In addition, each written statement was verified by the witness's signature. The signature itself was supplemented by the signatures of the FBI agents who were present while the statement was made.[26]

Each recorded statement strictly followed these formal rules of documentation. The careful adherence to these rules was supposed to enforce the validity of the evidence and ensure its legal usability in court. This also becomes evident when one reads the detailed testimony of Quinter South that is documented as follows:

> Mr. Sutherland took me to a little room [. . .] which appeared to be the place where they took pictures. While in there Mr. Sutherland slapped me and hit me in the stomach telling me that I had better tell the truth [. . .] [He] talked to me a while and then told me to put my fingers under a paper cutter, he then said that he had a better idea at which time he picked up an electric iron and put it in the socket, we then waited for what appeared to be five minutes for the iron to get hot. Sutherland then placed a towel over the iron and tested its heat, he then removed the towel and stuck the iron toward me. I thought that he was going to burn me so I threw up my left iron [arm] and received a burn on the top of my arm, midway between my elbow and wrist.[27]

Throughout the statement of Quinter South, priority is given to the sequence of acts during the alleged torment. Notions of pain and fear seem to be nearly absent, mentioned only when they are of legal significance. As the statement continued:

> He then jabbed the iron at me again and burned me in the elbow-joint, at which time he asked me if I was going to tell him the truth. He next placed the point of the iron on the base of the neck at the top of my chest, lightly and again told me to tell the truth, to which I again told him that I had told the truth. Sutherland then placed the iron in the same place on my neck and throat burning me more severely in the same place. This burning hurt so much I told him I would confess, since I did not want to be burned or slapped anymore.[28]

As these quotes show, the statement of Quinter South is held in a clear and dense prose in order to retain a maximum of legally relevant information on the course of events during the torture incident.

While Quinter South's account can be read as a legal document structured by the rationality of evidence gathering, the statement itself can also be interpreted from a broader perspective: By being integrated into the FBI report, the voice and the statement of the African American witness Quinter South received a reevaluation as legal evidence. At the same time, its significance was underscored by the rationalities of FBI investigative procedures.[29] Framed both by the authority of the US federal government and by the regulations of FBI investigation practices, the transcript elevated Quinter South to the rank of a full-fledged witness. While African American suspects and witnesses traditionally had to play an inferior role in southern courts, the FBI's investigative procedures seemingly neutralized these racial hierarchies. In doing so, the FBI's investigative practices and techniques challenged the subaltern position of African Americans within southern criminal justice procedures.[30]

This effect became heightened by another technique of evidence gathering used during the FBI investigations. The record of the US Department of Justice contains three legal photographs made during the FBI investigation. The photographs have a size of 7.5×10 inches and were most likely taken with a Kodak Recomar or a Graflex Speed Graphic Camera. According to the FBI Manuals of Instruction, these cameras were mandated to be used in FBI investigations. The FBI manuals included detailed instructions regarding the production of photographs during investigations. The investigating FBI agent was directed to "familiarize himself" with his camera and "keep in constant practice making indoor and exterior shots" in order to acquire photographic skills and experience. To ensure the legibility of the images as evidence, the handbooks also contained guidelines on the proper handling of the camera in the field for instance with regard to exposure time, illumination, and angles best adapted to the production of photographic evidence. As a general rule, agents were directed to take "sufficiently numerous" views of the crime scene or other objects of investigation "to anticipate any questions which may arise" during in the investigation or in subsequent trials.[31]

One of the photographs produced in the FBI investigations against W. F. Sutherland depicts the 16-year-old Quinter South in front of a white background (Figure 6.2). His face is directly turned toward the camera while his left hand rests on his right shoulder, thereby presenting the burn on his left arm. The second burn on the base of Quinter South's neck is located in the center of the picture. Following the instructions provided in the FBI handbook,
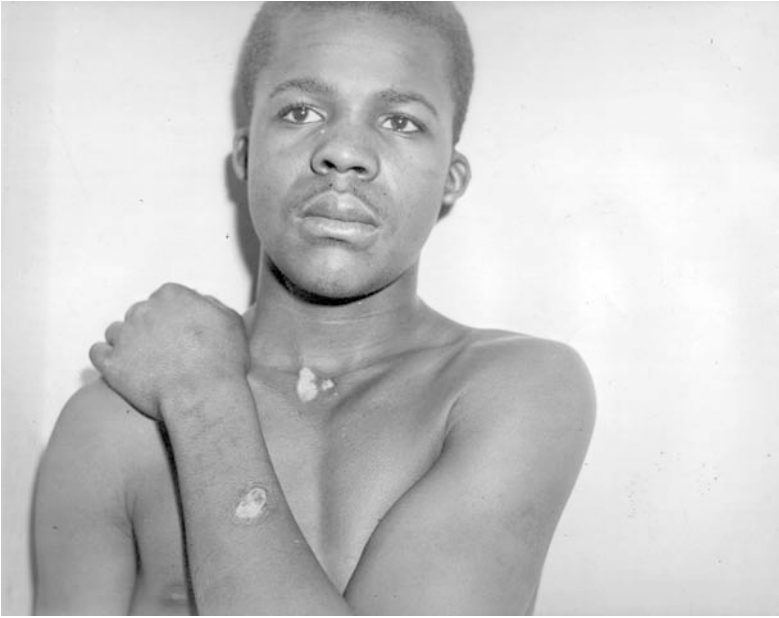
Figure 6.2 FBI photograph of Quinter South. National Archives and Records Administration, College Park, MD.

the FBI agent had used a bright background in combination with a flash in order to heighten the contrasts and to enhance the features and the marks on the body of the witness. A note on the back of the photograph saying "state 3 W.F. Sutherland" (short for "state exhibit No. 3 W.F. Sutherland") indicates that this picture was used as legal evidence in the subsequent federal trial against officer Sutherland.[32]

By visualizing the state of Quinter South's body during the FBI examination, the photograph seemed to verify the statements of Quinter South in a neutral manner. The credibility of the photographic image of Quinter South rested in the classical notion of photography as an objective and truthful medium. Pointing to the "realist" appeal of photography, Roland Barthes has argued that the photograph serves to function as a "certificate of presence."[33]

By establishing an indexical relationship between the torture allegations and the various burns on Quinter South's body, the FBI photograph seemed to provide "real" and seemingly neutral proof of his torture claims that had been disputed by W. F. Sutherland and

other police officers during the investigation.[34] This effect was further amplified by a detailed description of South's body listed on the back of the photograph. In addition to details such as age, eye color, race, and nationality, the list also contained an entry entitled "Scars and Marks." As was noted, the body of Quinter South showed the following marks:

> burn scar at base of neck 1 1/8″ [″ = inch] × 1″, and small burn scar on base of neck size of pen; burn scar in elbow joint, left arm; burn scar midway between wrist and elbow 1 ½″ × 1″, left arm.[35]

Taken together, the various findings and documents compiled by the FBI produced a body of evidence that verified and underscored Quinter South's torture allegations. Yet, as the British historian John Tagg reminds us, "evidence" is not a stable and neutral concept, but "the very idea of what constitutes evidence has a history. It is a history which implies definite techniques and procedures, concrete institutions, and specific social relations—that is, relations of power."[36]

The FBI's investigative procedures in the case against W. F. Sutherland accentuate this power-coded conceptualization of evidence: By registering and documenting the torture claim of the African American Quinter South, the FBI investigation conferred visibility on the secret police torture methods used against African Americans in southern police stations and jails. In doing so, the FBI investigation challenged the system of state violence in the American South that was based on the interplay between hidden racial violence and official silence. However, the following federal trial proceedings also attested to the limits of this undertaking. They demonstrated that perceptions of "evidence" and "truth" remained bound to local power structures.

Despite the seemingly convincing evidence against Sutherland, the trial at the US District Court in Atlanta held in February 1941 ended in a mistrial. After being confronted with the federal evidence against Sutherland, the 12 white jury members declared that they were unable to reach a verdict. In November 1941, a second trial against W. F. Sutherland took place in Atlanta's federal court. As with the case eight months before, this trial also ended in a mistrial. In June 1944, the US government finally dismissed the case. Justifying his request for a dismissal of the case, the local US attorney argued that another trial against W. F. Sutherland "would not be conducive to good race relations."[37]

4.   "NONE OF WASHINGTON'S BUSINESS": TORTURE TRIALS AND CULTURAL CONFLICT

The unwillingness of the local jury members to convict W. F. Sutherland sheds light on the often hostile reaction of southern whites toward federal civil rights investigations. Various other cases from the 1940s and early 1950s document that the majority of southern whites perceived the federal intervention in southern police torture cases as a threat to the racial order of the South. Following these notions, local juries continuously refused to convict southern sheriffs and police officers in federal courts.[38]

This became particularly evident in a federal civil rights prosecution that started in 1942 directed against Sheriff Edwin E. Evans and Deputy Sheriff Henry F. Faucett from Macon County, Alabama. They were accused of the unlawful killing of an African American named Walter Gunn. In addition, the two men were charged with having physically mistreated and forced confessions from several male and female African Americans prisoners as well as two white suspects. As the Justice Department announced, Evans and Faucett had allegedly "whipped, beat [sic] and abused prisoners to extort confessions" using "a walking stick, a blackjack, a rubber hose and other weapons."[39]

The FBI agents identified and questioned dozens of black and white witnesses who corroborated the allegations against the two officers. While several white residents denied having any information on the mistreatment of the African Americans by the sheriffs, some gave statements that substantiated the charges against the two officers. As the FBI agents reported, several African American government witnesses were intimidated during the investigations by the two sheriffs and local white citizens. One of alleged victims stated that he had been beaten by Deputy Sheriff Henry F. Faucett and threatened with his life if he talked to the investigating FBI agents.[40] In addition, local officials reported that a rumor was circulating in the region that if the two sheriffs were convicted the white population would leave those counties where black residents were in the majority.[41] The rumor attested to the concerns of many local whites who believed that a conviction of the two sheriffs would hamper the authority of local police forces and threaten the local racist power structures.

In June 1943, the trial against Evans and Faucett took place in the US District Court in Opelika, Alabama.[42] The symbolic significance of the proceedings was highlighted by the fact, that—according to the local *Montgomery Advertiser*—"more than 300 Alabama peace

officers, including sheriffs and policemen from a score or more counties visited the courtroom where the trial was held."[43] The newspaper reported that "public interest rose to an intensive fever pitch [. . .] on the eve of the start of the trial."[44]

The accounts of local newspapers show that federal trials against southern police officers functioned as ritualistic and performative events that both served to undermine and to reestablish local customs and racial hierarchies. On the one hand, the trials challenged the local racial order, as they enabled African Americans to testify against southern policemen in court and publicly support legal sanctions for acts of police brutality. As the press accounts reveal, African American witnesses took possession of these procedures by giving voice to the torture allegations and by openly emphasizing their entitlement to fundamental rights. On the other hand, the accounts show that the trials were used to reestablish the power structures that had been called into question by the federal torture investigations.

In the case against Evans and Faucett, the government produced more than 100 witnesses to substantiate the charges against the two defendants. In court, both black and white government witnesses extensively described and underscored the charges. In response, the defense attorneys also brought some 100 witnesses to trial to refute the torture and brutality charges. Most prevalent was the attempt of defense attorneys and witnesses to invalidate the statements of the government witnesses by calling into question their character and reputation.[45]

This became most obvious when the African American Lillie Mae Hendon, one of the prosecution's main witnesses, testified to the various wounds on her body, which she claimed were a result of a prolonged beating she had received from Sheriff Evans and his deputy in the course of an interrogation. During her testimony in court, the white defense attorney publicly called her to "pull down" the dress she was wearing. Obviously, the degrading remark was made in an attempt to both denigrate the character of the African American witness and to publicly reaffirm the patriarchal and racialized hierarchies that had been called into question by Lillie Mae Hendon's forthright testimony against the two sheriffs. After her statement in court, several white defense witnesses were put on the witnesses stand claiming that Lillie Mae Hendon does "not bear a good reputation."[46]

Following the testimony of the government witnesses, scores of local white citizens were called to the witness stand to refute the charges. The defense's witnesses unanimously declared that the alleged torture victims who had testified against the sheriffs had a

"bad reputation" and "bad character." Without attempting to disguise their own biased opinions on the case, the local white newspapers described the parade of defense witnesses in court by stating that "prominent white citizens of Macon County began to appear in the witness chair in an effort to discredit the criminals and others who had gone before."[47] The trial verdict suggested that the 12 white jury members of the local federal court followed the notions articulated by the local "prominent white citizens": After a three-day trial, the two sheriffs were acquitted of all charges.[48]

One of the few federal civil rights investigations that resulted in a conviction of a southern police officer accused of torture was the prosecution of William F. Erskine, sheriff of Anderson County, South Carolina. In 1943, Erskine was accused of having physically mistreated several black prisoners in order to elicit confessions concerning the theft of a watch and other minor burglaries. During the FBI investigation, several African Americans testified in sworn statements that Erskine and other police officers had severely beaten them to gain confessions. As the 17-year-old Lucis Cowan declared in his statement:

> I had been in jail for about five minutes when three officers came down [the] stairs where they had me in a cell. [. . .] One of the tall slender officers sat on my head and the other used a strap on my back and buttox [sic]. The man beat me with the strap and it hurt so bad I yelled and screamed. When I would raise my head up the floor the Sheriff would hit me in the face with his fist. All of them kept asking me what I did with the watch.[49]

The FBI investigations strongly corroborated the torture allegations of Cowan and other victims. For example, the FBI agents located a court transcript that cited Sheriff Erskine conceding that he had "slapped" Cowan and other suspects during the interrogations. In addition to black witnesses, several white residents, among them a local attorney and a well-respected elderly woman living in Cowan's neighborhood, testified to the physical condition of the victim after the incident. Furthermore, white ex-convicts informed the FBI of their own mistreatment by the sheriff and his associates while asking to remain anonymous. The case attests to the fact that at least some members of the local white community resented the practice of police brutality against the African American prisoners as had been the case in the proceedings against Evans and Faucett in Alabama. Their refusal complicates the picture of a seemingly homogeneous southern white community. In fact, a close look at those cases reveals overlapping racial and social

fractions within local southern communities that resulted in temporary coalitions between various groups and actors once local residents had to take a stance on such sensitive issues as police brutality.[50]

In the following trial, Sheriff Erskine was found guilty, and he was sentenced to an imprisonment for 60 days and imposed a fine of $500. While the CRS officials termed the trial outcome a "success," notwithstanding the lenient sentence, local white citizens collectively paid Erskine's fine. As the initiators pointed out, the collection was meant to show the local citizens' solidarity with their sheriff and their protest against the federal intervention into local matters:

> The issued involved is states rights. Are we southerners going to sit idly by while the federal government arrests, prosecutes, fines and sends to jail our high sheriff. [sic] If the sheriff is guilty of any wrong, the Anderson County grand jury is capable of handling the matter. It's none of Washington's business.[51]

Such comments document the local resistance triggered by the federal investigations of southern police torture cases. White southern officials often labeled such proceedings as unlawful federal "invasions" into southern states' rights, thus attempting to preserve the right to handle the "race question" in their own interests. As a consequence, federal civil rights interventions were clouded by a cultural conflict: Federal concepts of civil rights and law enforcement collided with southern perception on the rule(s) of law and social order.[52]

A further case from the early 1950s demonstrates that southern federal juries continued to exonerate police officers from charges of torture against African Americans. In 1953, the 49-year-old Mallie Pearson raised allegations against Sherriff Curvin M. Covington of Choctaw County, Alabama, and two of his aides. As Pearson stated during the FBI investigation, the three officers had severely beaten her for more than one hour to make her to confess to a burglary:

> They drove me to a point [. . .] in the swamp and made me get out of the car. One of the men made me lie on the floor and one of the other men went out to cut a stick. One man pulled off his belt and started whipping around my thighs and buttocks and the big man came back with a stick and whipped me on my back side with it. The third man squatted in front of me and told me not to holler or he would ran a stick down my throat or cram it full of dirt.[53]

Due to her injuries, Pearson had to stay four days in a local hospital. In federal court, Mallie Pearson testified against Sheriff Covington

by giving a detailed account of the alleged torture incident. Her allegations against the sheriff were supported by the statements of two white physicians and a score of further witnesses.[54] Despite their testimony, however, the local jury found the officers not guilty of the charges. After the trial, an attorney of the Civil Rights Section commented: "We can only hope [. . .] that indictments and public trials in those cases will discourage similar violations of the civil rights statutes in the future."[55]

5.　CONCLUSION

The unheard testimonies of Mallie Pearson and other African American witnesses of police torture in southern US district courts attest to the ongoing legal constraints that African Americans and federal authorities faced in their attempt to make visible and legally sanction this form of racial violence. The cases presented show that southern police officers continued to resort to torture practices well into the 1950s notwithstanding the federal effort to prosecute acts of police brutality in the American South.

　　As can be seen in the case of Quinter South and W. F. Sutherland, the FBI investigative findings conferred visibility on illegal and hidden acts of torture against African American within southern legal institutions. My analyses highlighted the overt symbolic function of the FBI torture investigations within the contemporary southern order. By using different investigative means and techniques, such as legal testimony, photography, and forensic techniques, the FBI investigations challenged the racist power structures that upheld the southern system of segregation well into the second half of the twentieth century. While being empowered by the aura of professionalism and scientific objectivity, the FBI findings effectively questioned the regime of concealment, denial, and official silence that enabled the widespread use of police brutality against African Americans in southern communities.

　　On the other hand, my analysis attests to the fundamental limits of those investigative practices in the face of a southern white community that often vigorously attempted to retain the established structures of racism and racial segregation. The limited efficacy of federal intervention became evident during the trials in southern federal courts when juries repeatedly refused to convict local law enforcement officers on charges of civil rights violations. As I have pointed out, the legal procedures in those cases were marred by a deep-seated cultural conflict between federal authorities and southern whites trying to preserve the white supremacist order of the South.

The continuing existence of police torture in the American South during the 1940s and early 1950s attests to both the limits of contemporary federal civil rights policy as well as the endurance of the southern system of segregation. It would last until the 1960s, when the activists of the civil rights and Black Power movements decidedly challenged the complex and powerful system of violence and segregation in the American South.

NOTES

1. See NAACP Papers, Manuscript Division, Library of Congress (LOC), Washington D.C.
2. "A Negro 'Confesses' to 'Rape'" (author unknown). NAACP-Papers, Group II, Series B, Box 117, Library of Congress (LOC), Washington D.C.
3. Ibid.
4. See Steven Lawson, David Colburn, and Darryl Paulson, "Groveland: Florida's Little Scottsboro Case," *Florida Historical Quarterly* 65 (1986), 1–26.
5. On lynching see, among others: W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880–1930* (Urbana: University of Illinois Press, 1993); Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890–1940* (New York: Pantheon Books, 1998); Michael J. Pfeifer, *Rough Justice: Lynching and American Society, 1874–1947* (Urbana: University of Illinois Press, 2004); Christopher Waldrep, *The Many Faces of Judge Lynch: Extralegal Violence and Punishment in America* (New York: Palgrave Macmillan, 2002); Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890–1940* (Chapel Hill: University of North Carolina Press, 2009).
6. See also Thomas Weitin's chapter (chapter 3) in this volume that analyzes the representation of torture in nineteenth-century case study collections from Germany.
7. On the issue of police brutality in the American South see: Silvan Niedermeier, "Police Brutality," in *The New Encyclopedia of Southern Culture*, Vol. 19, Violence, ed. Amy L. Wood (Chapel Hill: University of North Carolina Press, 2011), 130–132; Robin D. G. Kelley, "'Slanging Rocks Palestinian Style.' Dispatches from the Occupied Zones of North America," in *Police Brutality: An Anthology*, ed. Jill Nelson (New York: W.W. Norton, 2000); Gunnar Myrdal, *An American Dilemma. The Negro Problem and Modern Democracy* (New York: Harper, 1944), 535–546.
8. Myrdal, *American Dilemma*, 541.
9. Ibid.

10. On the use of the so-called third degree—the use of physical or physical force by police to gain confessions—in early-twentieth-century America see: Richard A. Leo, *Police Interrogation and American Justice* (Cambridge: Harvard University Press, 2008), 41–77; Darius M. Rejali, *Torture and Democracy* (Princeton: Princeton University Press, 2007), 70–73. See also the Report on Lawlessness in Law Enforcement published by the Wickersham Commission in 1931: Zechariah Chafee, Walter H. Pollak, and Carl S. Stern, *Report on Lawlessness in Law Enforcement* (Washington, D.C.: Government Printing Office, 1931); Ernest Jerome Hopkins, *Our Lawless Police: a Study of the Unlawful Enforcement of the Law* (New York: Viking Press, 1931).

11. Myrdal, *American Dilemma*, 535, 550.

12. See Silvan Niedermeier, "Torture and 'Modern Civilization': The NAACP's Fight against Forced Confessions in the American South (1935–1945)," in: *Fractured Modernity. America Confronts Modern Times, 1890s to 1940s*, eds. Thomas Welskopp and Alan Lessoff (Munich: Oldenbourg Verlag, 2012), 169–189.

13. See Arthur F. Raper, *The Tragedy of Lynching* (Chapel Hill: University of North Carolina Press, 1933), 13–19.

14. See John T. Elliff, *The United States Department of Justice and Individual Rights, 1937–1962* (New York: Garland, 1987), 66–73; Christopher Waldrep, "National Policing, Lynching, and Constitutional Change," *The Journal of Southern History*, 74 (2008), 589–626; Robert L. Zangrando, *The NAACP Crusade against Lynching, 1909–1950* (Philadelphia: Temple University Press, 1980).

15. See Dominic J. Capeci Jr., "The Lynching of Cleo Wright: Federal Protection of Constitutional Rights during World War II," *The Journal of American History* 72 (1986), 859–887; Elliff, *The United States Department of Justice and Individual Rights*, 134–154; Brenda Gayle Plummer, *Rising Wind: Black Americans and U.S. Foreign Affairs, 1935–1960* (Chapel Hill: University of North Carolina Press, 1996), 83–124.

16. See Robert K. Carr, *Federal Protection of Civil Rights: Quest for a Sword* (Ithaca, NY: Cornell University Press, 1947), 1–32, 56–84.

17. Carr, *Federal Protection*, 129.

18. See Memorandum from Wendell Berge, Assistant Attorney General, to James Rowe Jr, the Assistant to the Attorney General, April 3, 1942, Record Group (RG) 60, Civil Rights Litigation Case Files. Box 17583, Fol. 144–19–5, College Park, ML, National Archives (NA).

19. See Carr, *Federal Protection*, 151–163, Elliff, *The United States Department of Justice and Individual Rights,* 159–170, 220–222.

20. According to newspaper reports, the electrically heated instrument had been used in a photographic process by attaches of the Atlanta

Police Department's Identification Bureau. See "Two Probes Sift Torture Story At City Jail," *The Atlanta Journal*, March 8, 1940, 1, 12; "Detective Burned Him With Iron, Says Negro Boy", *The Atlanta Constitution*, March 8, 1940, 1, 2.

21. See "Protests Mount in 'Torture Case,'" *The Atlanta Constitution*, March 10, 1940, 1; "Justice for the Weak," *The Atlanta Constitution*, March 9, 1940, 4; "Let's End Police Brutality," *Atlanta Daily World*, March 10, 1940, 4.

22. See "Detective Found Not Guilty in Hot Iron Torture Case," *Atlanta Daily World*, June 21, 1940, 1, 6.

23. Memorandum of J. Edgar Hoover, FBI Director, to O. John Rogge, Assistant Attorney General, March 26, 1940, RG 60, Civil Rights Litigation Case Files, Box No. 17583, Fol. 144–19–5, NA.

24. FBI Report of FBI Special Agent Ronald R. Hassig. April 16, 1940, Atlanta, Georgia, RG 60, Civil Rights Litigation Case Files, Box No. 17583, Fol. 144–19–5, NA.

25. See Rhodri Jeffreys-Jones: *The FBI: A History* (New Haven: Yale University Press, 2007), 81–99; Claire Bond Potter, *War on Crime: Bandits, G-Men, and the Politics of Mass Culture* (New Brunswick: Rutgers University Press, 1998).

26. Report of FBI Special Agent Ronald R. Hassig. April 16, 1940, Atlanta, Georgia, RG 60, Civil Rights Litigation Case Files, Box No. 17583, Fol. 144–19–5, NA.

27. Ibid.

28. Ibid.

29. On the meaning of observation, description, documentation and other scientific and bureaucratic "tools of knowledge" see also: Peter Becker, William Clark, "Introduction," in: *Little Tools of Knowledge: Historical Essays on Academic and Bureaucratic Practices*, eds. Peter Becker, William Clark (Ann Arbor: University of Michigan Press, 2001), 1–34.

30. In regard to racial discrimination southern courts and the role of black suspects within southern court procedures see Michael J. Klarman, *From Jim Crow to Civil Rights: the Supreme Court and the Struggle for Racial Equality* (Oxford: Oxford University Press, 2004); Myrdal, *American Dilemma*, 550.

31. Manual of Instruction, Federal Bureau of Investigation, 1936, in: FBI Manuals of Instruction, Investigative Procedures and Guidelines, 1927–1978, Microfilm 1473, Robert W. Woodruff Library, Emory University, Atlanta, GA, Section 23: Scientific Aids in Criminal Investigations, 5–6.

32. FBI Photograph of Quinter South in: RG 60, Civil Rights Litigation Case Files, Box No. 17583, Fol. 144–19–5, NA. See the note reading "state 3 W.F. Sutherland" at the backside of the photograph.

33. Roland Barthes, *Camera Lucida: Reflections on Photography* (New York: Hill and Wang, 1981), 80, 87. As Susan Sontag notes in this

context, "[a] photograph [. . .] seems to have a more innocent, and therefore more accurate, relation to visible reality than do other mimetic objects." See Susan Sontag, *On Photography* (New York: Farrar, Straus and Giroux, 1977), 5–6.

34. See the statements of the Police Officers W. F. Sutherland, M. R. Dodds and others in: RG 60, Civil Rights Litigation Case Files, Box No. 17583, Fol. 144–19–5, NA.

35. FBI Photograph of Quinter South, RG 60, Civil Rights Litigation Case Files, Box No. 17583, Fol. 144–19–5, NA.

36. John Tagg, *The Burden of Representation: Essays on Photographies and Histories* (Minneapolis: University of Minnesota Press, 1993), 3.

37. Letter from M. Neil Andrews, U.S. Attorney for the Middle District of Georgia, to Attorney General Francis Biddle, Atlanta GA, June 13, 1944; Letter from Tom C. Clark, Assistant Attorney General, to M. Neil Andrews, U.S. Attorney for the Middle District of Georgia, Jun 20, 1944, RG 60, Civil Rights Litigation Case Files, Box No. 17583, Fol. 144–19–5, NA.

38. Carr, *Federal Protection*, 138–146, 160.

39. "U.S. Attorney Ready To Try Macon Sheriff," *The Montgomery Advertiser*, June 20, 1943: 1.

40. Letter from D.K. Brown, FBI Special Agent in Charge, to J. Edgar Hoover, FBI Director, in: RG 60, Civil Rights Litigation Case Files, Box 17575, Fol. 144–2–3, NA.

41. Letter from E. Burns Parker, US Attorney for the Middle District of Alabama, to Wendell Berge, Assistant Attorney General, Opelika, AL, May 20, 1943, RG 60, Civil Rights Litigation Case Files, Box 17575, Fol. 144–2–3, NA.

42. On the federal trial against Evans and Faucett see also: Robert J. Norrell, *Reaping the Whirlwind: The Civil Rights Movement in Tuskegee* (Chapel Hill: University of North Carolina Press, 1998), 44–58.

43. "Macon County Sheriff, Deputy Are Acquitted," *The Montgomery Advertiser*, June 25, 1943, 1, 3.

44. "Trial of Macon Officials Stirs Fever Pitch Interest," *The Montgomery Advertiser*, June 21, 1943, 1.

45. Ibid.; "U.S. Witnesses Under Fire By Evans Defense," *The Montgomery Advertiser*, June 23, 1943, 1, 2.

46. "Witness Parade Against Macon Sheriff in U.S. Trial," *The Montgomery Advertiser*, June 22, 1943, 1, 7; "U.S. Witnesses Under Fire By Evans Defense," *The Montgomery Advertiser*, June 23, 1943, 1, 2.

47. Ibid.

48. "Macon County Sheriff, Deputy Are Acquitted," *The Montgomery Advertiser*, June 25, 1943, 1, 3.

49. Report of FBI Special Agent T. D. Esterling, March 19, 1943, Charlotte, NC, RG 60, Civil Rights Litigation Case Files, Box 17601, 144–68–9, NA.

50. For similar observations in regard to the complexity and heterogeneity of Southern social relations in Southern history see the chapters in: *Other Souths: Diversity and Difference in the U.S. South, Reconstruction to Present*, ed. Pippa Holloway (Athens: University of Georgia Press, 2008).

51. Letter from Francis Biddle, Attorney General, to Oscar Henry Doyle, United States Attorney, District of South Carolina, December, 11, 1943, Washington D.C.; "County Citizens Pay Erskine Fine," *The Anderson Independent*, no date, no page, Newspapers Clippings, RG 60, Civil Rights Litigation Case Files, Box 17601, 144–68–9, NA.

52. On states' rights and federalism in American history see *States' Rights and American Federalism: A Documentary History*, eds. Frederick D. Drake and Lynn R. Nelson (Westport: Greenwood Press, 1999).

53. Report of FBI Special Agent Pierce A. Pratt, May, 12, 1953, Birmingham, Alabama, RG 60, Civil Rights Litigation Case Files, Box 104, 144–3–87, NA.

54. "Woman Testifies She Was Beaten," *The Mobile Register*, September 16, 1954, 1, 2.

55. Letter from Arthur B. Caldwell, Chief of Civil Rights Section, to Percy C. Fountain, United States Attorney, Southern District of Alabama, November 4, 1954, Washington D.C., RG 60, Civil Rights Litigation Case Files, Box 104, 144–3–87, NA.

CHAPTER 7

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THE "VICARIOUS PLAY" OF LYNCHING
MELODRAMAS: CINEMA AND MOB
VIOLENCE IN THE UNITED STATES,
1895–1905

Amy Louise Wood

In 1917, the notoriously caustic journalist H. L. Mencken condemned
lynching as a "sport" that was "popular in the South because the back-
ward culture of the region denied the populace more seemly recre-
ations." Lynching, he wrote, in an oft-repeated quote, took "the place
of the merry-go-round, the theatre, the symphony orchestra, and other
diversions common to large communities."[1] On the one hand, Mencken
was speaking to the ways in which lynching in the Jim Crow era, with
the cheering crowds and casual onlookers it attracted, appeared to be
a form of gruesome entertainment for white southerners. But he was
also making the larger point that the spectacle surrounding lynching
derived from the South's relative cultural isolation. In Mencken's view
and that of many other intellectuals and activists in this period, mob
violence was a backwoods remnant of an archaic and barbaric impulse
toward vengeance, a sign that the South, as well as other regions that
still lynched, were disconnected from modern civilization.[2] Lynching
would wane, it was assumed, only when southerners became less rural
and insulated, when they developed not only a more enlightened
respect for legal institutions and state power, but more modern forms
of amusement. This view reflected a broader liberal faith in this period

that modernization, as it brought social and economic improvement, acted as a progressive force, one which would sway rural Americans to abandon their local prejudices and conflicts, especially racial prejudices and conflicts, in favor of democratic and egalitarian ideals.[3]

This understanding of lynching as a vestige of the past at odds with modern development was common among scholars through most of the twentieth century. In the 1980s and 1990s, however, historians began to attribute the surge of racial violence at the turn of the century to the vast social transformations that the South was experiencing in this period. In this view, communities engaged in lynching not because they were cut off from modern institutions and customs, but because they were undergoing an uncertain and troubled process of modernization.[4] Grace Hale's 1998 book, *Making Whiteness*, marked the most striking challenge to Mencken's view by asserting that lynching was a "peculiarly modern ritual," in and of the process of modernity in both the South and the nation. According to Hale, lynching persisted through a web of modern consumer and media practices— sensationalistic journalism, photography, the buying and selling of souvenirs—that reproduced and commodified white supremacist violence for a large public.[5] Most lynchings in the Jim Crow era were not mass events that drew large crowds, but these modern practices rendered even the most concealed racialized hangings and killings into spectacles that drew national attention. In recent years, a number of scholars, including myself, have regarded lynching photographs and postcards as crucial evidence for the ways in which racial violence was bound up in modern forms of media. The production and circulation of these images served to legitimize the violence and give visual substance to the white supremacist beliefs that underpinned that violence. They also helped generate a broader, national tolerance for lynching by making it appear to be a natural and inevitable aspect of modern life—yet another distant and thrilling spectacle that could be consumed and then overlooked. In this regard, lynching thrived in this period not because of the South's isolation, but through its connectedness to a wider national culture.[6]

In this chapter, I extend this understanding of lynching photographs to early motion pictures. In the 1890s and the first decade of the 1900s, during the height of what is known as the "lynching era," a number of short, one-reel films were produced that reenacted lynching and executions on screen. Arguably, these films commercialized and sensationalized racial violence as entertainment even more than photographs did. What is more, they represent a cinematic apotheosis of the performative aspect of lynching. As Mencken suggested, the

most public of lynchings resembled theatrical entertainment, with masses of eager spectators and with the heightened sensationalism and publicity surrounding the violence. The melodramatic tone of pro-lynching rhetoric, with its tropes of helpless white women and villainous black men, itself pronounced lynching as theater. In this context, spectators could also watch scenes of lynching, projected as thrilling amusement on motion picture screens. At the same time, early cinema, even as entertainment, bore cultural authority through its visual realism, and it was through that realism that lynching films legitimized racial violence by representing white supremacist fictions as "real life." Like the event of lynching itself then, these films joined white spectators together as a group, not as passive viewers, but as active witnesses, allowing them through their spectatorship to reaffirm their sense of white superiority. That sense rested on the fictive assumption that whites embodied the ideals of a rational and restrained civilization over and against black savagery and degeneracy. The projection of this white supremacist fantasy through the modern wizardry of cinema only further validated this assumption. D. W. Griffith's landmark 1915 film, *The Birth of Nation*, stands as the most infamous cinematic justification and glorification of lynching, but it had its precursors in these early lynching films.

At the same time, I want to complicate the view that lynching spectacles, including filmic representations of lynching, were entirely products of modernity. These early films validated the violence by placing lynching within older traditions of rural vigilantism, a means through which otherwise lawful communities sought justice when legal institutions were weak and ineffectual. The scenes presented in these films were anything but modern; rather, they presented idealized images of lynching as a form of popular sovereignty that was in fact a reaction against modern life. And like pro-lynching rhetoric the films represented modernity itself as a threatening force for the ways in which it encouraged dangerous vices, like gambling and drinking, and, most significantly, furthered racial equality. In effect, then, these films deployed modern visual technology in order to uphold anti-modern forms of social power. They enabled white Americans to use modernity against itself.

1.   Lynching and the Problem of Modern Life

Lynch mobs in the Jim Crow era might have made use of modern media and technologies to enact their violence, but the violence itself

and the forms it took were not new. The rituals surrounding lynching were rooted in long-standing traditions of criminal retribution found in practices of vigilante justice not uncommon in the eighteenth and nineteenth centuries, as well as in the practice of public executions, which was only waning in the late nineteenth century. The notion that communities had a moral right, if not a legal one, to exact vengeance against crimes and to punish alleged criminals swiftly and even publicly was still widely accepted at this time. This tradition of popular justice, largely associated with western frontier regions, was much more entwined with white supremacy and much more entrenched in southern societies before the Jim Crow era than previously supposed. In fact, racial violence during Reconstruction was perhaps far more prevalent and "spectacular" than has previously been documented, and even in the antebellum period, rebellious slaves were lynched in public rituals that entailed burnings, tortures, and other elements associated with Jim Crow era violence.[7]

That is not to say that there was not something qualitatively different about the racial violence of the Jim Crow era. Observers at the time certainly noticed this difference. In the 1890s, lynching moved to the forefront of black consciousness as the most visible and terrifying representation of the civil rights being stripped from African Americans through the legal establishment of segregation and new state constitutions that disenfranchised black voters. Racialized lynching also became part of a larger American popular imagination at this time, represented in popular culture, for instance, in a way that was not apparent in earlier periods. Indeed, although lynchings happened outside the South, and groups other than African Americans were lynched in the Jim Crow era, most Americans by the turn of the century had come to understand lynching not as a western, frontier practice, as they might have some 20 years earlier, but as a southern, racialized phenomenon. Representations of lynching in popular media, including cinema, had much to do with this perception.

Even so, although the localities where lynching erupted were lurching into modernity in this period, they were not *yet* modern, urban places, and white southerners were hardly *yet* modern, urban subjects. These were people in the midst of social upheaval and disruption. Lynching spectacles did not signify southerners' immersion into modern commercial culture as much as they embodied this moment of transition and flux. The particular urgency and intensity with which lynch mobs lashed out at alleged black criminals was reactionary, stemming from anxieties that modernization had generated. The devastation and uncertainties of the rural economy

after the Civil War pushed increasing numbers of southerners, white and black, off the farm, and with the rise of new industries, such as logging and turpentine, and the expansion of commercial markets, cities and towns grew in size and population. In this new environment, traditional forms of authority—the patriarchal household, the church, the planter elite—were placed into question, and traditional notions of community, in which people could claim familiarity and kinship with their neighbors, were no longer as relevant. This new social order most threatened white dominance, as urban spaces and establishments brought whites and blacks together in new kinds of interactions and exchanges, and as many African Americans in this new era came to expect all the same legal and civil rights accorded to whites.[8]

Many white southerners expressed their apprehension about these economic and political disruptions as anxieties about moral dissolution and personal safety. That is, amid the upheavals of the New South, white southerners insisted that, above all, their moral and physical integrity was at stake. Industry drew laborers—mostly young, unattached men, black and white—into towns and cities, and these men were more likely to commit crimes, engage in violence, and indulge in behaviors, like drinking, gambling, dancing, and sexual activities, that the middle classes of both races deemed immoral and socially dangerous. Establishments like saloons, pool halls, and brothels proliferated to accommodate these newcomers and made crime and moral vice seem even more conspicuous and threatening. White southerners' larger prejudices against African Americans unavoidably permeated their concerns about crime and immorality. Many white southerners fervently believed that this new environment had unleashed a natural propensity for violence and sexual transgression in African American men. Stories of black crime and moral dereliction often dominated southern newspapers of the time, which only further fueled racial fears. It was in this context of heightened alarm that white southerners felt inclined and justified to lynch African Americans with such unbridled fury. Lynchings tended to occur in places that were already wrestling with problems of crime and anxieties about moral decay, where they were understood to be just and necessary retributions against abominable crimes, a means to ensure not only white dominance, but the integrity of civilization itself.

To restore a sense a sense of stability in the face of social transformations, many white southerners turned to familiar customs; most particularly they insisted on a right to police their own communities and to punish crime and exact vengeance on their own terms. Mobs

did not perceive themselves as acting against the law or fomenting social unrest; rather they saw themselves as representing moral order and a higher form of justice. In many cases, lynchings erupted when traditions of popular justice collided with modern legal processes, such as the enforcement of due process, the rise of state penitentiaries, and the enactment of executions out of public view, that state authorities increasingly insisted upon at the turn of the century.[9] The sensationalistic media surrounding lynching, including motion pictures, were caught up in these reactionary impulses, even as they spread through commercial markets and channels of communication.

2.   LYNCHING SCENES AND THE WITNESSING OF POPULAR JUSTICE

Moving pictures that featured lynchings offered audiences the morbid delight of witnessing scenes of crime and expiation that had bearing in light of pressing fears about social disorder. Through watching these pictures, they rehearsed narratives of crime and punishment, sin and retribution that they already understood through the practices of popular justice.

Most early lynching films were fictionalized reenactments of either western "frontier" hangings or southern-style vigilantism. They appear as stock scenes made to appeal to adventure-seeking urban northerners, who dominated early motion pictures audiences in this period. The catalog entry for *Avenging the Crime; or Burned at the Stake* (Paley and Steiner, 1904), for example, described the mob's cries for vengeance as a "typical southern scene," while *Lynching Scene* (Edison, 1895) was advertised as "a typical frontier scene."[10] In making these pictures, filmmakers, who themselves were largely from the urban North, were satisfying popular desires to witness scenes of gruesome violence, as well as appealing to popular curiosities about lynching. Advertisements for these pictures in trade periodicals and catalogs commonly described them as "exciting," and "ghastly," suggesting that their thrill was vicarious, that one was seeing and enjoying something one shouldn't.[11]

Southern audiences would presumably not have watched these films with distanced curiosity. Rather, they would have brought their own experiences with lynching, either as defenders or as witnesses, if not participants, to bear upon their spectatorship of these films. Not that northerners would not also have brought their own assumptions about race, crime, and social order to their viewing, but white southerners were observing on-screen acts that were still very much part of

their immediate cultural and political environment. Their viewing of lynching films would have taken place against the backdrop of actual public lynchings, and they presumably would have interpreted them through local and personal terms.

Determining the reception of these films is unquestionably difficult; films were for the most part not reviewed in this period and descriptive accounts of audience reaction, though they exist, are rare. Moreover, because newspapers rarely noted which motion pictures would actually be shown at any presentation, it is also difficult to determine which specific films audiences may have viewed. Nevertheless, there is evidence that lynching films were received as respectable and legitimate fare for an evening's entertainment across the South. The very first showing of Edison's vitascope in Dallas, Texas, in 1897, for instance, included both a "hanging scene" and a "lynching scene." These were most probably Edison's *Lynching Scene*, described as "a lynching of a horse thief by a band of cowboys," and *Lynching Scene: A Genuine Lynching Scene*, which was distributed in 1897 by the International Photographic Film Company. Similarly, Edison's *Lynching Scene*, also known as *Lynching of a Horse-Thief*, played at the first picture showing in Vicksburg, Mississippi. This same program of Edison pictures traveled through the Deep South, showing in other cities like Jackson and New Orleans, as well as, most likely, some smaller cities.[12] Films like these represented only a small fraction of the thousands of motion pictures that were produced in the first decade of cinema. What is notable about them is not that they were a dominant form of amusement, but that they existed at all as a form of entertainment.

Early motion pictures have primarily been called "cinema of attractions," a term coined to describe particular characteristics of early cinema that distinguished it from the kind of classical narrative form that emerged later. Rather than presenting a story with complex plot and character development, this form of cinema emphasized acts of display and exhibition presented expressly to the camera and intended to shock and thrill the viewer. These included tourist scenes, panoramas, fires and other disasters, circus scenes, sexually suggestive scenes, as well as lynching and execution films. These films engaged and excited viewers through the presentation of an "attraction," marking the extraordinary by its very presence on the screen. Spectators were not absorbed into the seamless fictional world of a narrative, as later classical Hollywood cinema insisted, but instead viewed the moving picture as a sort of onlooker or voyeur, standing outside the action and looking onto it.[13]

Spectators, however, did not necessarily experience "cinema of attraction" as mere voyeurs. These films, despite their brevity and their emphasis on visual appeal, did encompass narrative or a logical progression of action across space and time, such as in a chase scene. In fact, the attraction or thrill of these films was inseparable from the stories they told. The filmmaker himself, in choosing what action to film and in framing it for the camera, acted as a kind of silent narrator, directing the viewer's gaze and response to the action. In addition, exhibitors often provided audiences with context and narration when exhibiting the pictures. Exhibitors in this period had enormous amounts of control and flexibility over what films they chose to show, in what order they showed them, and how often they showed them. Acting as early editors, exhibitors could construct narratives from a series of one-shot films when deciding the arrangement for film programs, and would often rearrange or reexhibit certain films based on audience preferences. For this reason, although spectators in different localities saw the same films, they did not receive them in the same contexts.[14]

The scenes displayed in early cinema further acquired meaning through the foreknowledge of audiences. These films referenced stories, plays, and news events that would have already been familiar to turn-of-the-century viewers. Audiences, therefore, would have received what might appear today as simple, momentary shocks through larger, more complicated narratives. As film scholar Janet Staiger has argued, spectators inevitably bring their own cultural experiences to bear upon what they see on screen and interpret films based on their own social and historical position. They cannot help but impose their own assumptions and experiences on what they are viewing.[15] White southerners who viewed lynching films would unavoidably have brought their knowledge of and ideas about lynching to their viewing. Audiences drew pleasure from these films as entertainment, but they did so much as the spectators of lynching did, by interpreting them as staged dramas of white supremacist rhetoric—of crimes righteously avenged and black fiends subdued.

3.   THE VISUALIZATION OF PRO-LYNCHING RHETORIC: REALISM AND MELODRAMA

Indeed, lynching films, in many ways, mimicked pro-lynching narratives and political rhetoric, which typically characterized the African American victims of lynching as drunken, unmanageable,

and depraved, and white mobs as a united front of honorable, solid citizens.

These films lent visual authenticity to this rhetoric, and they were able to do so, in part, because they relied upon two interrelated qualities: realism and melodrama. Cinema, like photography, carried an enormous amount of cultural authority in modern life because of its mimetic quality. In addition to exciting and ghastly, advertisements hailed these films as "realistic," "accurate," and "detailed." Indeed, their thrill depended on spectators' acceptance of them as accurate portrayals of violence. They were sensationalistic because they appeared real; their sensationalism in turn served to validate and normalize pro-lynching sentiments as "real life." *Lynching Scene: A Genuine Lynching Film* was even touted as revealing an actual lynching that had taken place in Texas. The catalog entry called it "the most thrilling and realistic subject ever offered for sale" and revealed that "by contract with the authorities, names of party and place cannot be given," insinuating that the film depicted a real lynching. This clause, along with the word "genuine" in the title, was most probably merely a ruse to make the film appear authentic and thus "a most impressive and stirring subject," since there is no evidence that a lynching in that year was ever filmed. Although the race of the victim is not identified, the catalog entry for the film further described it much the way so many southern, racial lynchings were portrayed: "This scene shows an angry mob overpowering the sheriff, storming the jail, and dragging their prisoner to the nearest telegraph pole, from which he is immediately swung into eternity as bullet after bullet is fired into his writhing body." If the victim were white, there would have been almost certainly some cue intimating that fact, as there were for other films.[16]

We tend to think of the overwrought excess of melodrama as at odds with realism, yet melodrama as a theatrical form at the turn of the century also depended on realistic shocks and thrills that were exciting to audiences precisely because they appeared life-like. Melodrama was an imprecise genre that encompassed a wide range of elements, but most Americans at the time understood it primarily as a sensationalistic and action-packed form of drama, one particularly suited for cinema. More often than not, melodramas represented virtuous and innocent victims under assault from rapacious and cruel, and often dark-skinned, villains. The form itself had emerged in the early nineteenth century as a response to the moral and social upheavals of urban life, in which people's understandings of authority, character, and their own social position suddenly seemed up for grabs.

Within this cultural climate, melodrama had particular appeal. It rendered the differences between good and evil absolute and unmistakable, and, with the killing or punishment of the villain, it then restored social and moral order. As Linda Williams has argued, melodrama was central to American theater and cinema, and has served as a primary means through which Americans have formulated and interpreted racial dramas.[17]

As noted, pro-lynching rhetoric relied heavily on tropes of melodrama, viewing the political and economic threats of emancipation through the lens of moral polarization. Spectators would likely have brought their familiarity with these tropes to their viewing of lynching films. In a critique of melodrama's gross excesses, critic Ludwig Lewisohn, writing for *The Nation*, compared the "tribal passions" unleashed in melodrama to "the motive of a…lynching party." He lamented that "the melodrama…brings into vicarious play those forces in human nature that produce mob violence in peace and mass atrocities in war," especially since these plays represented the dark-skinned or foreign villain as an "unscrupulous rake" who "attacks the honor of native women."[18] Lynching films, in this sense, served to sensationalize and "bring into vicarious play" pro-lynching narratives. As abbreviated melodramas, they also projected moral clarity and relative restraint onto both lynching violence and the sadistic pleasure of witnessing that violence. To be sure, early cinema, and melodrama more specifically, was certainly marked by its sensory and emotional excess; the scenes depicted were meant to agitate and disturb viewers emotionally and physically. All the same, these films contained the most morbid and ghastly aspects of lynching into idealized and sanitized scenes of popular justice. Likewise, audiences could experience the thrill of witnessing a lynching, while still inhabiting the relatively respectable position of cinema spectator.[19] Cinematic melodrama might have tapped into "tribal passions," but it controlled them within the frame of the motion picture screen, and, furthermore, represented them as modern, technological spectacle.

4. AUDIENCE IDENTIFICATION AND
THE IDEALIZATION OF LYNCHING

Although these early films were exceedingly short, focusing on the momentary shock of the execution, audiences would nevertheless have imposed narrative meaning onto them. Viewers may have enjoyed the scenes out of morbid curiosity or gratuitous sadism, but more likely than not, they derived satisfaction from watching the lynching

victim's death because they had already made assumptions about that victim's moral culpability. In Vicksburg, Mississippi, Edison's vitascope films, which included *Lynching Scene* (listed as *Lynching of Horse-Thief*), were exhibited for one full week in the local opera house to sold-out and standing room only shows. The "regular programme" consisted of 16 films, including scenes of a Jim Corbett prizefight and the famous onscreen kiss between May Irwin and Johnny Rice. Although the *Vicksburg Evening Post* reported that all the scenes were "much admired" and "gave unlimited satisfaction to the audience," the paper made special mention of the lynching scene, which, was "so realistic that people of sensitive natures were somewhat shocked by [it], but [it] elicited hearty applause." The audience was, to be sure, applauding the "realistic" spectacle that the vitascope was presenting them, just as they did for other scenes. But we must also consider that in the ten years preceding this showing, there had been 13 lynchings—11 against African American men—in the surrounding county and that an unidentified black man was lynched just four months later in April 1897. The picture audience could very well have been applauding that the horse thief was caught and hanged, that the movie camera was able to capture this moment for them, and that they were able to witness it.[20]

Unlike an actual lynching, however, the cinematic lynching of the horse thief and the reenactment of "justice" that it represented could be witnessed repeatedly. The condemned is put to death, only to be resurrected and murdered again upon each viewing. Although the exhibitor in Vicksburg was changing the program daily, bringing in new films from New York, he also repeated the most popular films nightly, as well as often within the same showing. The lynching scene, in particular, was one that was "heartily encored" and would have been repeated for audiences.[21]

By 1904, filmmakers were producing short narrative films that used multiple shots and continuity editing to present a story unfolding over time. The three lynching films that appeared in that year each represented lynchings as spectacular melodramas of crime and punishment. More explicitly than other lynching or execution films, these pictures visually reenacted pro-lynching narratives about brutish black men assaulting helpless white women and the determined mobs that exacted vengeance. All of these films were most likely shown in the South. Producer William Selig sent *Tracked by Bloodhounds* (1904) across the country on the carnival circuit, or as he claimed in a 1920 article, "for a long 'run' under what we used to call the 'black tops,' the dark-hued tents which were familiar to

all devotees of the county fair." It appeared at a carnival in Waco, Texas, in October 1904, where along with *The Great Train Robbery* (Edison, 1903), it was a "big hit." Moving picture exhibitions featuring pictures from other production companies that also made these sorts of lynching scenes were common entertainments at carnivals, outdoor theaters, and opera houses throughout the South in these same years.[22]

Avenging a Crime; or Burned at the Stake (Paley and Steiner, 1904) was the only film in this period that explicitly portrayed a southern, racialized lynching. It, in effect, made visual the very worst of white southern fears and then extinguished them through the filmic spectacle of the lynching. The film depicts a man in blackface assaulting a white woman, grabbing her pocketbook, and strangling her to death. Even before this shocking scene, the viewer is given clues to the criminal's general depravity in the opening shot, when he is shown joining two black men playing craps in front of the "village tavern." He loses his money to them and, to make up for his loss, ambushes, robs, and kills the woman. His assault upon the white woman was, in this way, contextualized within a larger narrative of perceived black drunkenness and vice. Negative stereotypes continue through the rest of the film. The criminal is shown "sneaking" away and stealing a horse to escape, so that when he is finally caught, the lynch mob and the audience alike would have received his "begging for mercy" as a hollow, self-serving cry.[23]

While the film represented the black criminal as unruly and degenerate, it offered an idealized representation of the mob and the lynching. The white mob is shown to be disciplined and orderly, pursuing the murderer as a cohesive unit throughout the elaborate chase scene. Although in many actual lynchings, the mob worked slowly and methodically, this mob exacts its vengeance quickly (Figure 7.1). Burning at the stake is a terrible torture to inflict, but it appears in the film's narrative as an expedient and efficient, albeit climactic, finish. "Lashing him to a tree, they gather brushwood, and stacking it around him, set it on fire. He is soon enveloped in flames, the angry mob fire [*sic*] shot after shot at him and the vengeance is complete," reads the catalog description. The form of the cinematic image facilitated this idealized representation by abstracting the torture and death of the victim into one, black and white, silent, moment.[24]

Although the other two lynching films produced at this time took place in western, non-southern settings, they presented similar scenes of communal justice and vengeance upon a racialized other that white audiences would have recognized and applauded as both morally

Figure 7.1 The mob prepares the lynching pyre, *Avenging the Crime; or Burned at the Stake,* Paley and Steiner, 1904. Motion Picture, Broadcasting, and Recorded Sound Division, Library of Congress, Washington, D.C.

satisfying and sensationally entertaining. *Tracked By Bloodhounds* depicts a man with a dark complexion and a large black beard—the catalog described him as a "tramp"—attacking a white woman in her home. *Cowboy Justice* (American Mutoscope & Biograph Company, 1903), a two-shot film that depicts a man killing another after losing in a game of cards in a saloon, and then a mob avenging that crime, announces its lesson in its title. Although the condemned man appears white in the film, he is distinguishable from the other men by his Native American clothing. These pictures projected images of mobs punishing crime and establishing moral justice with speed and precision, providing a thrill for audiences fearing crime in modern life and frustrated by the slow wheels of judicial bureaucracy.

The Selig Polyscope Company promoted *Tracked by Bloodhounds* for its realism and authenticity, claiming it was produced at the site of an actual lynching, in Cripple Creek, Colorado. In doing so, the producers expected that audiences would feel a personal, or at least an informed, connection to the subject of the film, and would desire to see visualized on-screen events they had previously only heard or read about. Hailing the film as "one of the most sensational pictures ever made," the catalog entry even implied that the cameraman caught the

actual lynching on film. It then represents the lynching– the hanging
and shooting of a depraved criminal—as more swift and organized
than it actually possibly could have been.[25]

The hanging in *Cowboy Justice* is brief—we do not see the hanging
itself. The mob places a noose around the condemned's neck and then
moves in front of the camera, blocking the scene as the man hangs.
The mob then moves back out of the frame, and we see only the hang-
ing man's body, writhing and struggling, his head cut off at the top
of the frame. The film ends when the men come back into the frame
and shoot at the hanging body (Figure 7.2). The filmmakers may have
elided the hanging itself only because they did not have recourse to
trick photography, but the effect is to create an image eerily similar
to so many lynching photographs, as the camera's focus remains not
on the violence committed, but on the condemned's dead body. That
his face is not visible at this moment allows a further transference of
his racial identity.

Figure 7.2 *Cowboy Justice*, American Mutoscope and Biograph, 1903. Motion
Picture, Broadcasting, and Recorded Sound Division, Library of Congress,
Washington, D.C.

Tracked by Bloodhounds also ends with a relatively still image, what the catalog entry described as a "life-size portrait of the blood-hounds and their keeper." In the shot, the frame of the screen acts as a photographic frame, as the keeper gazes out to the camera, staring intently, much like a portrait, at the audience. This image of the keeper allowed audiences a direct, steady intimacy with the hero of this western drama, thereby establishing a connection between the avenging mob and the film spectators. This shot also bears significance when viewed in juxtaposition to the famous closing shot of *The Great Train Robbery* (Edison, 1903), in which one of the bandits, facing the camera directly in a medium close-up, shoots his gun at the audience.[26] *Tracked by Bloodhounds* was released alongside *The Great Train Robbery*, and exhibitors often showed them together.[27] Whereas the latter film depicted a gang of bandits holding up a train and escaping into the woods, *Tracked by Bloodhounds* showed the resolution and punishment of a criminal act. The closing shots in this sense complement each other. Both indicate the ways early cinema broke the fourth wall, creating a direct relationship between characters and audience in a way later classical Hollywood cinema eschewed. The bandit shooting at the audience in *The Great Train Robbery*, however, established an antagonistic relationship between the film and the audience; faced with the bandit shooting directly at them, viewers at this moment were to identify with the frightened and wounded passengers. The shot furthermore highlighted the ways the film spectators were positioned as immobile, passive, and vulnerable. The shot of the bloodhounds and their keeper, on the other hand, established a contrasting identification between the audience and the lynch mob, the avengers of crime. Making direct eye contact with the keeper, the audience is also not passive or vulnerable in the same way, as the command and control of the audience is mirrored in the posed stillness of the keeper.

We can expect that white southern audiences would have applauded these films. As noted, *Tracked by Bloodhounds* was popular when it was shown alongside *The Great Train Robbery* at a fair in Waco, Texas. These pictures expected viewers to sympathize with the lynch mob, acting much like those spectators at actual lynchings who condoned the mob's violence and made it socially acceptable. Even those spectators who may have been shocked by what they were seeing were providing the cinematic lynch mob with a confined audience that implicitly justified the violence. Movie viewers, seated closely together in the seats of the opera house or crowded under a carnival tent, would have, in this sense, replicated those crowds of spectators

at so many mass lynchings. As the report of the Vicksburg audience makes evident, responses to these films were visceral, especially since audiences of silent film tended to be more verbal and demonstrative than later film audiences. Cinematic spectatorship certainly differed considerably from that at a lynching, as cinema imposed a relative degree of restraint on the bodies of its spectators. Unlike those in the crowd at a lynching who could direct their gaze where they wished, who could hear and smell the lynching, and who could choose to participate and intervene in the action, cinema audiences were for the most part confined to their seats *only* as observers, albeit vocal and animated ones. In this sense, just as they presented idealized representations of the lynching itself, these films likewise ensured a model image of lynching spectatorship—a controlled and appropriately awed crowd of witnesses.

We know almost nothing about black spectatorship of these films. Although the production and marketing of these films assumed a white viewer, African Americans would have had opportunities to view motion pictures at carnivals and street fairs, as well as open-air theaters in public parks, or by sitting in the balconies or gallery sections of standard theaters where cinema of attraction were shown. Their presence, however, was never conspicuous enough to warrant mention in the white press.[28] It was not until *The Birth of a Nation* in 1915 that black viewers spoke out against filmic (mis) representations of lynching and that we as historians have evidence of black oppositional viewership, through boycotts, protests, or through active reinterpretations of the film. (It should be noted that as much as *The Birth of a Nation*, through its melodramatic display of black lust and Klan heroism, epitomized the cinematic justification of racist violence, it was the black outcry against the film, most especially through the National Association for the Advancement of Colored People's (NAACP) vociferous campaign against the film, that rendered it, and by extension lynching spectacles, into national scandals.)[29]

5. MODERN SPECTATORSHIP, PRIMAL EXPERIENCE, AND THE CONSTRUCTION OF RACIAL POWER

Melodrama and its manifestation in "cinema of attractions" were, in many ways, products of a modern, urban environment, which abounded in visual distraction and attraction, and visceral shock and sensation. In growing metropolises at the turn of the century, street lamps and neon signs electrified city thoroughfares, streetcars, and

motorcars sped up the pace of daily life while creating new hazards, and people found themselves visually bombarded with commercial billboards and posters at almost every turn. Especially with massive influxes of population, cities could be disorienting places, creating a sense of sensory overload or what has been termed "hyperstimulus." Early theorists of cinema like Walter Benjamin and Siegfried Kracauer posited that the thrill and sensationalism of film simulated for viewers this frenzied aggression of modern life. Cinema, with its shock value, its emphasis on spectacle, and its fragmentary quality, could immunize viewers against the disturbances of modern life by conditioning and preparing them for it. In this same regard, as Mary Anne Doane has argued, early cinema seemed to delight in scenes of cruelty and suffering.[30]

At the same time, modernity was marked by an increasing aversion from pain and suffering, or, at least, public displays of such suffering. The rise of enlightenment liberalism and urban society in the eighteenth century had led to a new heightened sensitivity to and empathy toward the physical afflictions of others, a sensitivity that was epitomized in the humanitarian and sentimental sensibilities of nineteenth-century Victorian culture. Urban life had certainly increased crime and had generated new forms of shocks and violence, such as industrial and traffic accidents, train wrecks, and riots. But, for the most part, Americans at the turn of the century—even those who lived in smaller, more rural towns and cities—were more protected than ever before from the violence and misery of human existence. As Karen Halttunen has argued, it was precisely because Americans no longer witnessed death, pain, or brutality in their everyday lives that violent scenes so titillated and fascinated them.[31] In other words, the less direct access people had to pain and suffering, they more they saturated their lives with images of it.

In this context, rather than simulating the experience of modern life, cinema pandered to fears, desires, and impulses that modern life had otherwise restrained or forbidden. The sensationalism of early film thus did not mimic the shock and stimulation of urban, industrial life as much as it provided an outlet for heightened experience and emotion because daily life for both blue and white collar workers had become full of drudgery and detached from what they considered real, visceral experience. In other words, people sought out primal, sensory experiences through leisure and entertainment because they had otherwise become alienated from them.[32] For many, the desire to view cinematic lynchings undoubtedly derived from similar

inclinations to witness and imagine primal experiences of punishment, torment, and death.

Yet, although white audiences were, for the most part, less physically vulnerable to violence than they had been in the past, they *perceived* themselves to be more vulnerable. As white men increasingly moved from farm to industry, and as both women and African Americans increasingly began to claim political quality and autonomy, white men found not only their dominance, but their own sense of manliness under assault.[33] In that context, lynching films could have been exciting and gratifying because they projected that sense of physical assault onto the victims shown on screen, all while guaranteeing the spectator's own physical safety. In particular, they displaced the physical diminishment and fragility of the body that white, middle-class men feared from modern life onto the bodies of African Americans. The white, male spectator in turn regained a sense of strength and authority through his objectifying gaze. He also experienced a sense of power, in part, because, as a spectator, he was somewhat physically secure; that is, the relatively motionless act of watching another's action made the spectator less aware of his own body's vulnerability, especially as he witnessed the violation of another's body. [34] He had a command and agency over his body that the victim clearly did not. White female viewers would also have experienced this same sense of physical and social assurance while watching a cinematic lynching, especially in light of the ways that pro-lynching discourse so commonly represented white women as fragile and helpless. At actual lynchings, they might have felt particularly vulnerable amidst the push and thrust of the crowd. The theater, however, provided a comparatively a safe venue through which to experience scenes of white female violation and vengeance against that violation.

The experience of watching a film, however, was not a disembodied experience, especially in the early silent era. Theaters were loud, boisterous, and crowded places, where the genders sat close together, where members of different social classes jostled for space, and where audience members regularly talked loudly to each other and to the screen.[35] The sense of physical security they offered was relative to life outside the theater, and particularly relative to the experience amidst a lynch mob. As I have argued, cinema spectators were not passive voyeurs; instead, spectatorship involved an active form of sensory engagement, in which viewers inserted their own prejudice and assumptions onto silent narratives and through which they could cultivate a sense of racial power and moral righteousness.

They could do so not only through what they witnessed on screen, but also through their sense of camaraderie with their fellow white spectators.

Lynching films could, in these ways, intensify the sense of racial dominance that witnessing a lynching bestowed upon spectators, both male and female. The sadistic pleasure that audiences may have taken in them was bound up with reactionary claims to moral authority and social power, which the transformations of a modernizing South had threatened. Through the melodramatic realism of modern cinema, these films allowed spectators to reenact this power and authority, at least vicariously. Lynching films, with their rural, idyllic settings, were thus not so much simulating the shocks and thrills of modern life as they were representing for public consumption older, traditional rituals of popular justice and vengeance that were, in fact, at odds with practices of modern life. They were, in these ways, products of modernity and, at the same time, emblematic of a certain resistance to modern life. In other words, although Mencken hoped "seemly recreations" might distract white southerners from lynching and push them into the modern era, modern amusements themselves were implicated in the retrogressive racial violence that pervaded the Jim Crow South.

Notes

1. H. L. Mencken, "Sahara of the Bozart," *Prejudices, Second Series* (New York: Alfred A. Knopf, 1920), 151. For the latter quote, see Walter White, *Rope and Faggot* (New York: Arno Press and The *New York Times*, 1929, reprint, 1969), 9, and Gunnar Myrdal, *An American Dilemma: The Negro Problem in Modern Democracy* (New York: Harper & Row, 1944), 564–656.

2. Mencken, like many others in this period, casually characterized lynching as a practice specific to the South. Lynching, in fact, happened in localities all across the country, but because the large majority of them in the Jim Crow period happened in southern states, observers perceived the violence to be a southern phenomenon.

3. On American liberalism and modernization theory, see Richard H. King, *Race, Culture, and the Intellectuals, 1940–1970* (Baltimore: Johns Hopkins University Press, 2004), 21–31, 123–38.

4. See, for example, Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the 19th-Century American South* (New York: Oxford University Press, 1984), 238–255, and Edward L. Ayers, *The Promise of the New South: Life After Reconstruction* (New York: Oxford University Press, 1992), 132–159.

5. Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890–1940* (New York: Pantheon Books, 1998), quote on 217; see also 199–239.

6. See, Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890–1940* (Chapel Hill: University of North Carolina Press, 2009), 71–111; Dora Apel, *Imagery of Lynching: Black Men, White Women, and the Mob* (New Brunswick, NJ: Rutgers University Press, 2004); Jacqueline Goldsby, *A Spectacular Secret: Lynching in American Life and Literature* (Chicago: University of Chicago Press, 2006).

7. On lynching as rooted in antebellum vigilante traditions, see Michael Pfeifer, *Roots of Rough Justice: The Origins of Lynching* (Urbana: University of Illinois Press, 2011); Manfred Berg, *Popular Justice: A History of Lynching in America* (Lanham, MD: Ivan R. Dee Publishers, 2011), 3–79; William D. Carrigan, *The Making of a Lynching Culture: Violence and Vigilantism in Central Texas, 1836–1916* (Urbana: University of Illinois Press, 2004); on the relation between lynching and public executions, see Wood, *Lynching and Spectacle*, 19–44.

8. Edward L. Ayers, *Vengeance and Justice,* 238–55; W. Fitzhugh Brundage, *Lynching in the New South*, *Georgia and Virginia, 1880–1930* (Urbana: University of Illinois Press, 1993), 14; Jane Dailey, "Deference and Violence in the Postbellum Urban South: Manners and Massacres in Danville, VA," *Journal of Southern History* 63 (1997), 553–590; Hale, *Making Whiteness,* attributes both lynching and the implementation of Jim Crow segregation to similar kinds of social disruption, focusing on the ways in which the boundlessness of modern consumerism threatened whites' sense of racial control and hierarchy.

9. See Michael Pfeifer, *Rough Justice: Lynching and American Society, 1874–1947* (Urbana: University of Illinois Press, 2004)*;* Wood, *Lynching and Spectacle*, 23–29.

10. *Lubin Catalog* (1907), 114; *Maguire and Company Catalog* (1898), 29; Charles Musser, *Edison Motion Pictures, 1890–1900* (Smithsonian Institution Press, 1997), 191–92.

11. *American Mutoscope and Biograph Picture Catalog* (Nov. 1902), 240, 244; *Edison Films Catalog* (Sept. 1902), 91; *New York Clipper* (Nov. 16, 1901), 832.

12. *Maguire & Baucus Ltd Catalog* (Fall 1897); (March 1898); Musser, *Edison Motion Pictures*, 191–92. *Dallas Morning News* (Feb. 2, 1897),

8; *Vicksburg Evening Post* (Dec. 11, 1896), 4; *Jackson Clarion Ledger* (Dec. 15, 1896), 1.

13. Tom Gunning, "The Cinema of Attraction: Early Film, Its Spectator and the Avant-Garde," *Wide Angle* 8 (1986), 63–70; Tom Gunning, "'Now you see it, Now you don't:' The Temporality of the Cinema of Attractions," in *Silent Film*, ed. Richard Abel (New Brunswick: Rutgers University Press, 1996).

14. Charles Musser, "Rethinking Early Cinema: Cinema of Attractions and Narrativity," *Yale Journal of Criticism* 2 (1994), 213; Charles Musser, *The Emergence of Cinema: The American Screen to 1907* (Berkeley: University of California Press, 1990), 79–81.

15. Janet Staiger, *Interpreting Films: Studies in the Historical Reception of American Cinema* (Princeton: Princeton University Press, 1992), 79–81; see also, Janet Staiger, *Perverse Spectators: The Practices of Film Reception* (New York: New York University Press, 2000), 1–57.

16. *International Photographic Film Company Catalog* (Winter 1897–98), 18. I can only assume that the lynching took place in Texas because the code word for exhibitors to use in ordering the film was "TEXAS."

17. For a clear and historically contextualized definition of melodrama, see Ben Singer, *Melodrama and Modernity: Early Sensational Cinema and Its Contexts (*New York: Columbia University Press, 2001), 7, 37–58; Linda Williams, *Playing the Race Card: Melodramas of Black and White from Uncle Tom to OJ Simpson* (Princeton: Princeton University Press, 2001), xiv, 11–18.

18. Ludwig Lewisohn, "The Cult of Violence," *Nation* (Jan. 24, 1920), 118.

19. By the nickelodeon era, beginning about 1905, cinema came under attack from evangelicals and the respectable middle classes for what they perceived as its moral excesses. But in this early period, especially in smaller towns and cities, motion pictures were generally accepted by a large cross-section of society.

20. *Vicksburg Evening Post* (Dec. 7, 1896), 4; *Vicksburg Evening Post* (Dec. 11, 1896), 4; *Vicksburg Evening Post* (Dec. 12, 1896), 4; Mississippi Lynchings File, Special Collections, University of Mississippi, Oxford.

21. *Vicksburg Evening Post* (Dec 11, 1896), 4.

22. William Selig, "Cutting Back," *Photoplay* (Feb. 1920), 45; *Waco Times Herald* (Oct. 29, 1904), 5.

23. *Lubin Catalog* (1907), 114; *American Film Institute Catalog A,* 57–58. Only a few scenes of this film have survived time; I have pieced together the plot from my own viewing at the Library of Congress and from the catalog description, which is quite detailed.

24. *Lubin Catalog* (1907), 115. The only existing copy of the film breaks off just as the men are setting up the stake.

25. *American Film Institute Catalog A*, 108.

26. Though it now appears at the end of most existing prints of the film, the Edison catalog indicated that exhibitors could choose to end or begin the film with this shot.

27. Selig, "Cutting Back," 45.

28. For the complex ways in which African American viewers have adopted an "oppositional" or "reconstructive" gaze in the face of white-dominated cinema, see Jacqueline Najuma Stewart, *Migrating to the Movies*: *Cinema and Black Urban Modernity* (Berkeley: University of California Press, 2005), 100; Manthia Diawara, "Black Spectatorship: Problems of Identification and Resistance," 211–220, and bell hooks, "The Oppositional Gaze: Black Female Spectators," *Black American Cinema*, ed. Manthia Diawara (New York: Routledge, 1993), 288–302.

29. See, Wood, *Lynching and Spectacle*, Chapter 5.

30. Walter Benjamin, "Art in the Age of Mechanical Reproduction," *Film Theory and Criticism,* eds. Gerald Mast, Marshall Cohen, and Leo Braudy (New York: Oxford University Press, 1992), 612–634; Gunning, "The Whole Town's Gawking;" Singer, *Melodrama and Modernity*, 8–9, 59–130; Leo Charney and Vanessa Schwartz, *Cinema and the Invention of Modern Life* (Berkeley: University of California Press, 1995); Mary Anne Doane, "Technology's Body: Cinematic Vision in Modernity," *Differences* 5 (1993), 1–23.

31. Karen Halttunen, "Humanitarianism and the Pornography of Pain in Anglo-American Culture," *American Historical Review* 100 (April 1995), 312–318.

32. On the ways in which intellectuals in this period thought that modernity detached people from real experience and was enervating and physically depleting, see T. Jackson Lears, *No Place of Grace: Antimodernism and the Transformation of American Culture, 1880–1920* (Chicago: University of Chicago Press, 1994); on the resonances of this sensibility in popular culture, see John Kasson, *Houdini, Tarzan, and the Perfect Man: The White Male Body and the Challenge of Modernity in America* (New York: Hill & Wang, 2002).

33. For the ways in which modernization triggered anxieties over the value and meanings of manliness, see Gail Bederman, *Manliness and Civilization A Cultural History of Gender and Race in the United States, 1880–1917* (Chicago: University of Chicago Press, 1995), and Kasson, *Houdini, Tarzan, and the Perfect Man.*

34. On the ways in which early cinema represented and eased these white male anxieties over their sense of diminished power, see Doane, "Technology's Body," and Susan Courtney, *Hollywood Fantasies of Miscegenation, Spectacular Narratives of Gender and Race, 1903–1967* (Princeton: Princeton University Press, 2005), 22.

35. Miriam Hansen, *Babel & Babylon: Spectatorship in American Silent Film* (Cambridge: Harvard University Press, 1991); Lauren Rabinovitz, *For the Love of Pleasure: Women, Movies, and Culture in Turn-of-the-Century Chicago* (New Brunswick, NJ: Rutgers University Press, 1998), 117–120. Both Hansen and Rabinovitz challenge the classic view of modern spectatorship as a passive and disembodied experience.

C H A P T E R   8

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PICTURING EXCLUSION: RACE, HONOR, AND ANTI-SEMITIC VIOLENCE IN NAZI GERMANY BEFORE THE SECOND WORLD WAR

Michael Wildt

1.

Two photographs from a small town in northern Germany: the place is Norden, the date is July 22, 1935. The first one (Figure 8.1) shows a man and woman being paraded through the streets by *Sturmabteilung* (SA)members; the two have signs around their necks, reading "I am a race defiler" and "I am a German girl and let myself be defiled by a Jew." The woman holds her hand before her eyes, as if to protect herself from the stares and the public humiliation. Curious onlookers line their path, and a small boy runs alongside. People pushing bicycles pass by on the sidewalk. In the second photo (Figure 8.2) is another young woman being led through the streets by SA members, accompanied by a few men in civilian clothes; she too wears a sign around her neck (perhaps the same one?): "I am a German girl and let myself be defiled by a Jew." Once again, numerous onlookers stand on both sidewalks, while two young women walk alongside the parade, one smiling at the camera.

Figure 8.1   Man and woman being paraded by SA members through Norden, July 22, 1935. © Staatsarchiv Aurich.

Figure 8.2   Young woman being led by SA members through Norden, July 22, 1935. © Staatsarchiv Aurich.

The two photos come from a series of five that are now preserved at the State Archives in Aurich; these photos were taken by Heinrich Ihnken, a Norden drugstore owner who was also a member of the Nazi Party and the SA.[1] Thanks to the research efforts of Bernhard and Astrid Parisius, much light has been shed on the original context of these two photos.[2]

On Saturday, July 20, 1935, the North German journal *Ostfriesische Tageszeitung* published a 32-page supplement entitled "The Jews Are Our Misfortune" in which, in the style of the *Stürmer*, Jews were libeled, ridiculed, and insulted. At the same time all businesses with Jewish proprietors were listed, together with the usual appeal for a boycott. On Monday morning two days later, two high-ranking SA leaders in the small town of Norden went to the police station, filed charges against Christine Neemann and Julius Wolff for "racial defilement," and requested that both be taken immediately into protective custody. When the constable on duty tried to downplay the issue, advising both men to go to the district president or state police agency, the two SA leaders left the station. But around noon they made it known by telephone that they would lead both victims through the streets during the afternoon.[3]

After the war, Christine Neemann, born in Norden in 1902 like her Jewish fiancé Julius Wolff, the son of a merchant, described this day as follows:

> In the beginning of July 1935 I was taken by six SA men from my mother's apartment because I was engaged to a Jew, Julius Wolff. We were led through the streets, each of us with a sign around our neck: *Rassenschänder* [race defiler]. In the open street, I was beaten and had my hair torn from my head, and we were then brought to the prison.[4]

After the police had arrested Christine Neemann and Julius Wolff, the crowd searched for another couple: the 31-year old Elisa Extra and her Jewish fiancé Richard Cossen. However, the crowd was able to find only Elisa, so she was marched alone through the streets of Norden with a sign: "I am a German girl and let myself be defiled by a Jew." According to police reports, a crowd of around 200 to 300 people accompanied the procession.[5]

The druggist in Norden, a member of the *Nationalsozialistische Deutsche Arbeiterpartei* (NSDAP) and the SA, photographed the action and subsequently displayed his photographs in his shop window. Photography had become an everyday practice in the 1930s in

Germany. Within two years more than a million Agfa-Boxes were sold, a cheap camera that had come onto the market in 1930. By 1939 10 percent of the German population owned a camera; accordingly, the percentage of families with users was significantly higher. According to the exhibition on the German Wehrmacht by the Hamburg Institute for Social Research, a large number of German soldiers carried cameras and regularly took photos.[6] And a 2002 exhibition of photographs on the persecution of Jews between 1933 and 1939 entitled *Vor aller Augen* ("In Front of Everybody") has demonstrated the visibility of violence against Jews in Germany even before the Second World War.[7]

In launching the "racial defilement" operations of 1935, the National Socialists had found a sphere in which they could effectively delineate the borders of the *Volksgemeinschaft* ("ethno-national community") in everyday life. We can only guess what the onlookers in the picture might have thought about this demonstrative, public act of humiliation. Perhaps some even felt disgust or pity for the young man, although there are no signs of such feelings on their faces or in their gestures. Unlike the SA members who organized this procession, the numerous spectators were not perpetrators.

The question of how "ordinary" men could become perpetrators has increasingly become a focus of research and debate in recent years. A closer look reveals that at the core is a question of participation—about what are very different modes of acting, of taking part, and of being a party to what is occurring. In these photographs from the summer of 1935, both the victims and the SA perpetrators are easily recognizable. Yet as far as all the other participants are concerned, merely labeling them "spectators" or "bystanders" seems inadequate.[8] Especially in villages and small towns in which the Nazis had in 1933 assumed important positions but not yet gained actual political power, persecuting Jewish neighbors as "enemies of the *Volk*" and "racial adversaries of the German people" was the key political instrument employed to attack the civil order and create the *Volksgemeinschaft*.

Following these observations this chapter analyzes how certain forms of publicly displayed violence and the formation of a seemingly homogeneous *Volksgemeinschaft*, based on the concepts of "racial purity" and "racial honor," interact. As will be shown, widely visible acts of humiliation and harassment against German Jews and so-called racial defilers were a formative element in the process of creating racial unity in prewar Nazi Germany.

2.

Nearly all political parties advocated the *Volksgemeinschaft* as a political program. Their respective concepts were, however, marked by differences that were at times fundamental and at other times a mere question of degree. For the Social Democrats, for example, the working class had in the course of its history become the large majority. They juxtaposed that majority with a much smaller—and unjustifiably powerful—minority of entrepreneurs and estate owners.

For the political right, in contrast, the *Volksgemeinschaft* was defined predominantly in terms of its anti-republican, exclusionary dimensions. Right-wing parties, and especially the NSDAP, were by no means interested in the inclusion of all Germans; instead, their focus was on the community of "*Volksgenossen*," a *Volksgemeinschaft* in racist, *völkisch* terms, which barred all Jewish Germans per definition. Although right-wing political rhetoric gave center stage to the "community," sharp and violently erected borders—the exclusion of "the other"—was the principle means by which the *Volksgemeinschaft* was established. For all those who thought in *völkisch* categories, there was an unequivocal, practical as well as conceptual point of reference that shaped inclusion and exclusion; that point of reference was the *Volksgemeinschaft*, as defined by a perspective based on myths of blood and racial biology.

Anti-Semitism played a decisive role, since a racist, anti-Semitic demarcation of difference was embedded into the pre-constitutional construction of the people as a "natural community of blood." The exclusion of the German Jews from the *Volksgemeinschaft*—a process that included both the countless measures decreed and implemented by the authorities as well as the isolation of Jews in day-to-day life— did not simply result in the establishment of an anti-Semitic boundary that left the non-Jewish part of the population untouched. These routine, everyday practices of exclusion also changed society itself. Both bureaucratic discrimination—the laws and regulations that turned Jewish Germans into citizens with very limited rights—as well as violent, anti-Jewish actions, worked together to destroy the rule of law and transform the German nation into an aggressive, racist *Volksgemeinschaft*. With respect to local political practice, this meant that solidarity and empathy with those who were persecuted had to be stigmatized so that Jewish neighbors could be isolated and declared without rights.

Anti-Semitic acts of violence reached a new peak in 1935. The Gestapo as well as the local Jewish communities reported a sharp increase in

violence in all parts of the Reich. Many accounts note that these occurrences not only involved activists from the NSDAP and the SA, but were also accompanied by large crowds. Starting in early 1935, accusations involving such purported "cases" of "racial defilement" spread like a wildfire; this was, as should be emphasized here, months before the enactment of the Nuremberg Laws. Such practices of public humiliation and abuse became common throughout the German Reich.

Without the numerous denunciations coming from the population, the Gestapo would not have been able to pursue cases of alleged "racial defilement." According to Robert Gellately's investigation of the Würzburg Gestapo, in 54 percent of the cases, accusations from the population constituted the most important reason that the police prosecuted for "racial defilement."[9] In 1936, the year after the "racial defilement" actions and the Nuremburg Laws, the number of denunciations rapidly shot up and remained at a high level until 1938, after which they again declined. The Gestapo classified large numbers of the accusations as false or unfounded. This indicates that the denunciations were often times driven by emotional impulses. The number of denunciations because of "friendship with Jews" also clearly rose in 1936 compared to 1935 and held steady until the deportations began in 1941.

The media also played an important role, especially newspapers like the *Stürmer* that had already been mobilized at the beginning of the year. In towns and villages throughout the German Reich, so-called *Stürmer-Kästen* were put up: These large, bright-red display cases bore anti-Semitic slogans such as "The Jews are our downfall" or "The devil is the father of the Jews" and posted not only the latest issue of the *Stürmer* but also publicly denounced those "Volksgenossen" who continued doing business in Jewish shops, sometimes offering their names and addresses. Thus it was not only Jews who became the target of the anti-Semitic agitators but their non-Jewish supporters as well, and even those who simply refused to get caught up in the anti-Semitic hysteria. The significance of the visual, public segregation of former neighbors now publicly branded "Jewish enemies" cannot be underestimated for the establishing of a new order of racist exclusion and inclusion.

There was hardly an edition of the *Stürmer* that failed to open with an incendiary article about a "race defiler" or "girl defiler," always with full names and places of residence. With respect to the district court proceedings in mid-June against the Jewish director of a trade school in Magdeburg on account of alleged "racial defilement," the *Stürmer* published a special edition that, according to the Gestapo, sold exceptionally well in Magdeburg.[10] In July the Gestapo in Saxony registered anti-Jewish demonstrations in Dresden, Leipzig, Freital, and Radebeul

as well as 34 arrests of Jews and non-Jews for alleged "racial defile-ment" during this month alone. This "public stigmatization of Jewish race defilers and their objects as well as their unforgiving prosecution by the political police," according to the Gestapo, had "found approval everywhere [...] By the publication of names in the daily press, the broad public was made aware of the danger of racial defilement, which was evidenced by countless numbers of complaints."[11]

During the summer months in the district of Minden, the *Stürmer* managed with the support of the SA and *Schutzstaffel* (SS) to increase its subscriptions by around 50 percent. According to the Gestapo, there was hardly a village of any significance that did not have a *Stürmer-Kasten*. Above all, it was the special edition about the Magdeburg proceedings that reached record sales figures. Newspaper dealers had to reorder the edition numerous times in order to satisfy the demand. "Undoubtedly," determined the Gestapo, "the popula-tion has become thoroughly activated in the Jewish question, and the attitude in the population towards the Jews is not friendly."[12] It was in this atmosphere that the actions against Neemann, Wolff, and Extra took place in July 1935.

3.

In the next day's edition of the *Ostfriesische Tageszeitung*, the action was portrayed as a spontaneous expression of popular anger against the "shameless deeds" of Norden's Jews, claiming that the SA had only yielded to this anger. The article said that Christine Neemann and Julius Wolff had publicly displayed their relationship for several years already, similarly to Richard Cossen and Elisa Extra, although the two women had been advised "about their deeds."

> From all sides came chants and shouts that these two, who had excluded themselves from the *Volksgemeinschaft* through their behavior, should be paraded through town. The SA yielded to the will of the populace, furnishing the two with appropriate signs and leading them through the town. Everywhere, the populace was clapping with loud approval and expressing their indignation with vehement cries of disgust.[13]

At first glance, the photos from Norden and other towns seem to support this narrative. If we examine the pictures of these proces-sions, which took place in public in broad daylight, the crowds are especially striking: women, children, youths walk along, laughing, jeering, harassing, and spitting at the victims. In Norden too, the

photos show nobody protesting against the action or clearly turning away from it. On the contrary, the two young women in front are obviously walking toward the photographer to pose in front of this scene of public humiliation, or at least accepting the fact that they will appear in the same photo with this act of violence. They certainly did have an option, not to be photographed in front of this parade. What is obvious in these photos is the voyeuristic attraction of these occurrences, the sanctioning of and participation in this violent punishment of trespasses against "racial honor"— but nonetheless, these pictures also contain traces of contrasting interpretations.

It is easy enough to identify the SA perpetrators as well as the victims, who were to be publicly pilloried and expelled from the *Volksgemeinschaft*. However, nothing can be said about the thoughts or feelings of the many spectators who were there to witness this orchestrated scene of public humiliation. And yet, the onlookers, the curious, the passersby—no matter what their inner thoughts on these events might have been—were an essential element of this activity, which took place in public for the very purpose of transforming the public sphere in a fundamental way. Such an event forces each person to take a position, willingly or not. All of those who accompanied this march—even those who did so with unexpressed reservations—were part of the event. Even if they privately rejected this act of violence, and did not themselves become perpetrators, they did become accomplices to the politics of anti-Semitism.

However, this analytical positioning of the local spectators as part of the event could lead one to believe that their approval is clearly apparent in the photos. The visual composition is heavily influenced by the two smiling young women who hurry in front of the parade, deliberately inserting themselves in the picture. Having these two in the foreground helps to visually reinforce the message that the populace approved—a photographic message that was displayed in the front window of the Nazi drugstore. However, their smiles do not necessarily mean that these two were pleased with the event behind them, or were expressing a lack of empathy. The photographer's snapshot might have simply triggered a convention that had become established with the introduction of casual photography, namely that one should smile at the camera, and not look so serious like in the days of studio photography.[14] The practice of photography—and of being photographed—can itself affect the final image that we see, just as much as the events depicted or even the intentions of the Nazi photographer.

Therefore, these two photos can be seen as "an index and instrument of integration," to borrow from Pierre Bourdieu,[15] serving to visually reinforce membership in the *Volksgemeinschaft*, as well as ostracism from it. In his examination of photography, particularly in the family context, Bourdieu points out that

> photographic practice only exists and subsists for most of the time by virtue of its *family function* or rather by the function conferred upon it by the family group, namely that of solemnizing and immortalizing the high points of family life, in short, of reinforcing the integration of the family group by reasserting the sense that it has both of itself and of its unity.[16]

So when the photographer displayed these photos in his drugstore window, they served to highlight and reinforce the normative claims of the *Volksgemeinschaft*. Nonetheless, the photographs also reveal practices that function independently of the events portrayed, the photographer's intentions and the immediate social applications; they point to the medium of photography itself, and at a dimension that is much more strongly defined by photography as a communications medium in general than by specific historical events.

4.

In premodern times, violations of codes of honor were dealt with in the penal codes enforced by the ruling powers but were also sanctioned by neighbors and by the local or religious communities. Charivari, by which people undertook a procession to a neighbor's house, usually at night, were accompanied by deafening noise on improvised instruments and were intended to draw attention to his shame. As of the fifteenth century, sources record instances where windows and doors were smashed, fires in hearths and ovens extinguished, furniture ruined, roofs dismantled, and even houses destroyed. Natalie Zemon Davis writes that in the towns of France—as in all of Europe— masquerades, Charivaris, farces, parades, and processions took place in order to publicly accuse members of the community of shameful behavior. They were used to punish violations against moral norms— against "honor"—and the perpetrators were publicly mocked and humiliated: adulterers, couples whose age or social disparity appeared offensive, and husbands who had been beaten by their wives. Davis also draws attention to the fact that it was predominantly young men who organized these public shaming events, as their chances

for marriage sank if, for example, widows or widowers "shamefully" married men and women who were very much younger.[17]

These processions could indeed be quite violent. But in contrast to the town carnival, which possessed a political dimension, they served to sustain the existing normative order of the village that had been challenged by an "indecent" marriage, adultery, or behavior that called into question the patriarchal hierarchy of marriage. Excessive violence, however, breached the order and could in turn lead to the condemnation and punishment of the perpetrators.

E. P. Thompson also argued that the occasion for "rough music" was provided above all by the violation of patriarchal sexual norms.[18] The victims were predominantly women who had contravened the norms of a patriarchal society: the quarrelsome and angry woman, the wife who beat her husband. But cuckolded or beaten husbands could also be punished, since from the perspective of the community they were unable to assert the patriarchal order. According to Thompson, however, hiding behind these questions of honor were very tangible economic conflicts and rivalries. And even though the violence could become excessive, the ritual itself must be seen as a means of controlling and channelling the violence.

In an effort to protect the punishment practices of popular tradition against historiographical degradation Thompson emphasized their orderliness, boundaries, and inherent "moral economy." But he too saw the ambivalence of people's justice, which did not appeal to "reasonable conviction but rather to prejudice [. . .] ['Rough music'] could legitimize the aggression of youths, and (if one may whisper it) youths are not always, in every historical context, protagonists of rationality or of change."[19] There was much about rough music that appealed to Thompson. And in contrast to the extremely alienated capitalistic and bureaucratic society, "rough music" still belonged to a way of life in which justice was not yet totally alienated. However, "[b]ecause law belongs to the people, and is not alienated, or delegated, it is not thereby made necessarily more 'nice' and tolerant, more cosy and folksy. It is only as nice and as tolerant as the prejudices and norms of the folk allow."[20] And some victims must have experienced the implementation of laws and the development of a bureaucratized police as liberation from the tyranny of their own people.

In the modern process of state formation during which the state regulated and standardized legal principles and codes, these forms of people's justice were increasingly repressed but did not disappear completely. They continued to erupt, for example, during the occupation of the Rhineland in the early 1920s by French troops, where German

women who had relationships with French soldiers became victims of public humiliation and abuse. In 1924, no fewer than 26 men from the region around Castrop-Rauxel were put on trial because they supposedly had tied a woman to an advertising column, poured tar over her hair, and hung a derisively inscribed sign around her neck. Other reports from mining communities described cases in which women were abused, beaten, and had their hair publicly sheared.[21] The representatives of nearly all parties in the National Assembly spoke in a common resolution about the "inextinguishable disgrace" incurred because of the stationing of "colored" soldiers in Germany and the fact that "these savages" represented a "gruesome danger" for German women and children.[22] Even Reich President Ebert, a member of the Social Democratic Party, complained "that the use of colored troops from the lowest cultural level as supervisors of a population with the elevated spiritual and economic significance of the Rhinelanders [is] a provocative violation of the laws of European civilization."[23]

Initially, there was a noticeable dramatic intensification of the conflict. It became a question of the survival or downfall of the white race. Then the idea of the contamination of the white race due to mixing with foreign races took hold. Theoretically, it was possible, as Eugen Fischer did, to put forward the idea that the "crossing" of different races would ennoble the "lower" races or optimize their best characteristics. But instead, it was the theories of contagion and anti-Semitism that gained plausibility within the social discussion, according to which any sexual contact with a "lower race," especially the Jews, would incurably poison the "higher race."[24]

This racist, apocalyptic phantasm of "blood contamination" was widely spread by Alfred Dinter's *The Sin against the Blood*, a novel published in 1917 that within a very short period was reprinted several times and reached an estimated 1.5 million readers. Dinter's novel contributed significantly to the spread of the radically anti-Semitic contagionist notion that a single act of sexual contact with a Jewish man was sufficient to forever contaminate the children of an "Aryan" woman, even if those children were from a "racially pure" man. The phantasm of the "preeminent potency of Jewish blood" and a Jewish plan of "racial poisoning"—the connection between sexuality and anti-Semitism—had always dominated National Socialist propaganda, especially that of the *Stürmer*. Dinter himself, who joined the National Socialists for a brief period from 1925 to 1928 and was the NSDAP Gauleiter of Thuringia, demanded in his book that marriages between "Germans and Jews" be prohibited and that every Jew who "defiled a German girl" be punished.

5.

National Socialist acts of violence against so-called racial defilement were thus not as "medieval" as they might seem, but were instead adapted practices of honor justice. These practices had not been part of the state's criminal code since the nineteenth century, but as "people's law" (*Volksjustiz*) they remained virulent. Here, however, it is a matter of National Socialist mimicry. For one thing, early modern honor justice was strictly regulated and codified by the authorities. It was even stipulated which authority could pronounce what honor punishments as well as which punishments could be applied to specific violations. Moreover, the accused had the right to defend themselves and plead for mercy. Additionally, the people's practice of honor punishments sought to restore the "good order" that had been violated by the "shameful" behavior of individuals. In contrast, the National Socialists did not want to restore an old order but rather to violently assert a new racist order. Thus the forms of traditional practices of honor punishments that reemerged under the Nazi regime do not indicate a smooth continuity. Rather, they reveal much more the reservoir of practices from which National Socialists could draw in order to realize a racist order in everyday life and thereby create a new form of justice—arbitrary, situational, and supported by racial *völkisch* sentiment alone.

It was thoroughly consistent to link racism and anti-Semitism with the concept of "honor," for there was hardly another notion better suited to designating differences, boundaries, and inequality. "Honor" offered a familiar semantic field steeped in tradition with which to signify levels of and exclusions from social recognition. Whether someone was "honorable" or had heaped "shame" upon him or herself was something determined by the immediate *Gemeinschaft*, independently of whether or not these norms were also regulated by authoritative courts. The social status that someone was granted in the *Gemeinschaft* found its conceptual expression in "honor," which, with its terminological vagueness, indicated the openness of the attribution and at the same time circumscribed a specific practice.[25]

"Honor" as a social practice of inequality and the production of social order joined seamlessly with the National Socialist practice of destroying a civil society of equality and erecting a *Volksgemeinschaft* of racist inequality. On the one hand, it stood for the inclusive but thoroughly graduated meaning of "honorability," which strengthened the social hierarchy; on the other hand, it meant the severe condemnation and exclusion of those who were accused of "shame." And this openness

of the concept of honor accommodated National Socialist purposes of radically changing the system of moral norms. "Honor" was in fact, a suitable medium through which to impose the *Volksgemeinschaft*. There is virtually no other concept that reveals more clearly the nexus between language and the practice of social power.

Honor was always linked to sexuality and the aim of maintaining the sexual patriarchal order. Men could also become the target of popular practices for punishing violations of honor codes, for example, if a man's wife had an extramarital affair or if elderly men married young women. But such sanctions more often targeted women, who were expected to maintain their purity and punished severely if they failed to do so. This did not change in the twentieth century: violence and gender remained the two decisive characteristics of honor.

The central field of female "honorability" was sexuality. Chastity, abstinence before marriage, and an exclusive sexual commitment to the husband comprised the matrix of female honor, while promiscuity was essentially demanded of young men. From the perspective of the patriarchal society, adultery by a woman damaged not only her own honor but also the honor of her husband or brother—a "double violation of honor" (*Ute Frevert*) that destroyed the social identity of two persons—whereby, in contrast, adultery by a man left his identity wholly untouched. For this reason, however, the power that men acquired through this strict sexual codification was exceptionally fragile, for it rested on the absolute adherence to a normative sexual purity by the women, something that men, in the end, had no command over. Additionally, within the masculine code of honor, the ability to "conquer" other women—thus damaging their honor—was considered quite important. At any time, their women could fall in love—or, from a masculine perspective, succumb to a seducer—which also damaged masculine honor. Feminine purity was always at risk, which made men perpetually insecure and suspiciously watchful. The readiness at any moment to assert, aggressively and to the death, the honor of his woman and thus above all his own honor represents an essential pattern of masculine gender construction into the twenty-first century.[26]

Additionally, there was a racial component included in the concept of honor. What had been a means of regulating social behavior in pre-modern times was transformed by the principles of racial biology into a practice of irreversible exclusion. By merging race and honor to form "racial honor" (*Rassenehre*), racists—and especially National Socialists—not only created a new term, they also produced a new social practice that perpetuated and strengthened many of the

implications that came with the concept of honor. At the same time, they transformed the previous conceptual and praxeological structure in a specific and exclusive manner. Nothing characterizes this transformation more clearly than the concept of "racial defilement" (*Rassenschande*) itself. The central focus of National Socialist action was not the (positive) perpetuation of honor as the social quality of a person; instead, the focus was on the (negative) punishment and condemnation of those people who, from a racist perspective, had "defiled" themselves and the *Gemeinschaft* by overstepping the borders drawn by the concept of racial purity. The National Socialists were not concerned with supporting a traditional order of decency but rather with the implementation of a new racist-biological order of inequality—the *Volksgemeinschaft*.

6.

Violence was the constitutive medium of National Socialist politics. For that reason, despite all of the centralization of command authority, preserving the state's monopoly of violence was a constant problem for the Nazi leadership, for the local party organizations could not understand why they should renounce violence just because the "movement" had taken over the "state." "Legal is that which benefits the Volk" was the maxim of National Socialist legal theory, and in accordance with the utilitarian reference to the "Volk" beyond the law, the application of violence was determined by National Socialists only through political calculation.

If the application of physical violence is no longer based on the consent of equal and free citizens and limited by law but instead is exclusively dependent on political claims to command authority, then there is no reason for any institutions of the National Socialist regime to refrain from violence. Those who link the application of violence solely to political purposes do not really have a persuasive argument by which to insist on a monopoly of violence; there is only the claim to command authority and the discipline of obedience. Thus it was always difficult for the Nazi leadership to maintain control over violence after the leadership itself, in keeping with utilitarian use of violence for the benefit of the *Volksgemeinschaft*, had demanded violence "from below."

The seemingly medieval practices included in the "racial defilement" processions revealed a form of "people's justice" in which not all citizens are equal and principles of justice are not defined constitutionally and by means of statutory law that is accepted by all

and that every citizen can use as a point of reference, in court and elsewhere. *Volksjustiz* in National Socialism was determined by the people and their particular locale. The people passed judgment as well as executed justice: "people's justice," a radical and violent critique of the Civil Code, and at the same time a twisted intensification of its logic.

Above and beyond the destruction of the civil legal order, violence provided the experience of unmediated physical power. "This is the root of power," writes the sociologist Heinrich Popitz. "People can exercise power over others because they can injure others."[27] The experience of power as well as powerlessness is nowhere more immediate than in the capacity to inflict and to suffer physical violence. Human beings have the power to inflict injury and to experience it in numerous ways. The vulnerability of the human body, the body's creatural violability, the threat of death: all these are experienced tangibly and are not merely abstract concepts.

For the victim, once violence has been done, nothing remains the same. The victim's inner constitution is irreparably damaged; confidence in his or her own strength and physical integrity is irretrievably shaken. The humiliation, debasement, and the tangible proof of inferiority continue to have an effect, especially where the encounter that has occurred was not between two equal opponents. The experience of weakness is diametrically opposed to the certainty of strength, and yet the two are, of necessity, linked to one another. Only defeat for one secures the experience of victory for the other. The overpowering violence of the perpetrators corresponded to the complete, demeaning powerlessness of the victim, a powerlessness that extinguished the dignity of the individual. The ostracized victim was robbed of his or her opportunity to reciprocate, the right to self-defense interpreted as impermissible resistance. Meanwhile, the attacker could be confident of his or her own structural superiority before even committing the deed.

Violence was public; it was meant to display the powerlessness of the victim and the power of the perpetrators. Public humiliation of the victim was a constitutive element of these activities. It occurred not only through the use of the *Stürmer* display cases but also in person, highly visible at important public places such as in front of the town hall or on the local marketplace. These were sites frequented by the entire population, where everyone could see who had been publicly debased and exposed to abuse. The photographs in Norden had been made by the owner of the local drugstore, a member of the National Socialist party who displayed the photos in his shop window

for more than a week, showing them to every customer, every pass-
ers-by, proud of these violent acts and inviting them to buy copies and
eternalize these political emotions.

   This barely disguised complicity, which in practice suspended
the existing legal order for the Jewish population by denying them
protection and exposing them to acts of violence, were a kind
of politics "from below" that was as necessary in establishing the
Volksgemeinschaft as the decrees, laws, and policies set down "from
above". From the moment that law could be broken with respect
to an ostracized group without the fear of consequences, the bor-
ders of the *Volksgemeinschaft* were drawn, borders that included all
Volksgenossen, on the one hand, and excluded all Jews and all others
deemed foreign and "racially impure" on the other.

   Alf Lüdtke has noted: "For more than a few of those who were
positioned outside of the 'high commands' of society and the state,
acts of violence proved to be a 'satisfying' form of political action.
Actors and claquers participated in *their own* way in political rule."[28]
Everyone—militants and onlookers, activists and opportunists—
could participate and wield power. Although violence against Jewish
citizens did not create the *Volksgemeinschaft*, these practices did,
for a brief moment, anticipate the reality of the *Volksgemeinschaft*.
The old order in which all citizens were equal was suspended and
a new political order of racial inequality established in which the
Nazis' power of the master race, their feelings of superiority, of
self-empowerment could be experienced, indeed, in physical sense
as well as visually. This self-empowerment and self-affirmation by
anti-Semitic violence can be seen and is reproduced in these photo-
graphs, the complicity of the bystanders with the perpetrators, the
feeling of community and the certainty of being members of the
superior race. The fact that the Norden druggist displayed the pho-
tographs of the anti-Semitic "racial defilement" campaign in July
1935 in the shop window, the presentation of photographs of cus-
tomers who still dared to buy in a Jewish-owned shop in the *Stürmer*
boxes throughout the German province, made clear that the visual
marking of inclusion and exclusion was essential for the establish-
ment of the *Volksgemeinschaft*. Community building by exclusion-
ary violence became visible in these photographs. As these images
document, violence was not hidden but rather publicly exhibited.
Violent practices that were merely ephemeral feelings of commu-
nity and superiority needed to be visualized to perpetuate these
moments and transform their situational character into an enduring
order of racist hierarchies.

Notes

1. Concerning the provenance of these photos, see Christoph Kreutzmüller and Julia Werner, *Fixiert. Fotografische Quellen zur Verfolgung und Ermordung der Juden in Europa*, (Berlin: Hentrich & Hentrich, 2012), 5.
2. Bernhard and Astrid Parisius, "'Rassenschande' in Norden. Zur Geschichte von zwei Fotos, die das Bild Jugendlicher von der NS-Zeit prägen," *Ostfreesland 2004. Kalender für jedermann*, (Norden: Verlag Heinrich Soltau, 2003), 129–137.
3. On this case cf. Michael Wildt, *Hitler's Volksgemeinschaft and the Dynamics of Racial Exclusion. Violence against Jews in Provincial Germany, 1919–1939*, translated from the German by Bernhard Heise (New York: Berghahn Books, 2012), based on Parisius, "'Rassenschande' in Norden."
4. Wildt, *Hitler's Volksgemeinschaft*.
5. Christine Neemann was taken to the Moringen concentration camp and released at the end of August 1935. Her employer, for whom she had worked for ten years, fired her. In 1936 she was imprisoned again because someone denounced her for saying that the Gestapo had mistreated her. In 1942 she married a train conductor. Julius Wolff was able to flee to America. Elisa Extra was brought with Christine Neemann to the Moringen concentration camp and released at the end of August, too. She also lost her job at the post office. She fled to Amsterdam and found a position as a maid with a Jewish family. Her fiancé Richard Cossen was able to flee to Amsterdam in 1936 and from there to Argentina. The legal proceedings conducted in 1949 resulted in the sentencing of six defendants to prison terms of between three and seven months, one of the SA Sturmführer and a police officer were acquitted due to lack of evidence (Wildt, *Hitler's Volksgemeinschaft*).
6. Cf. the article of Petra Bopp in this volume.
7. Klaus Hesse and Philipp Springer, *Vor aller Augen. Fotodokumente des nationalsozialistischen Terrors in der Provinz* (Essen: Klartext, 2002).
8. Concerning the role of bystanders cf. Chapter 4, "The Bystanders: Towards a More Sophisticated Historiography," *The Holocaust. Critical Historical Approaches,* eds. Donald Bloxham/Tony Kushner (Manchester, New York: Manchester University Press, 2005), 176–211.
9. Robert Gellately, *Die Gestapo und die deutsche Gesellschaft: die Durchsetzung der Rassenpolitik 1933–1945* (Paderborn: Schöningh, 1993), 185; see also Sheila Fitzpatrick and Robert Gellately, eds., *Accusatory Practices: Denunciation in Modern European History, 1789–1989* (Chicago, London: University of Chicago Press, 1997); on the problem of public(s) and denunciation, see Inge Marßolek, "The 'Writings on the Wall': The Changing Public Sphere and the Jews

in Germany in the Third Reich," *On Germans and Jews under the Nazi Regime: Essays by Three Generations of Historians: a Festschrift in Honor of Otto Dov Kulka*, ed. Moshe Zimmermann (Jerusalem: Yad Vashem, 2006), 193–213.

10. "Albert Hirschland: Der Rasseschänder von Magdeburg," *Der Stürmer*, special edition no. 2, August 1935.

11. Gestapo Sachsen, Report for July 1935, in *The Jews in the Secret Nazi Reports on Popular Opinion in Germany, 1933–1945*, eds. Otto Dov Kulka and Eberhard Jäckel (New Haven: Yale University Press, 2010), CD-ROM, doc. no. 1027, cf. also Alexandra Przyrembel, *"Rassenschande": Reinheitsmythos und Vernichtungslegitimation im Nationalsozialismus* (Göttingen: Vandenhoeck & Ruprecht, 2003).

12. Administrative district Minden, report for July 1935, in: *The Jews in the Secret Nazi Reports*, CD-ROM, doc. no. 1081.

13. *Ostfriesische Tageszeitung* of July 23, 1935, cited in Hans Forster and Günther Schwickert, *Norden. Eine Kreisstadt unterm Hakenkreuz* (Norden: Norden, 1988), 161.

14. Cf. Sandra Starke, "Fenster und Spiegel. Private Fotografie zwischen Norm und Individualität," *Historische Anthropologie* 19 (2011), 3, 447–474.

15. Pierre Bourdieu et al., *Photography: A Middle-Brow Art* (Stanford, CA: Stanford University Press, 1990), 19.

16. Ibid.

17. Natalie Zemon Davis, "The Reasons of Misrule," in *Society and Culture in Early Modern France: Eight Essays* (Stanford: Stanford University Press, 2003), 97–123.

18. Edward P. Thompson, "Rough Music," in *Customs in Common: Studies in Traditional Popular Culture* (New York: New Press, 1993), 467–538.

19. Ibid., 530.

20. Ibid.

21. Gerd Krüger, "Straffreie Selbstjustiz: Öffentliche Denunzierungen im Ruhrgebiet 1923–1926," in *Sowi* 27 (1998), 2, 119–125.

22. Cf. Gisela Lebzelter, "Die 'Schwarze Schmach': Vorurteile–Propaganda–Mythos," in *Geschichte und Gesellschaft* 11 (1985), 37–58.

23. Friedrich Ebert, *Schriften, Aufzeichnungen, Reden*, vol. 2 (Dresden: Reissner, 1926) 290.

24. Cornelia Essner, *Die "Nürnberger Gesetze" oder Die Verwaltung des Rassenwahns 1933–1945* (Paderborn: Schöningh, 2002), 40–49.

25. Cf. Klaus Schreiner and Gerd Schwerhoff, eds. *Verletzte Ehre: Ehrkonflikte in Gesellschaften des Mittelalters und der Frühen Neuzeit* (Cologne: Böhlau, 1995).

26. Ute Frevert, "Ehre—männlich/weiblich: Zu einem Identitätsbegriff des 19. Jahrhunderts," in *Tel Aviver Jahrbuch für deutsche Geschichte* 21 (1992), 21–68.

27. Heinrich Popitz, *Phänomene der Macht*, exp. 2nd ed. (Tübingen, 1992), 25.
28. Alf Lüdtke, "Thesen zur Wiederholbarkeit: 'Normalität' und Massenhaftigkeit von Tötungsgewalt im 20. Jahrhundert," in: *Kulturen der Gewalt: Ritualisierung und Symbolisierung von Gewalt in der Geschichte*, eds. Rolf Peter Sieferle and Helga Breuninger (Frankfurt am Main: Campus, 1998), 280.

PART II

VISIBILITIES OF WARFARE

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LIFE AND DEATH IN PEEP BOXES: BRINGING THE CIVIL WAR TO THE AMERICAN HOME

Annette Jael Lehmann

It is a leaf torn from the book of God's recording angel.

—*Oliver Wendell Holmes,* Atlantic Monthly, *July 8, 1861: 18*

1. OLIVER WENDELL HOLMES'S DISCOURSES ON STEREOSCOPY

An archaeology of our—often violent—visual experience and the forms of reality constitution related to it begins in the nineteenth century amid what Jean-Louis Comolli has memorably described as the "frenzy of the visible." My contribution deals with the experience of participation, immersion, and availability of visual realities through a new medium. In the course of the nineteenth century one specific apparatus extended the field of the visible and transformed the visual experience of mass audiences in particular: the stereoscope. Using the example of Oliver Wendell Holmes's pioneering and little examined discourses on the new medium and the use of the stereoscope during the Civil War, I examine to which extent this medium contributes to perceptual mastery of the visibility of violence. In fact this approach contributes to an overlooked dimension of violence in the American Civil War. As I argue, the American Civil War founded the paradigm of modern

wars that the imminent reality of war remains ambivalent, a distant yet close enough prospect for observers, a visual "set-piece" that Americans want to preserve and hold on in front of their eyes, straddling the divide between the private and the political, the collective and the individual. Violence, while acknowledged, remains at arm's length, close and removed at the same time through new technologies of observation, especially the stereoscope, displaying imagery of situational violence, characteristic of modern civil wars: snipers, guerrillas, wounded veterans, men and armory, and last but not least commanders in pose trying to symbolically incorporate a decisive engagement routing the enemy through massive violence. In other words, the stereoscopic images of the American Civil War allow for a certain level of control, sovereignty, and identification in a postconflict situation in visual scenarios, because they made possible an intimate illusion of visual participation in segmented and fragmented representations of violent events, which involve the observer asymmetrically, mostly in a (more or less voyeuristic) position of a "bystanding" noncombatant. This asymmetry of invisible indiscriminate and massive violence versus intimately visible and commensurable dimensions of violence is characteristic of the display of war images until our digital age. The medium of the stereoscope and its specific display of images in the nineteenth century are paradigmatically relevant for the experiences of sovereignty and control of millions of citizens over a national catastrophe.

Thus the significance of the stereoscope for cultural history stems on the one hand from its importance in the fundamental changes of perception practices of the nineteenth century in general, and on the other from its widespread use in conjunction with millions of photographs produced during the period. A form of optical illusion, originally introduced in 1838 by Charles Wheatstone, the stereograph derives from the fact that human beings see the world through two eyes, each of which sees a slightly different view. When the brain receives and combines these two images, the result yields a perception of the world in three dimensions. In the late 1850s, photographers created special cameras with two lenses that reproduced the vision of two separate eyes. These cameras produced two negatives, side by side, on a single piece of glass. After the negatives were printed, and the resulting photographs mounted on special cards, these cards could be placed in a viewer, where they reproduced a startlingly lifelike image in three dimensions.

The "American stereoscope," developed by the inventor Oliver Wendell Holmes, is an open stereoscope with convex lenses used for stereocards and glass slides, usually in the format 3.1×7.0 inches. It has a shade around the eyepiece to protect against light falling in from the sides. Although usually made of wood, many different models of this popular stereoscope were manufactured, including versions made of metal or plastic. Holmes had a strong influence on the reception of the stereoscopic images, not only through his design for a cheaply produced stereoscope, but also through his published essays in *The Atlantic Monthly* since 1859.[1]

In his most unique reflections on visuality and its transformations in the nineteenth century, Holmes teaches his readers a lesson on how to see so as to make the most of the multiple sets of possibilities made available by the stereoscope as a new form of visual experience. The article in fact documents Holmes's journey through the visual experience of the stereograph, as well as the scientific uses of the stereoscope. Holmes wants his reader to move beyond the fascination of a more or less unreflected visual experience, toward "the consciousness behind the eye in the ordinary act of vision."[2]

Step by step Holmes reveals that which determines the core of the fascination with the stereoscopic experience. The alliance of photography and the stereoscope is a prerequisite for capturing the verisimilitude of life, which became associated with the possibilities of both a perceptual experience and an archival function. Holmes assumes a truthful quality of photography and takes it to be indispensable to the functioning of the stereoscope. When the viewer looked at a stereoscopic view, he or she was looking at a perfectly true replica of reality itself. This ultimately even justifies the "pulling down or burning of the object" in reality once recorded by stereography. Holmes noted three essential qualities that allowed the necessary mental detachment and the truthfulness of the stereoscopic representation. They are: the fact that the stereoscope makes surfaces look solid; the stereoscope renders objects as large as they appear in nature and the photographic stereograph renders fine details visible. The stereoscope further heightens the illusion of reality, of being present to a scene, and thus adds a further dimension to the daguerrean idea of fidelity to prototypes in the world. Because the principle of stereoscopic perception derives from normal three-dimensional vision, "our two eyes see two somewhat different pictures, which our perception combines to form one picture, representing objects in all their dimensions, and not merely as surfaces."[3]

The stereographic image could immerse the viewer in the full three-dimensional depth of the scene, eliminating the flatness of two-dimensional representation; stereographs also enlarged the field of vision so that, as Holmes observed, the object appeared not as a miniature, but as life-size. But the stereograph of course required a special viewing mechanism. The magnified photographic image formed in the stereoscope fills the entire range of vision—unframed, unbordered, boundless, as if before the very scene. Like peep boxes, the stereoscope produced illusions of reality in the form of replicas. The stereoscope allows the photograph to be seen with such enhancement of detail, in "frightful amount," as Holmes put it, that "the mind feels its way into the very depths of the picture,"[4] an effect he described as "half-magnetic" and "dreamlike."[5] The eye activates the mind to "feel" what it sees, to know the scene not through abstractions of reflections but directly: a new kind of visual experience, a new form of presence of life.

This illusion of material presence—Holmes avoids the word copy—is based in fact on a dematerialization of the actual photograph. While the daguerreotype possesses weight and mass of its own, the stereograph is the thinnest of cards, something like a skin itself. It merely carries the image, or the potential of the full dimensional image that is waiting to be formed in the brain once the eyes have perceived it through the mechanical viewer. In "Sun-Painting and Sun-Sculpture" Holmes very remarkably describes the effect precisely as a loss of body:

> At least the shutting out of surrounding objects, and the concentration of the whole attention, which is a consequence of this, produce a dream-like exaltation [. . .], in which we seem to leave the body behind us and sail away into one strange scene after another, like disembodied spirits.[6]

In addition, these features combine to produce an effect, which is of the real and yet unreal or, at least, unfamiliar—as if looking at the real for the first time. This experience stimulates a will to explore the scene in an immediate and intimate way. The eyes and mind seem to detach themselves from the body, allowing the spectator to wander freely inside and across the three-dimensional picture planes. Isolated from the external environment, the spectator's only involvement is with the stereograph in front of him, illuminated by unobstructed light falling across the open stereoscope body. This three-dimensional focus is not always immediate or sudden. The two separate images can be seen to

float together on some occasions. This helps to produce the shock, or surprise that Holmes notes. Once used to discover a hidden third dimension, the array of lifelike objects seems to demand close inspection, enticing the spectator into the picture.

Looking at stereoscopes today, we are retrospectively confronted with the foreignness of another view of the order of things. The images do not at all seem as if they were a simulacrum of reality, but rather the backdrop and props of a theater with depth but without corporality, as if they were flat, cut-out figures arranged within the space of the image. The individual objects seem as if they were thin paper cut-outs without volume. The stereoscopic space appears as a three-dimensional illusion of surfaces arranged in fixed planes at varying distances from our eye. It is therefore difficult to reconcile Holmes's description of the stereoscope's reality effect with reality as we understand it today according to our modern conventions of perception. As Jonathan Crary observes, the stereoscope produces a distinctly planar effect—the objects in the three-dimensional field appear to be set in multiple, recessive focal planes rather than receding smoothly according to the type of perspective familiar to the conventions of seeing in the nineteenth century. This tends to produce a kind of "cardboard cut-out" effect for objects viewed through the stereoscope. A stereograph is almost invariably shot in deep focus, so that all planes of the picture are sharply in focus. This too could account for the apparent "falseness" of the stereoscope in relation to the conventions of human perception. But this universal sharpness is required by Holmes, who goes on to claim that one of the liberating features of the stereoscope is the invitation it extends to explore the complexity of photographic detail and to prioritize incidentals. The magic effect—what Holmes calls the "surprise"—of looking through a nineteenth-century stereoscope is not only produced by the clarity, scale, and depth of its three-dimensional effect, but also by the previously discussed planar distortion. The reference to reality is stimulated by the epistemological forces at play in the nineteenth century that promoted a technology that would capture reality or nature as it was and nothing else is experienced as stereoscopic truth. Holmes and his contemporaries were engaged in a quest to secure an elusive reality so that they could visually grasp it, participate in it, and master it.

In Holmes's theory, the crucial aspect of participation and mastery has a decisive, though often overlooked, consequence, namely within a specific notion of form, in which the separation of form and substance leads to the development of an ideal image.

The object materializes in the image and takes on a timeless form. Photography is the image form of the object that separates it from the object and thus makes the object itself obsolete. If the object and its materiality have been absorbed by the image, then we no longer need objects in and of themselves. Holmes draws drastic conclusions from this theory and ultimately calls for the foundation of an archive of the entire world that would replace the world itself.

Holmes calls "the divorce of form and substance" achieved by the photograph the "greatest of human triumphs over earthly conditions," and foresees no end to the "transformations to be wrought."[7] The metaphor of the imprint is related to an early understanding of the indexical function of images. In addition, images serve to retain the form of objects in reality, which frees them from their material substance and thus provides universal access. Somewhat contradictory, however, is the idea that in these visual surfaces material essences of the world's phenomena become manifest. Holmes cannot resist elaborating his marketplace conceit: "Matter in large masses must always be fixed and dear; form is cheap and transportable."[8] The designation of visual essences as material form is also associated with the idea of universally accessible and ubiquitous models of reality. These essences ultimately permit a comprehensive archivization of the real, akin to the much later suggestion by Susan Sontag that an anthology of images be created, the implication of which would be a new mode of accessing and ascertaining reality.[9] Holmes still associates a mimetic function with his idea of visual form. The stereoscope apparatus shows human beings the world as it would appear to them if it were right in front of them. Ultimately Holmes's idea of the archive expresses the convergence of a visual materialism with a visual idealism, resulting in a notion of stereoscope as providing perfect models of reality. Stereoscopic images created by light thus document how the distinction between subjective seeing and objective reality is dissolved and the viewer is thereby given the opportunity to experience the congruence between perception and reality in the act of seeing.

2. EYEWITNESSING? IMAGES OF WAR: MORE TO BE DREADED THAN DEATH

Oliver Wendell Holmes reported about his journey to the site of the Battle of Antietam during the American Civil War in *The Atlantic Monthly* in December 1862 in an essay entitled "My Hunt after 'The Captain.'" It described his journey through a

landscape ravaged by war and contains vivid descriptions of death and devastation:

> At intervals, a dead horse lay by the roadside, or in the fields, unburied, not grateful to gods or men. I saw no bird of prey, no ill-omened fowl, on my way to the carnival of death, or at the place where it was held.[10]

Holmes draws his attention to the seemingly insignificant details left behind on battle scenes, eyewitnessing the material remains of those who have perished:

> We stopped the wagon, and, getting out, began to look around us. Hard by was a large pile of muskets, scores, if not hundreds, which had been picked up and were guarded for the Government. A long ridge of fresh gravel rose before us. [. . .] The whole ground was strewed with fragments of clothing, haversacks, canteens, cap-boxes, bullets [. . .] scraps of paper, portions of bread and meat [. . .]. I saw two soldiers' caps that looked as though their owners had been shot through the head.[11]

At one point, finding himself in a field where battle had taken place not long ago, he decided to collect material evidence of the scene and took some strange tokens, serving as ambivalent remains or souvenirs of this horrible event.

> I picked up a Rebel canteen, and one of our own,—but there was something repulsive about the trodden and stained relics of the stale battle-field. It was like the table of some hideous orgy left uncleared, and one turned away disgusted from its broken fragments and muddy heel-taps. A bullet or two, a button, a brass plate from a soldier's belt, served well enough for mementos of my visit [. . .].[12]

This process of eyewitnessing and the collection of remains and material evidence of the war finds its astonishing parallel in taking and distributing pictures from Civil War scenes. These pictures or remains, mostly in mass-produced stereographic views, brought to the people at home a sense of the actual presence of war. Holmes, further writing on "Doings of the Sunbeam" in an *Atlantic Monthly* edition from 1863, points at this function of photography in commenting on some of the views taken by Mathew Brady after the Battle of Antietam.

> The field of photography is extending itself to embrace subjects of strange and sometimes fearful interest. We have now before us a series of photographs showing the field of Antietam and the surrounding

country, as they appeared after the great battle of the 17th of September. [. . .] These terrible mementos of one of the most sanguinary conflicts of the war we owe to the enterprise of Mr. Brady of New York.[13]

In an overwhelming sense those pictures offer an illusionary viewing experience, suggesting a direct visit to the battlefield, documenting material evidence rather than showing casualties of war, in particular in scenes after the actual conflict had occurred. The effect, as Holmes noted, was emotionally intense:

> It was so nearly like visiting the battlefield to look over these views, that all the emotions excited by the actual sight of the stained and sordid scene, strewed with rags and wrecks, came back to us, and we buried them in the recesses of our cabinet as we would have buried the mutilated remains of the dead they too vividly represented. Yet war and battles should have truth for their delineator.[14]

No other war in American history up to that point in time had been so copiously documented in visual images as the Civil War was. Photography had been used to document selected aspects of such earlier conflicts as the Mexican War (1846–1848), but the people, events, and places of the Civil War were recorded to a completely unprecedented extent. More than one thousand individual photographers produced tens of thousands of images in urban studios and locations in the field. The most important category of Civil War photographs encompasses mass-produced stereographic views and carte de visite portraits of leading politicians, military officers, and war scenes. Pictures of bridges, buildings, and equipment of various kinds constitute a smaller category of images, and even less frequent are battlefield photographs taken shortly after military action.[15] The typical absence of photographers from actual combat zones was a specific characteristic of most of the Civil War photography. After a major conflict, the dead were usually buried within two days by the forces that retained control of the contested area. Thus photographs of unburied battle casualties could only be made by cameramen arriving almost immediately after hostilities concluded, and many logistical factors made such timely arrivals difficult. It is therefore not surprising that such powerful scenes were recorded on only half a dozen different occasions during the four years of conflict.

Mathew Brady was also the first, as early as 1862, to publish war images in numbered series of album cards, mounted prints, and stereographs: *Brady's Photographic Views of the War*, *Brady's Album*

Catalogue, and *Incidents of the War*.[16] In the same year, the *New York Times* printed a review of the exhibition of Brady's Civil War photography, noting the "terrible fascination" of the views encountering images of dead bodies:

> Mr. BRADY has done something to bring home to us the terrible reality and earnestness of war. If he has not brought bodies and laid them in our dooryards and along the streets, he has done something very like it. At the door of his gallery hangs a little placard, "The Dead of Antietam." Crowds of people are constantly going up the stairs; follow them, and you find them bending over photographic views of that fearful battle-field, taken immediately after the action. Of all objects of horror one would think the battle-field should stand pre-eminent, that it should bear away the palm of repulsiveness. But, on the contrary, there is a terrible fascination about it that draws one near these pictures, and makes him loth to leave them. You will see hushed, reverend groups standing around these weird copies of carnage, bending down to look in the pale faces of the dead, chained by the strange spell that dwells in dead men's eyes [. . .].[17]

Once again the sharpness of detail contributes to the verisimilitude and life-likeness of the photographs, which can be brought into focus by a magnifying glass.

Figure 9.1 Timothy H. O'Sullivan, Confederate soldiers who had evidently been shelled by our batteries on Round Top, at the Battle of Gettysburg; Library of Congress, Prints & Photographs Division, reproduction number LC-DIG-stereo-1s02945.

The ground whereon they lie is torn by shot and shell, the grass is trampled down by the tread of hot, hurrying feet, and little rivulets that can scarcely be of water are trickling along the earth like tears over a mother's face. It is a bleak, barren plain and above it bends an ashen sullen sky [. . .]. These pictures have a terrible distinctness. By the aid of the magnifying glass, the very features of the slain may be distinguished.[18]

Harper's Weekly published engravings of these images and the accompanying text stressed the "wonderfully lifelike" quality of the pictures taken: "Minute as are the features of the dead, and unrecognizable by the naked eye, you can, by bringing a magnifying glass to bear on them, identify not merely their general outline, but actual expression."[19]

In July 1863 Alexander Gardner, William Gibson, and Timothy O'Sullivan traveled to the battlefield of Gettysburg to produce a now famous group of about 60 photographs, later collected in the *Photographic Sketchbook of the War* (1866).[20] The published album offered another possibility of reception and was more elaborate, costly, and exclusive than the stereograph series.[21] Gardner and his crew were the first photographers to arrive at the scene (approximately 36 hours after the conclusion of the battle). Working quickly as Union burial parties cleaned up the battlefield, they focused their attention on the areas still containing corpses, because they had earlier found success with a series showing the dead at Antietam. This act of taking pictures resulted in the devotion of fully 75 percent of their plates to these subjects, and the great majority of the views produced were stereographs. At Antietam, for example, 70 negatives were developed within five days of the battle: 62 in the stereographic format and 8 as single-plate eight-by-ten-inch views and at Gettysburg about 80 percent of the nearly 60 negatives were stereographs.

What appeared to be the pure documentation of the scene included in fact some carefully selected elements of composition in the process of taking the pictures. Common to the composition of most of the war photographs is a strong resemblance to genre paintings or drawings; there are staged scenes showing an artillery battery at work, or soldiers working in camps. It is now well known that Civil War photographers often orchestrated scenes of daily life in the camps to convey an impression of informality, or posed groups of soldiers on picket duty; this manipulation of the scenes even included moving corpses into more advantageous positions for dramatic close-ups of battlefields. Those staged compositions are in fact part of a narrative

strategy and textual practice that accompany the pictures. The manipulation involved in Alexander Gardner's famous *Rebel Sharpshooter* presents a more extreme example of this apparent conflict between documentary and esthetic purposes. Gardner's team deliberately moved and arranged the body of a Confederate infantryman killed at Gettysburg for their photographs at the battlefield on July 6, 1863. This "contrived" image was accompanied in the *Sketch Book* by a text that was, in itself, a poetic fiction.

> A burial party, searching for dead on the borders of the Gettysburg battle-field, found in a secluded spot, a sharpshooter lying as he fell when struck by the bullet. His cap and gun were evidently thrown behind him by the violence of the shock, and the blanket, partly shown, indicates that he had selected this as a permanent position from which to annoy the enemy. How many skeletons of such man are bleaching to-day in out of the way places no one can tell.[22]

By exercising esthetic, discursive, and compositional control over his subjects, Gardner achieved one of the most powerful visual/textual narratives of the war. Paradoxically, here the photographic or the stereoscopic images with such strong visual presence require language to make their viewers see and understand. The texts, which are placed near the images, are by definition ekphrasis, serving as a verbal equivalent of a visual representation.[23] In Gardner's *Sketchbook* the narrative in fact dictates the viewer's reading of the image. And what this suggests most notably is that Gardner was playing upon his audience's belief in the veracity of the medium while taking for himself a much more flexible view of photographic practice, whereby the manipulations of the photographer were excusable in the interest of achieving a rhetorically convincing effect. In a brief preface to the book Gardner explains his wish to preserve as "mementoes of the fearful struggle" images of "localities that would scarcely have been known, and probably never remembered" but are now celebrated and "held sacred as memorable fields, where thousands of brave men yielded up their lives a willing sacrifice for the cause they had espoused."[24] Gardner proposes a quasi-heroic act of remembrance of "sacrifice" as a way of reuniting the dead with the living. He describes here the reception of photographic images as mourning, and by thus memorializing events and places, the photographs help heal the nation. The implicit concept of collective mourning is in a sense an attempt to make images commensurable as well as giving them an important social function. When image and text are combined, an unspeakable

experience is correlated with the need to comprehend, to explain, to justify, in other words: to view the war as a supposedly intelligible political and moral event.

Another striking example of the mingling of fact and fiction by specifically constructing a heroic narrative can be analyzed in Plate 16, "Inspection of Troops at Cumberland Landing, Pamunkey, Va., May, 1862."[25] It presents another type of challenge for ekphratic presentation: the text had to recharge the antiheroic detail of the image with heroic meaning. Consequently, the description begins by announcing "one of the most magnificent spectacles ever seen in the army," the massing of troops upon a "barren" field "converted [. . .] as if by magic, into an immense city of tents." "From the hill above Toller's house," the viewer is instructed, "the scene was truly grand," including a river which reflected the horrific spectacle "like a mirror."[26]

The importance of ekphrasis as framing the meaning of the image is even more explicit when a particular image is supposed to be transformed into myth and monument. Image and text seem harmoniously combined in the book's most famous picture, perhaps the most frequently reprinted of all Civil War photographs: Timothy O'Sullivan's "A Harvest of Death, Gettysburg, July, 1863." The title alone transposes the image from the specific to the general, to allegory and even mythological statement:

> Such a picture conveys a useful moral: It shows the blank horror and reality of war, in opposition to its pageantry. Here are the dreadful details! Let them aid in preventing such another calamity falling upon the nation.[27]

The text reads the blankness, focusing on details as representation for the whole, alluding to the inexpressibility of devastation, which writes itself upon the scene. Fixed in their final agony, the corpses seem self-memorializing. As the text indicates, the O'Sullivan picture embodies the central motive of the *Sketch Book*—to transform scenes of war into sacred memories, into monuments. On the other hand however, the text attached to Plate 94, "A Burial Party, Cold Harbor, Va., April, 1865," offers a more complete reading of the picture:

> This sad scene represents the soldiers in the act of collecting the remains of their comrades, killed at the battles of Gaines' Mill and Cold Harbor. It speaks ill of the residents of that part of Virginia, that they allowed even the remains of those they considered enemies, to decay unnoticed where they fell. The soldiers, to whom commonly

falls the task of burying the dead, may possibly have been called away before the task was completed. At such times the native dwellers of the neighborhood would usually come forward and provide sepulture for such as had been left uncovered.[28]

Here two horrific facts, which mostly remain invisible in representations of the war, are depicted in the image as well as the text: death as decomposition and dissolution, and blacks laboring in the fields, collecting dead corpses, a harvest envisaged in the biblical expression of "Harvest of Death."

The ekphratic concept of narrative was central to the photographic aesthetic of war images of the mid-nineteenth century. Successful photographs promoted understanding, empathy, and moral insight, while allowing viewers to establish connections between themselves, the events

Incidents of the War.

A HARVEST OF DEATH.

Gettysburg, July, 1863.

Figure 9.2 A Harvest of Death, photo by Timothy H. O'Sullivan, Library of Congress, Prints & Photographs Division, reproduction number LC-B8184–7964-A DLC.

shown, and a shared set of cultural values. As the textual commentaries point out, the extraordinary value of the photograph lay in its ability to stimulate an emotional response in the viewer, as well as the sense of participation and an understanding of symbolic values. Sentimentality and morality are sometimes even confused with poetry,

> that no green fields or smiling landscapes can possess. Here lie men who have not hesitated to seal and stamp their convictions with their blood,—men who have flung themselves into the great gulf of the unknown to teach the world that there are truths dearer than life, wrongs and shames more to be dreaded than death.[29]

Paradoxically, ekphrasis here enables the viewers to see a sublime "poetry" in images that was once rendered incommensurable. Photographic images, no matter how horrific, were consequently integrated into an existing discourse, reflecting the cultural ideology of heroism and even progress. The *Sketch Book* was thus an "intensely National work."[30]

Nonetheless, a number of stereoscope images of the American Civil War fulfill a predominantly documentary function, which served in a strict sense an instructive or educational purpose for the viewers. Most of those are scenes of actual labor, construction, or destruction crews frozen in the performance of an act named and described in the text and made comprehensive for instance as part of a larger picture of the construction of a railroad system. The pictures visualize steps in certain procedures—the industrial skills and transportation—communication infrastructure by which the North eventually wore down the less industrialized enemy in the South. This kind of stereoscope proved how the Civil War served as a proto-industrial experience, introducing a new scale in organizational systems and overturning older patterns. Many sought in these images a comprehensive visual record of what later viewers understood as the heart of the war effort: a radically innovative system for the production, transportation, and storage of unprecedented quantities of supplies. However, the first war of the industrial era was, to an important degree, a war of numbers and abstractions: quantities of men and materials, speed of production and engineering principles of structure and efficiency. The precision and rapidity of photography made it particularly useful for documenting such information. Military pictures performed a consistently didactic function. Students and professional soldiers alike studied maps and photographs of battlefields to better understand the complexities of particular engagements. Similarly, pictures

of forts, bridges, and artillery batteries were important because they demonstrated accepted techniques of construction and deployment. The military use of photography in the Civil War developed out of the preexisting martial tradition of maps, diagrams, sketches, and prints. These elaborate modes of documentation served a specific function: the purpose of precisely recording military data.

The use of photography for the documentation of techniques and experiments of various kinds was not limited to the Department of Engineers or other technical departments. The US Army Military Medical Department used the medium for similar purposes, constituting yet another important official source of war photographs. In this department of the army, medical officers carefully documented the nature of this new war and the effectiveness of their methods of coping with its demands. To aid this historical and analytical effort, the Surgeon General of the Medical Department established the Army Medical Museum in 1862 to collect and study "all specimens of morbid anatomy, surgical or medical, which may be regarded as valuable; together with projectiles and foreign bodies removed, and such other matters as may prove of interest in the study of military medicine or surgery."[31] Civil War medical photographs display a specifically clinical approach to their subjects, who are usually displayed as dispassionately and objectively as possible. However, this "scientific" stance seems frequently at odds with the often horrific subject matter of these images. The intensity of these photographs, perceived outside their immediate context, is stressed by the language of such titles as "Successful Intermediate Excision of the Head, Neck and Trochanters of the Right Femur." Unlike any other genre of Civil War photography, medical views are characterized by the immediacy of the close-up, producing an odd pictorial combination of emotional detachment, an unnerving physical intimacy, and a vision of formal and often physical fragmentation.

3. PERCEPTUAL MASTERY OF THE REAL

In the popular context, the documentary purposes of the photographs and stereographic images were less important than the possibility of eyewitnessing and thus participating in events, which in most cases took place in the private space of the Victorian home. As Alan Trachtenberg has pointed out: "In their fragmentary presentation of the war, their individual vividness at the expense of a blurred vision of the whole, the photographs may have conveyed a subliminal

message of inexpressible interiors—not the stuff of romantic myth or heroic legend."[32] Photographers and publishers took into consideration the fact that their images mediated the daily experience of the war for the populace at home. Whether translated into wood engravings and lithographs in the daily press or offered for sale as freshly made prints, mainly in stereo card or carte de visite format, the images were destined for home consumption. Stereographs brought the war home to Americans more effectively than other photographic modes, precisely because their illusion of closeness allowed the war to be commensurable, at the paradoxically close distance of a spectacle performed as if for parlor viewing. Accordingly, *Harper's Weekly* remarked on the tremendous detail and veracity of those stereographic images, yet it was a more intimate involvement that gave the photographs significance: "All who follow the army with their private hearts as well as their public hopes will see with curious satisfaction the roads, the fields, the woods, the fences, the bridges, the camps and the streams which are the familiar daily objects to the eyes of their loved soldier boys."[33] In his epistemology of the spectator, Hans Blumenberg has shown that interest in catastrophes, violence, and disasters is the product of a certain intellectual curiosity. His metaphor of a shipwreck witnessed by an audience implies that the audience watching the terrifying event remains at a safe distance from it.[34]

The reception of Civil War stereoscopy in the private sphere constitutes a viewing position, in which a perceptual mastery of incommensurable and horrific events is possible. This viewing sphere has a significant impact on the function of the images themselves. They basically serve as souvenirs, as tokens and material evidence to be collected by the eye, giving the illusion of witnessing the events. Moreover, the stereoscopic souvenir reduces the public, the monumental, and the three-dimensional into the miniature, that which can be easily appropriated by perception, or into a two-dimensional representation, which can be appropriated within the privatized view of the individual subject. The photograph as souvenir is a logical extension of the pressed flower, the preservation of an instant in time through a reduction of physical dimensions and a corresponding increase in significance, supplied by means of narrative. The suggested depth of the photographic image, its promise of visual intimacy at the expense of the other senses, makes the supplement of an ekphratic text, the telling of a story, all the more poignant. For the narration of the photograph will itself become an object of sentimentality, if not nostalgia.

In the medium of stereoscopy, the nostalgic illusion of witnessing is essentially stimulated by a specific perception of space as interior. The stereoscopic image offers both a clearly defined slice of reality and a fixed standpoint from which the viewer looks at it. This fixed area and its stasis recall the model of the peep show and the camera obscura and thus connote visual perception as an element of the middle-class interior. The experience described so well by Holmes, as if one were placed directly within the space depicted, is related to the change in experience of seeing resulting from the optical impression that the perceived objects are three-dimensional against a backdrop of the space within the image, which appears as if organized by the central perspective. Representation from a central perspective made way for the two-dimensional representation of a homogeneous space: the impression imparted by the image is determined by a framed slice of reality, an open window that allows the eye, which has been put at rest, a perception of space based on the central perspective.

Given that it is an artificial situation in which observation takes place due to the stereoscopic apparatus and the corresponding fixed position of the eye, a unified vanishing point is less important than the spatial-dimensional depth. The impression of three-dimensionality results from an exact specification of distance between the two identical images displayed in the stereoscope. The shorter distance from the eye to the closer image leads to a depth effect that is more pronounced than that of the central perspective. It is this illusion of three-dimensionality that leads to the impression that the elements in the image are material objects, which suggests to the viewer that he or she has control over the space and the objects seen there. Thus the stereoscopic images do not simply fulfill a representative role, but more importantly they allow an autonomous reality to be developed, which then serves as a model. Rosalind Krauss has said of this fundamental dimension of perspective for the viewer in photography that they are "raised to a higher power," because the attraction for the viewer results from perceiving "what happens when a deep channel of space is opened before one."[35]

Stereoscopy proves to be a visual experience related to the idea of a *vera icon*, given that its objects are preserved and verisimilarly reproduced. The regenerative capacity of the medium proves further to be relevant particularly within the perimeters of the experience of participating in the visual sphere. Because the viewer has the impression of being placed directly into the image, their visual experience is conflated with the physical reality of their bodies. The stereoscopic image thus suggests a tactile relationship to the objects it represents.

Reception takes place not only on the level of visual perception and mental contemplation, but also on a level suggesting that the image presents us with a reality that can be haptically grasped and which can also touch us in return. The illusion of a spatial depth that extends beyond the conventional vanishing point can be understood as a prototype of models of virtual reality, given that three-dimensional effects can be recaptured from a two-dimensional image. This proto-virtual reality is linked to the illusionistic effect of participating in, of having a physical presence in the space shown.

To a certain extent, stereoscopic images mummify a segment of space and time, which is presented for the viewer. Especially the late, closed-bodied stereoscopes produce the effect of looking at "still-life images,"[36] a condition that Holmes was anxious to dispel in relation to nineteenth-century versions. But there is nevertheless a suggested experience of entering the scene on display, because what the viewer is looking at appears as a model of reality rather than reality itself. The still-life model exemplifies a striking analogy to real life: "The still life stands in a metonymic relation to everyday life; it's configuration of objects does not frame another world so much as it enters the frame of this world, the world of individual and immediate experience in a paradise of consumable objects."[37] Thus the immobile and absorbed viewers, interfacing with the stereoscopic image-space, anticipate one of the primary pathways that popular culture will follow out of the eighteenth century into the nineteenth and eventually even into our own time, because they push forward the privatization of vision.

This viewing experience of the stereoscope coincides in a general way with Walter Benjamin's account of the reader of the novel as a new, isolated consumer of a mass-produced commodity. The privatization of vision is a powerful model of what would come to characterize dominant forms of visual culture in Europe and North America—that is, the relative separation of a viewer from a milieu of distraction and the detachment of an image from a larger background. The physical device is simply a figure for a broader psychic, perceptual, and social insularity of the viewer, as well as a pervasive privileging of vision over the senses such as touch or smell. Mikhail Bakhtin indicates that, after the disappearance of carnival, experience in the nineteenth century acquires a "private chamber" character for an enclosed and privatized subject disorder of the premodern fairground, its profuse grotesquerie and strangeness is transposed onto the attractive still-life model of the stereoscope as the multifaceted festival participant is turned into an individualized and self-regulated spectator.[38] And this is part of what Bakhtin saw as the "private chamber" character of experience in the

nineteenth century, where the stereoscopic model of looking describes both an intensification of visuality and also an isolation of the subject from a lived embeddedness in a given social milieu. The still-life effect is thus not only associated with a fixed far-view of a close-up shot and the illusion of stability in the visible world, but also with an individualized, contemplative appropriation of images that is, as Holmes describes, hallucinatory and dreamlike. Thus artificial spheres of images developed that allow viewers the experience of being immersed in images and thereby alternating between the poles of detached contemplation and suggestive suspension. The visual experience of stereoscopy thus creates a point of contact with the world in which presence and absence mix and become indistinguishable in the re-presentation of reality.

Participation in the visual scene, however, initially suggests an experience of perceptual mastery over the real, an effect that Walter Benjamin has posited as a characteristic specific to the medium of photography. In fact, a site like the visual experience of the stereoscope is important for the diversity of "reality effects" that occurred within it. The now classic term *L'effet de réel* from the work of Roland Barthes, who insisted that a new discursive model of reality takes shape in the nineteenth century, indicates that "the real" itself as modernity was invented then.[39] I would however suggest that from the mid-nineteenth century until the twentieth century, the visual experience of the stereoscope implies more than the latter "reality effect." It concerns the illusion of reality's capacity to reveal itself, which allows the viewer to participate in an event in an unmediated way as an audience, whereby the dimensions of an internal versus an external experience become indistinguishable.

The stereoscopic image-space in which the viewer becomes immersed not only allows reality to be enclosed in a manageable form, but also permits the experience of its very presence, including the visibility of violence. In this sense the visual medium of stereoscopy yields an experience of presence as an illusory impression of the lifelike, even in death, which through the individual involvement and participation of the viewer simultaneously creates a modern model of perception.

NOTES

1. Oliver Wendell Holmes, "The Stereoscope and the Stereograph," *The Atlantic Monthly* 3 (June 1859), 738–748.
2. Holmes, "The Stereoscope and the Stereograph," 738.
3. Ibid., 734.
4. Ibid., 744.

5. Oliver Wendell Holmes, "Sun-Painting and Sun-Sculpture; With a Stereoscopic Trip Across the Atlantic," *The Atlantic Monthly* 8 (July 1861), 14–15.

6. Ibid, 14–15.

7. Ibid.

8. Holmes, "The Stereoscope and the Stereograph," 748.

9. Susan Sontag, *On Photography* (New York: Picador, 2001 [1977]), 35.

10. Oliver Wendell Holmes, "My Hunt after 'The Captain'," *The Atlantic Monthly* 62 (December 1862), 745–750, 745.

11. Ibid, 748.

12. Ibid, 749.

13. Ibid; Oliver Wendell Holmes, "Doings of the Sunbeam," *The Atlantic Monthly* 12 (July 1863), 11–14, 12

14. Ibid, 12.

15. E. & H. T. Anthony & Co., eds., *New Catalogue of Stereoscopes and Views* (Rochester, NY: Collection of George Eastman House, 1862).

16. Mathew Brady, *Civil War Photographs, 1861–1865, A Selection from Negatives in the Mathew Brady Collection in the Prints & Photographs* (Washington, D.C.: Library of Congress, 1961); Webb Garrison, *Brady's Civil War: A Collection of Civil War Images Photographed by Mathew Brady and his Assistants* (New York: The Lyons Press, 2002); George Sullivan, *In the Wake of Battle: The Civil War Images of Mathew Brady* (München: Prestel, 2004); Mathew Brady et al., *Civil War Photo Postcards* (New York: Dover, 1994); Benson J. Lossing, *Mathew Brady's Illustrated History of the Civil War 1861–65 and the Causes That Led Up to the Great Conflict* (New York: Fairfax Pr., 1994); Elizabeth Van Steenwyk, *Mathew Brady: Civil War Photographer* (Danbury: Franklin Watts, 1997).

17. Anonymous, *New York Times* (October 20, 1862), 5.

18. Ibid, 5.

19. Anonymous, *Harpers's Weekly* 6 (October 18, 1862), 663.

20. Alexander Gardner, *Gardner's Photographic Sketchbook of the American Civil War 1861–1865* (New York: Dover Publications, 1959 [1866]). (The volume has no pages.)

21. See, for example, Martha Sandweiss, ed., *Photography in Nineteenth-Century America* (Fort Worth: Harry N. Abrahams, Inc., 1991).

22. Alexander Gardner, "A Sharpshooters Last Sleep," *Sketchbook of War*, Plate 40.

23. See William J. Thomas Mitchell, *Picture Theory, Essays on Verbal and Visual Representation* (Chicago: University of Chicago Press, 1994), 151–165; and the classic Murray Krieger, *Ekphrasis: The Illusion of the Natural Sign* (Baltimore: Johns Hopkins University Press, 1992).

24. Gardner, *Sketchbook of War*: n. p.

25. Ibid, "Inspection of Troops at Cumberland Landing, Pamunkey, Va., May, 1862," Plate 16.

26. Ibid.

27. Ibid, "A Harvest of Death, Gettysburg, July, 1863," Plate 36.

28. Ibid, "A Burial Party, Cold Harbor, Va., April, 1865," Plate 94.

29. *The New York Times* (October 20, 1862); quoted in: Trachtenberg, *Reading American Photographs* (New York: Hill and Wang, 1990), 85.

30. Anonymous, *Philadelphia Press* (February 26, 1866), n.p.

31. Stanley B. Burns, "Early Medical Photography in America (1839–1883), VI: Civil War Medical Photography," *New York State Journal of Medicine* (August 1980), 1452.

32. Trachtenberg, *Reading American Photographs*, 77.

33. Anonymous, "Photographs of the Virginia Campaign," *Harper's Weekly* 8 (August 6, 1864), 499.

34. Hans Blumenberg, *Schiffbruch mit Zuschauer. Paradigma einer Daseinsmetapher* (Frankfurt/Main: Suhrkamp, 1979).

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36. Norman Bryson, *Looking at the Overlooked, Four Essays on Still Life* (London: Reaktion Books, 1990).

37. Susan Steward, *On Longing*: *Narratives of the Miniature, the Gigantic, the Souvenir, the Collection* (Durham: Duke University Press, 1993), 30.

38. Mikhail Bakhtin, *Rabelais and his World* (Cambridge: M.I.T. Press, 1968).

39. Roland Barthes, "L'Effet de Réel" (1968), in *Essais Critiques IV, Le Bruissement de la Langue* (Paris: Edition de Soleil, 1984), 167–174.

C H A P T E R   1 0

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I MAGES OF V IOLENCE IN *W EHRMACHT*
S OLDIERS ' P RIVATE P HOTO A LBUMS

Petra Bopp

1.   P RIVATE W AR A LBUMS

"Our soldiers are keen photographers, they take a lot of pictures,"[1]
the owner of a photo lab told one of his female customers in 1941
as he added photographs by the soldier named Georg into a "sample
book" (*Musterbuch*) of frontline images that could be ordered by
every member of the company. The subject matter of this sample book
was described as "destroyed villages, farmsteads and sub-humans in
Poland," while in France, Georg's camera had captured images of
"ruins and ethnic types." The image of the enemy was, therefore, not
only disseminated by journalistic propaganda in the daily newspapers
and magazines; pictures taken by soldiers were also widely used by
camera shops and the photographic trade to promote their products.
As early as 1933, Joseph Goebbels called upon an "army of millions
of amateur photographers"[2] to educate the nation according to the
principles of National Socialist propaganda, and an appeal published
in the journal *Photofreund* at the beginning of the war added force
to this demand: "At this time it is the unconditional duty of every
soldier to keep his camera in action."[3]

The cheap, lightweight cameras made by Agfa, Kodak, or Voigtländer
made it easier for recruits to buy and use them. This resulted in vast
numbers of private photographs being produced by soldiers during the
Second World War quantitatively equal to the millions of images taken

by the Nazi propaganda units. The occupation of foreign countries was photographed by the participating soldiers on an unprecedented scale, and these images were then compiled into their own war-themed albums. This "pictorial script of the German people" (*Bildschrift des Volkes*[4]), which the Nazis sought to create was also encouraged by the provision of readymade war albums bearing Third Reich insignia (for example, the swastika, oak leaves, or the imperial eagle), in which the blank pages were preceded by portraits of Hitler, Göring, and other army generals. Similar to soldiers' private photographs of the First World War, the most common images in the Second World War albums are pictures of the invasion of France and the Soviet Union as well as photographs of individual sectors of the front and scenes from the German occupation of these countries.

2.   THE VISIBILITY OF VIOLENCE

What can be termed a "semi-private" photograph—taken by a propaganda unit photographer named Gerhard Gronefeld (Figure 10.1)— became an iconic image in the context of the exhibition *Vernichtungskrieg: Verbrechen der Wehrmacht 1941 bis 1944* (The War of Annihilation: Crimes of the *Wehrmacht*, 1941 to 1944), which was presented in 33 towns and cities in Germany and Austria between 1995 and 1999. The photograph shows an execution in the Serbian town of Pancevo in April 1941. Executed civilians lie next to the cemetery wall; in front of them stands an officer from the *Wehrmacht*'s *Großdeutschland* regiment with his gun pointed at a dying victim. Next to him is an officer from the Waffen-SS division *Das Reich*, while in the background other soldiers can be seen looking on. The photograph is from a series of 50 images of the hanging and shooting of Serbian civilians by the *Wehrmacht* in Pancevo. They were taken on April 22, 1941, by Gronefeld, a former special correspondent to the OKW[5] propaganda magazine *Signal*. He chose not to submit these photographs to *Signal* however; instead he kept them at his home in Berlin. It was not until 1963 that he published some of the images in a book about the Second World War,[6] whereby they did not elicit any particular response.

This changed, however, when the photographs were shown in the exhibition "The War of Annihilation." The German magazine *Der Spiegel* used the photograph of the coup de grâce as the basis for a hand-drawn cover illustration to accompany its leading article about the crimes of the *Wehrmacht*, which prompted a number of people to come forward as contemporary witnesses. More and more private photographs of the executions at the cemetery began appearing from

Figure 10.1 Gerhard Gronefeld, Coup de grâce, Pancevo, Serbia, April 22, 1941.
© Deutsches Historisches Museum, Bildarchiv Gronefeld.

various sources and even a film was submitted.[7] Among the many
photographs of dead and murdered people contained in the photo
album of a former member of the SS[8]—which was handed in anony-
mously by a visitor to the exhibition in Saarbrücken in 1999—there
are also images from Pancevo. They show the executed civilians by
the wall as well as those who were hanged in the cemetery. The pho-
tographer is standing among the hanged men, and a comrade smiles
and waves at him from behind the ropes. As an experienced propa-
ganda unit photographer, Gerhard Gronefeld was not the only person
to have captured this crime on camera; many soldiers who later said
that they had "wanted to see what it was like"[9] did the same. They
not only took photographs but also presented their pictures "in the
office, where copies were ordered by many of the soldiers in their
unit."[10] In this way, the images of murder were reproduced over and
over again.

   Depictions of executions in which the victims were forced to dig
their own graves can be found in many documentary accounts of the
Holocaust and the crimes of the *Wehrmacht*. Among the sets of pho-
tographs that were examined in the context of my research project
"Private War Photographs of Soldiers of the *Wehrmacht* in WWII"[11]
there is one such picture sequence (Figure 10.2). The photographs are

Figure 10.2   Three photos of an execution, Soviet Union, ca 1943. Private photos
of Fritz Ringel, © Archive Petra Bopp, Hamburg.

numbered on the back, and although they contain no precise details concerning the place or time, the context of the whole set suggests that they were taken around 1943 in the Soviet Union.[12] At first, the photographer was standing behind the firing squad and trained his sights on the man from a distance of several meters. During the execution he moved to a position behind a nearby soldier. After the shooting the photographer shot the final image of the victim at close range from the edge of the pit in order to get a close-up shot of the dead man.

A ban on photographing executions was issued in 1941, but this did not change the soldiers' interest in viewing and taking pictures of such scenes.[13] This observation is supported by many photographs in the albums such as, for example, the picture of a mass grave in the Soviet Union where rubbernecking soldiers can be seen standing around the mass grave and in which the photographer himself casts a black shadow over the dead bodies.

How closely these everyday scenes were also integrated into the war narrative being told in the photo albums can be seen in a page from the album of a soldier who served in the Soviet Union (Figure 10.3). Here,

Figure 10.3 "Partisan," "Bunkerbau," "schw. Einschlag," "Weihnachten 1941" ("Partisan," "construction of a bunker," "heavy impact," "Christmas 1941"), Soviet Union 1941. Private Album of Grote, © Archive Reiner Moneth, Norden.

a picture captioned "Weihnachten 1941" ("Christmas 1941"), show-
ing a table filled with gifts and bottles of wine, is presented alongside
two images of a Soviet partisan ("Partisan") hanging at the gallows.

However, it was not only during the war of annihilation in the
Soviet Union but also in the so-called *Blitzkrieg* against France the
year before that racist attacks had been carried out on the troops of
the French Colonial Forces, the results of which are to be found in
many of the photographs in the soldiers' albums (Figure 10.4). The
massive propaganda campaign led to the officers' instructions being
published in bulletins for the troops:

> The deployment of black and colored troops against the German army
> contradicts the conception of the white race's master role toward the
> colored peoples. We perceive it as a shame and dishonor.[14]

Photographs of the dead bodies of African soldiers that show them in
close-up, lying on their backs with their faces uncovered, clearly breached
a taboo, as the practice of covering the face of the dead also applied to
images of the slain enemy. These photographs give some indication of
the German soldiers' general impression of the Africans as "dangerous

Figure 10.4 Dead soldiers of the French Colonial Troops, France 1940. Private
album of Hermann Jaspers, © Inge Jaspers, Oldenburg.

beasts of prey" who are stereotypically characterized as "perfidious," "cunning," and "treacherous" in the Germans' war diaries.[15]

What motivated the soldiers to press the shutter at that precise moment? To focus the camera lens on the mangled bodies of the dead and subsequently compile these photographs into an album? One answer that is repeatedly given by contemporary witnesses is that it was done in order to preserve these images for the time "when it was all over." "The desire to capture the 'incredible' atrocities through fixed images, once and forever, sprang from the fear of losing control over one's own memory."[16] But what happens in the instant when the photograph is taken? Unlike the propaganda unit photographers, "common" soldiers had no specific assignment as far as taking photographs was concerned. They chose their own subject matter, adjusted the camera to suit the lighting conditions, selected a suitable location and view, and used a rangefinder to determine the focus. At that moment, their attention was diverted from what was taking place in front of the camera; this was perceived with one eye only through the viewfinder. On the one hand, this has an extremely marked distancing effect, partly neutralizing the other senses such as smell and hearing, and leading to an objectified perception of what is seen. The insertion of the camera as a technical device between the photographer/viewer and the event produces a "cold eye,"[17] a "separation of viewing as a purely optical process from the other modes of sensory perception and from the emotions," which thereby "enables that 'hardness towards oneself' which constituted the greatest virtue and educational ideal of all military officers."[18] On the other hand, taking photographs also involves an intensified mode of seeing that stimulates the photographer's sense of curiosity and can become a tool for heightening pleasure—a "hot eye" as it is sometimes termed. At the moment of looking through the viewfinder, perceptual awareness distances the photographer from the person in front of the camera; "the other, even when not an enemy, is regarded only as someone to be seen, not someone (like us) who also sees."[19]

Images of the direct use of force and its consequences are thus mainly to be found in the private photographs of soldiers whose use of the camera was voluntarily and who had no specific photographic assignment. The published images taken by propaganda unit photographers, on the other hand, above all showed events or actions that initiated or led to the perpetration of violence, such as advancing German soldiers or stereotypical images of the "sub-humans" who were to be combated. Photographs of executions, like those taken by Gerhard Gronefeld, were sometimes held back by the professional photographers or not released by the censors.

3. THE INVISIBILITY OF VIOLENCE

In contrast to these clearly focused images of murder victims and dead soldiers, the albums also contain photographs that serve to obscure or conceal rather than reveal what is happening in front of the camera. In an album belonging to the former soldier Hans-Georg Schulz there are two photographs in which hardly anything can be seen (Figure 10.5). The 20-year-old's first direct experience of combat was an engagement at a crossing of the River Aisne in northern France. He photographed the German attack across the river through a screen of artificial fog created by the French artillery forces. In both photographs the soldiers can barely be made out. These nebulous images convey the subjective experience of uncertainty, fear, and danger. Schulz, who developed and enlarged his photographs of the campaigns in Poland and France himself a few months later while on leave, emphasized one image in particular by printing it in a larger format. It is a picture of rubber dinghies lying riddled with bullet holes by the bank of the Aisne. It was taken four weeks after the battle
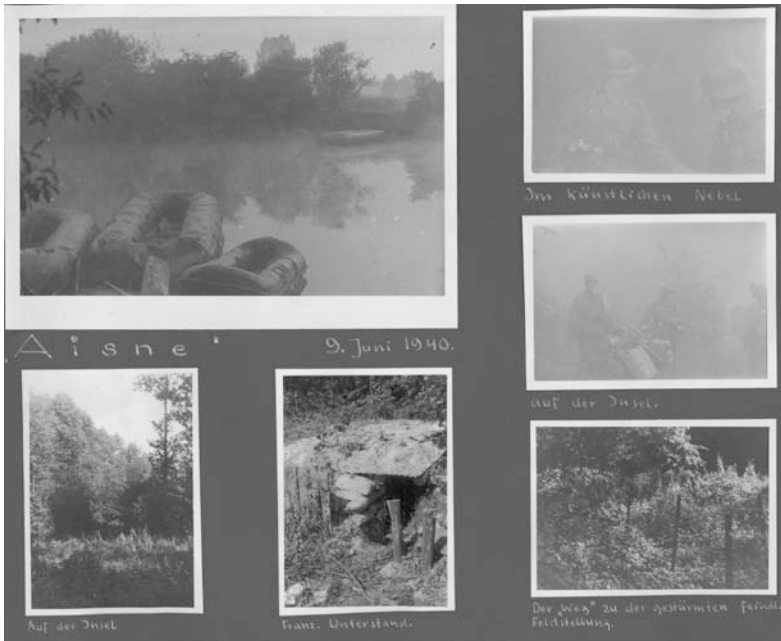
Figure 10.5 "Aisne, 9. Juni 1940," France. Private album Hans-Georg Schulz, © Hans-Georg Schulz, Erlangen.

when the company was retrieving the bodies of those who had been killed. The album page contains the key aspects of the combat situation: the fog-obscured images captured during the battle itself and the destroyed dinghies as the result of the French attack. Here, the photographs not only reflect human behavior and they are not merely objects to be looked at; for the soldier they also provide a social and psychological means of coping with the war.

"*Still ruht der See*" ("The lake is calm and quiet") is the caption written under another photograph in the first of three war albums that belonged to a former *Wehrmacht* soldier from Oldenburg. In contrast to how the other pictures in the albums are arranged, this one has been stuck in the center of the page. It shows a body of water lined with tall trees that are reflected in the water. Sunlight shining through the trees creates dappled reflections on the slightly rippled surface of the lake. Leafing through the album, a contemporary viewer might interpret it as an idyllic image of a moment of calm "after the war" were it not for the testimony of the contemporary witness that abruptly reveals the dark realities of the war. The soldier's unit had been ordered to search houses in a village near one of the Loire Valley castles in France. During this operation, contrary to army regulations, he pocketed a cotton shirt and silver cutlery he found hidden among some linen in the cupboards. Shortly after the search was completed, the soldiers were made to line up on the parade ground. An officer who had got wind of the looting then ordered the troops to "deposit the articles on the parade ground" and announced that a locker inspection would be carried out. When this was done, however, no evidence could be found of the soldiers' looting because by that time all the silver, china, champagne, and other valuables from the villagers were already lying at the bottom of the lake. Both the depiction of the reflective surface of the water and the cryptic caption thus conceal depths that only become apparent when the witness' accounts are heard and otherwise remain buried under the burden of silence. The commentary not only adds a supplementary reflective dimension to this picture, it also creates multiple levels of interpretation for the following images. For example, the caption to accompany the photograph on the next page—"*Nach dem Krieg, entrümpeln*" ("After the war, clearing out")—reads like an ironic response to the previous one. In addition, this background knowledge about an apparently calm, harmless image, which oscillates between everyday life during the war and destructive acts of violence, is carried forward in a wave-like manner, reminding us to be suspicious of other equally unassuming and unremarkable subject matter. As a common thread, references like these can lead us to more family

secrets such as this one that are kept carefully hidden away in living-room cupboards. When this kind of album is "read," the ambiguity of the images allows connections to be made between the individual soldier's perspective of the war and the historically and subjectively determined experiences of the person viewing it today.

A series of 142 photographs entitled "*Vom Donez zum Don 1942*" ("From the Donez to the Don, 1942") contains representative images from a short period during a campaign carried out by the 97th Light Infantry Division (the so-called *Spielhahnjägerdivision*) in June–July 1942, when it crossed the Donez on its way to capture the oil fields in the Caucasus. One of the objectives of the second German summer offensive in the Soviet Union—codenamed *Operation Blau* ("Operation Blue")—was to secure resources and thus maintain the country's war-making capacity. A partially incomplete, numbered list contains a brief title for each of the photographs, which were previously held in five separate sets. Among the typical depictions of advancing army forces, battle scenes and pictures of destruction, there is one photograph that, at first glance, does not seem fit into this context of war images (Figure 10.6).

It shows a woman crossing a river, photographed from above at an angle. Sunlight is reflected in the rippling water behind her while

Figure 10.6   "Die Minenprobe. Vom Donez zum Don 1942" (The mine detection test. From the Donez to the Don, 1942) Soviet Union. Private album (anonymous), © Archive Reiner Moneth, Norden.

her body casts a long shadow on the flat, smooth surface to her right. She is locked into position by the light and shadow as if caught in the crosshairs of the image diagonals. Despite the balanced composition and the calm, almost idyllic subject matter with no visible trace of an act of war, this centered positioning of the subject—held within the neatly trimmed white margins of the photograph—leaves the viewer feeling slightly disturbed without knowing precisely why. The number 74 is written on the back of the photograph, however, this number is missing from the torn picture list. The context was only revealed when the identical photograph with a description on the reverse was found in another album. The caption reads: *Die Minenprobe. Vom Donez zum Don 1942* ("The mine detection test. From the Donez to the Don 1942"). The picture shows the deadly implementation of the order to use the so-called "mine detection device 42": "As enemy mines are to be expected, sufficient numbers of mine detection device 42 (Jews or captured members of partisan groups with harrows and rollers) are to be made available."[20] The arrangement in the album includes three other photographs; two are entitled *Durch die Furt* ("Across the ford") (Figure 10.7), the other *Trümmer* ("Wreckage") on the next album page. After the woman appeared to have safely

Figure 10.7 "Die Minenprobe. Durch die Furt! Vom Donez zum Don, 1942" (The mine detection test. Across the ford. From the Donez to the Don, 1942) Soviet Union. Private album (anonymous), © Archive Reiner Moneth, Norden.

reached the opposite bank, the *Wehrmacht* soldiers and their vehicle were able to cross the ford to the other side of the river. However, the following vehicle drove over a mine next to the bridge.

The next ten photographs in the series also show death and destruction. By being placed in a numbered sequence, the individual images not only form a chronologically and spatially localized continuum, their serial progression also enables content-based readings. What is initially a mysterious photograph of three overturned bicycles on a patch of grass suggests that the bicycle troop in the previous photo came under attack (Figure 10.8).

The next two pictures show Russian soldiers emerging from the tall grass with their hands up as they are aimed at by a sniper and forced to surrender (Figure 10.9). This sequence of 20 photographs (numbers 74–93 in the list) can be regarded as the nucleus of the series, as it shows danger, destruction, death, and violence on both

Figure 10.8   "Vom Donez zum Don, 1942, Nr 88 und 89" (From the Donez to the Don, 1942) Soviet Union. Private photos collected by Arnold Wortmann, © Alfons Eggert, Münster.

Figure 10.9   "Vom Donez zum Don, 1942, Nr 92 und 93" (From the Donez to the Don, 1942) Soviet Union. Private photos collected by Arnold Wortmann, © Alfons Eggert, Münster.

sides of the conflict. It refers to how it could have been, how the war was perceived, rather than how it really was.

All three of these elusive photographic images reveal their content only through the soldiers' accounts or the information written on the back of the pictures. At a phenomenological level they show no exertion of force or violence; they are open to all kinds of interpretation. In the soldiers' private photo albums there are, on the one hand, depictions of combat scenes that were intentionally photographed and nevertheless cannot be unambiguously interpreted. In the other photograph, the use of force in the form of looting is deliberately obscured in terms of the pictorial subject and can only be revealed by witnesses to the event. The picture list, which is probably a combination of images taken by the propaganda unit photographers attached to the division and by amateur photographers among the troops, removes the individual photograph from the explanatory context and sequence of the deliberately compiled series. The photographs are therefore put into different contexts, and it is only with a bit of finder's luck during the research process that the violence inherent within them can be uncovered and analyzed.

4.   ENFORCED INVISIBILITY

Like the processes of memory, preserved images also change with use; they are subject to constant exchange with the gaze and intervention of each new viewer. A soldier's son takes his father's descriptions of the war photos and sticks the handwritten comments underneath the pictures. Grandchildren sort through their grandfathers' belongings and arrange the written documents and visual mementos chronologically within a historical framework in a seemingly scientific manner. This, too, is a method of understanding and handing down the individually determined history of a family and a time.

A particular form of discrepancy between the moment when the picture is taken and its duration in a photo album occurs when, on leafing through the albums, one suddenly finds empty spaces where photographs have obviously been removed—although the captions and traces of glue remain—as well as where the gaps in the album's narrative account are not immediately apparent. This happens especially with depictions of violent acts. The photograph of *Erschossene Partisanen in Pleskau* ("Executed partisans in Pskov") that has been removed had been presented in the context of images of a reconnaissance unit's advance through Lithuania and Latvia to Pskov. The previous page in the album contains group shots of officers and views of

Pskov. The pictures on the following page show the results of the conflict in the wooded territory between Pskov, Gdov, and Narva as mud-splattered lorries return from a destroyed village. The laconic caption *Hier stand das Dorf Ljubatschi bei Szolzy* ("Here stood the village of Ljubatschi near Szolzy") as well as the caption "executed partisans" may be references to so-called "collective measures of force, for example against towns where there have been shooting attacks."[21] With the removal of the picture of the "executed partisans," which showed the actual crime and death, all that remains after this renewed use of violence or "cleansing" is the charred tree trunk in the razed village as a symbol of the annihilation. The daughter of the album's owner explained why the picture was missing: her mother had removed the picture after her father's death because she couldn't bear seeing it.

In another album that included the picture of a hanged man, the picture suddenly went missing, although it had been there five years before when the former soldier first submitted the album (Figure 10.10). What had happened? After the soldier's death his wife had angrily torn it

Figure 10.10   Photo of a hanged man, torn out. Private album of Georg Möller, © Irmgard Möller, Varel.

out before releasing the album for the exhibition. In the process, however, the part of the photograph showing the hanged man's head in the noose remained stuck to the cardboard. The author of this album had deliberately placed this image next to one of graves in snow. In front of the crosses, a sign with the inscription "6 comrades slain by the heinous hand of partisans" places these images in the context of the so-called "partisan war" that was waged by the *Wehrmacht* from the beginning of the invasion of the Soviet Union onward. With the definition of the term "partisan," which "applied to all soldiers, troop units and civilian groups who carry out 'people's war'-like actions behind the lines,"[22] military commanders were free to "use the operations as instruments of terror against the civilian population and to murder Soviet Jews."[23] As the danger of partisan attacks and subsequent retaliatory measures was ever-present, images like these were an integral part of the former soldier's memory of the war, whereas for his wife this subject matter was "inhuman," with the result that she removed the picture—perhaps also out of a feeling of shame and fear that her husband could have been involved in these murders.

Images of dead people—shot, hanged, in houses, on gallows—clearly have the power to provoke. The removal of these images constitutes an intervention into the war narrative; its aim is to continue the silence and keep the truth hidden. Left with nothing but with picture title, the mind begins to create new images:

> The description of a photograph one cannot see does not erase this image; instead it immediately generates other images. Anyone who tries to hide images has faith in their power. A ban on images is also founded upon "insights into the unique character of the image. First and foremost, it is accorded tremendous power. That is the only reason why it is necessary to confront it with bans."[24]

It is this "awareness of the affective uncontrollability of images"[25] that repeatedly leads to them being destroyed. The narrative of war that emerges when one looks through the album is interrupted by the blank space. This blind spot bears witness to something that is no longer supposed to be shown; namely, the shooting and hanging of people in noncombat situations. Thus the albums appear "clean"; but for a few pictures of graves and destroyed military equipment, they stick to the usual scenes of soldiers' everyday lives. The horror of war—the violence—may be omitted as an image but is conveyed to the viewer through the denial of communication and, for this very reason, all the more strongly provokes further projections. Thus

the desired empty space develops into tormenting forces with even greater intensity.[26] Because "at the moment when the picture was taken, something was done to people; without this act there would be no photograph. That is what gives it such explosive force."[27]

Translated by Jacqui Todd.

NOTES

1. *Photoblätter*, vol. 18, 1941, 29 (translation J.T.).
2. Willy Frerk, "Das Erlebnis des Einzelnen ist zu einem Volkserlebnis geworden und das durch die Kamera!," in *Photofreund* (1933), 417, cited in Timm Starl, *Knipser. Die Bildgeschichte der privaten Fotografie in Deutschland und Österreich von 1880 bis 1980* (Munich/Berlin: Koehler und Amelang, 1985), 19 (translation J.T.).
3. Herbert Starke, "Und trotzdem: Amateurfotografie!," in *Photofreund* (1939), cited in Starl, 111 (translation J.T.).
4. Willy Stiewe, *Foto und Volk* (Halle: Knapp, 1933), 9.
5. *Oberkommando der Wehrmacht/*High Command of the Armed Forces.
6. Hans Adolf Jacobsen and Hans Dollinger, *Der Zweite Weltkrieg in Bildern und Dokumenten* (Munich: Desch, 1963).
7. This film by Gottfried Kessel was broadcasted among others on April 13, 1997, on the German TV current affairs program "Focus-TV." Cf. Walter Manoschek, "Beweisaufnahmen," in *Eine Ausstellung und ihre Folgen. Zur Rezeption der Ausstellung "Vernichtungskrieg. Verbrechen der Wehrmacht 1941 bis 1944,"* ed. Hamburger Institut für Sozialforschung (Hamburg: Hamburger Edition, 1999), 188.
8. Illustrated in *Saarbrücker Hefte*, no. 81 (summer 1999), 37–78.
9. Newspaper report on a doctor who recognized himself in the *Spiegel* cover image, in *Süddeutsche Zeitung*, March 15, 1997 (translation J.T.).
10. Soldier's letter, 1966, Zentrale Stelle Ludwigsburg, Ermittlungsverfahren 503 AR-Z 88/67, cited in Manoschek, 191 (translation J. T.).
11. 2004–2008 at the Universities of Oldenburg and Jena with the following exhibition and book "Fremde im Visier. Fotoalben aus dem Zweiten Weltkrieg (Focus on Strangers. Photo Albums of World War II)" presented since 2009 in the museums of Oldenburg, Munich, Frankfurt, Jena, Peine, Delft (Netherlands), Graz (Austria). Further presentations in Vienna, Dresden, Paris, and in the Czech Republic are planned.
12. Set of photographs of Fritz Ringel, research project archive, Petra Bopp, Hamburg.
13. Official gazette of the Waffen-SS, volume 2, no. 11, June, 15, 1941.

14. *Richtlinien für das Verhalten gegenüber Gefangenen* (Guidelines for behavior towards prisoners), BA-MA, RH 26–16, vol. 19 (Kriegstagebuch Ia), approximately June 21, 1940, cited in Raffael Scheck, *Hitler's African Victims: The German Army Massacre of Black French Soldiers in 1940* (Cambridge: Cambridge University Press, 2006), 69.
15. Cf. Scheck, 73ff.
16. Bernd Hüppauf, "Emptying the Gaze: Framing Violence through the Viewfinder," *War of Extermination: The German Military in World War II 1941–1944,* eds. Hannes Heer/Klaus Naumann (New York: Berghahn, 2000), 360.
17. Cf. Gerd Mattenklott, "Kalte Augen," in *Der übersinnliche Leib,* vol. II, (Reinbek: Rowohlt, 1982), 47ff, cited in Dieter Reifarth and Viktoria Schmidt-Linsenhoff, "Die Kamera der Henker," *Fotogeschichte* 3,7 (1983), 66.
18. Reifarth and Linsenhoff, ibid. (translation J.T.).
19. Susan Sontag, *Regarding the Pain of Others* (New York: Farrar, Straus and Giroux, 2003) 72.
20. Einsatzbefehl des Kommandeurs des rückwärtigen Armeegebiets 532 für die "Unternehmen Dreieck" und "Viereck," 9 Sept. 1942, Bundesarchiv Militärarchiv Freiburg (BAMA), RH 23/26, Bl. 90 (translation J.T.).
21. Note on a presentation by Oberkriegsgerichtsrat Dr. Erich Lattmann at a meeting with Generalquartiermeister Eduard Wagner in Wunsdorf on May 19, 1941, cited in *Verbrechen der Wehrmacht. Dimensionen des Vernichtungskriegs 1941 bis 1944,* ed. Hamburger Institut für Sozialforschung (Hamburg: Hamburger Edition, 2002), 49 (translation J.T.).
22. Letter by General z.b.V. im Oberkommando des Heeres, Eugen Müller, from September 13, 1941, cited in *Verbrechen der Wehrmacht,* 435 (translation J.T.).
23. Ibid., 429.
24. Peter Geimer, "Fotos, die man nicht zeigt. Probleme mit Schockbildern," *Fotografische Leidenschaften*, eds. Katharina Sykora, Ludger Derenthal, and Esther Ruelfs (Marburg: Jonas, 2006), 251 (translation J.T.).
25. Ibid., 253.
26. Cf. Thomas Bernhard, *Auslöschung* (Frankfurt am Main: Suhrkamp, 1988), 246.
27. Cornelia Brink, "Vor aller Augen: Fotografien-wider-Willen in der Geschichtsschreibung," *WerkstattGeschichte* 47 (2007), 72 (translation J.T.).

C H A P T E R 1 1

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Making Photographs Historic: The Use of Historical Black-and-White Stills in NBC's Fictional Miniseries *Holocaust*

Jan Taubitz

1. Introduction

"It is only a story. But it really happened," says the voice-over at the beginning of NBC's TV miniseries *Holocaust*,[1] which aired in the United States in April 1978. These first sentences are emblematic of the miniseries, which was an attempt to shed light on the entire history of the Holocaust by telling the story of two fictional families from Germany, one Jewish and one non-Jewish. Scholarly literature has tended to describe *Holocaust* as a watershed production that informed a rather uninformed public about the Holocaust thus helping to integrate it within the collective memory of the United States. Nearly 120 million people watched it in the United States alone, making it to one of the biggest TV events ever. At the same time, critics have harshly criticized the miniseries and accused it of trivializing the Holocaust and turning the event into a soap opera.[2]

One particularity of the miniseries is its constant use of historical black-and-white stills displayed within the narrative of the family saga, which clarify that it is a "story" that "really happened." In his review of *Holocaust* for *Time* magazine, film critique Lance Morrow focused on the differences between historical photographs and fictional film

and connected them with the near impossibility of contemplating the Holocaust. He wrote: "But one senses something wrong with the television effort when one realizes that two or three black-and-white concentration-camp still photographs [. . .] are more powerful and heartbreaking than two or three hours of the dramatization."[3]

This statement illustrates what is widely accepted: The miniseries benefits from the use of historical photographs that induce authenticity and empathy for the fictionalized story. However, in this article I do not solely ask what the historical photographs do with the miniseries, but rather I attempt more to describe what happens with the displayed photographs. In which ways does the miniseries change the meaning and the context of the photographs? What is the role of the miniseries in turning these historical or factual photographs into historic images of the Holocaust? This article demonstrates that, on the one hand, a television production about an historical event benefits and gains authenticity by implementing historical photographs in its fictionalized narrative. It also emphasizes, on the other hand, how historical photographs obtain their iconic status by becoming contextualized within a major television production, one with millions of viewers and the potential for a high level of public awareness. By employing the terms "iconic status" or "icon," I follow Vicky Goldberg who argues that the meaning of the word "icon" has extended from sacred paintings or sculptures in Eastern Christianity "to secular images with so strong hold on the emotions or imaginations that they have come to serve as archetypes [. . .] for an epoch or a system of beliefs."[4] Secular icons are able to provide an "instant effortless connection to some deeply meaningful moment in history. They seem to summarize such complex phenomena as the powers of the human spirit or of universal destruction."[5]

The ensuing question here, however, is what shapes the iconic quality of a photograph? Susan Sontag argues that a photograph has no narrative coherence and that the "possibility of being affected morally by photographs is the existence of a relevant political consciousness."[6] Following Susan Sontag's considerations, who argues that a photograph is not able to create a moral response without complementing it with a narrative coherence, I focus on the context in which the photographs are presented within the miniseries in order to show that each picture relies on a deliberate ordering scheme. Therefore, the question is not so much why these photographs became secular icons—exempli gratia their awe-inspiring connection to the historical event, their specific compositional elements, or their efficacious evocation of emotions—but to understand the cultural practices of their

post-Holocaust presentation that have decisively shaped their historic meaning. The focus therefore lies on the use of these iconic pictures in a fictional miniseries. Although highly controversial even by contemporary standards, the publicity surrounding *Holocaust*'s release ensured that the meaning of the photographs would be affected by their display.

The miniseries *Holocaust* reveals how popular media creates narrative coherence as well as interprets and causes an emotional response, which shapes the historic status of the black-and-white stills used in the program. The constant use and reuse of photographs, as Judith Keilbach points out, turns them into symbolic images.[7] Judith Doneson argues that today many people in the United States are indeed familiar with the photographs presented in *Holocaust* and that a large number probably viewed them for the first time in the miniseries.[8]

This chapter seeks to strengthen that argument. Following a brief summary of the film and a discussion of its role in shaping Holocaust memory in the United States, I will address three different representations of photographs in *Holocaust*.

The first case reveals a successful symbiosis of historical photographs and fictionalized TV production. By looking at the implementation of photographs from the *Auschwitz Album* within the narrative of the miniseries, one can see how the photos are contextualized so that they accord with their historical narrative, how they are provided with a new point of ethical reference, and how their historic status is reinforced. The second case focuses on possibly one of the most famous visual artifacts of the Holocaust, namely, the photograph of a little boy with his hands raised in the Warsaw ghetto. I argue that the pictorial language of this photograph is so powerful that it is not displayed as a black-and-white still in *Holocaust*, and that the filmmakers instead chose to subtly reenacting the photograph in the miniseries. The third case shows that the failed contextualization of a photograph leads to incomprehension and obtains neither authenticity for the miniseries nor an iconic status for the photograph. This part deals with one of the four *Sonderkommando Photographs*, which have rather recently come to public attention, and how it is presented in Holocaust.

However, this chapter does not imply that the first public display of Holocaust photographs in the United States was within the miniseries. War correspondents and photographers, civilian as well as military, witnessed the liberation of concentration camps, and their photographs were published in April and May 1945 in newspapers and magazines.[9] Susan Sontag describes the visual force

of these photographs when she watched them as a 12-year-old: "Nothing I have seen—in photographs or in real life—ever cut me as sharply, deeply, instantaneously. Indeed, it seems plausible to me to divide my life into two parts, before I saw those photographs [. . .] and after [. . .]."[10] These photographs reached a widespread audience, but their impact was framed and diminished by news coverage of other important events, such as the death of President Roosevelt and the end of the war in Europe. Therefore, only short-term public attention was paid to these photographs. In the following years photographs and footage of atrocities were presented as evidence at the International Military Tribunal in Nuremberg. After the last trial at Nuremberg ended in 1949, as Janina Struk emphasizes, the images faded from public view.[11] Struk mentions, for example, only one exhibition of Holocaust photographs in the United States in the 1950s and 1960s, curated by YIVO Institute for Jewish Research in 1963.[12] Even the famous *The Family of Man* exhibition, compiled by Edward Steichen and opened by New York's Museum of Modern Art in 1955, contained 503 photographs, out of which only one can be classified as Holocaust photography.[13]

This chapter aims to show how photographs of three different origins were presented in 1978, a crucial year for Holocaust remembrance.[14] It argues that television as a powerful and highly contested mass medium makes comprehension of historical events effective, enforces knowledge about them, and is able to establish the context of historical artifacts.

2.   THE MINISERIES *HOLOCAUST*: CONTENT, CRITICISM, AND SIGNIFICANCE

NBC's TV miniseries *Holocaust* was aired on four consecutive evenings in April 1978. The dramatization of two fictional German families, both deeply involved in actual historical events in Nazi Germany between 1935 and 1945, was a great success. An estimated 120 million people in the United States watched the 9½-hour series, making it one of the most successful TV productions ever.[15] The series had a lasting influence on Holocaust memory in the United States, and scholars widely agree that *Holocaust* was a watershed production that revealed the influence of popular culture on the remembrance of the Holocaust.[16] The Holocaust had fully "arrived" on the American scene, and scholars claimed an "Americanization of the Final Solution."[17]

The miniseries *Holocaust* follows two fictional families from Berlin during the National Socialist era. Family Weiss is a family of assimilated Jews from the upper middle-class. Its life is contrasted with the life of Family Dorf. Erik Dorf, the father and husband, has a remarkable career as an SS officer. He is the right-hand man of Reinhard Heydrich and is in charge of developing the Nazi extermination techniques. While the Dorfs rise in power and influence, the Weiss's see their fortunes gradually reversed. The stories of the two families are partially interwoven and the plot contains numerous fairly plausible coincidences in which the paths of characters from the Dorf and Weiss families intersect at various places and events.[18] According to Joshua Hirsch, the miniseries *Holocaust* must be regarded as an example of classical realism, as the film intends to give the spectator not only a particular reconstruction of an historical event but its authentic reproduction.[19] In the case of the miniseries, this leads to a very contrived story construction because almost everything important in the history of the Holocaust happens to the fictional characters depicted therein.[20]

The story begins with the year 1935 in Berlin, when Karl Weiss and Inge Helms celebrate their elegant wedding. Inge Helms is from a non-Jewish family, and it is here that tensions between her family and the Weiss's first occur. From that moment, the Weiss family's situation progressively deteriorates as the family endures the manifold aspects of the Holocaust. It begins with economic exclusion. The father Joseph, a physician, is no longer allowed to treat non-Jewish patients, and later on his private practice is "aryanized." After the November Pogroms, the family is separated. The father is sent to the Warsaw Ghetto, the older son is deported to the concentration camps Buchenwald, Theresienstadt, and eventually Auschwitz, while the youngest son Rudi joins the Jewish resistance movement in Eastern Europe.

The dramatization offers the audience no happy ending. All family members perish during the Holocaust except Rudi, the youngest son and genuine hero of the story, and Inge, the gentile wife of Karl. Each family member dies a very different death, which symbolizes the myriad ways that Jews suffered under National Socialism. Rudi's younger sister Anna is raped by Nazi functionaries and eventually murdered in Hadamar—a "clinic" for social psychiatry in western Germany where people with handicaps and mental illnesses were gassed. Karl's, Rudi's, and Anna's grandparents commit suicide after suffering abuse and humiliation during the November Pogroms, while their uncle is shot during the Warsaw Ghetto Uprising, as is Rudi's wife, while

fighting with the partisans in Eastern Europe. The children's parents perish in the gas chambers of Auschwitz, and the brother Karl dies of starvation there shortly before the liberation.

The incremental destruction of the Weiss family and their symbolic deaths serve the purpose of teaching fundamental lessons of the Holocaust.[21] The lessons tell, for example, that the young and the old were the first who suffered and died; that loyalty to Germany was no defense against persecution; that most Jews refused to actively resist until it was too late; that most victims walked submissively to their deaths; and that the victims believed until the end that things would soon get better.[22] Furthermore, each episode creates historical knowledge about the Holocaust. Judith Doneson named *Holocaust* a "storehouse of information"[23] that helped the American public confront the numerous dramatizations of the Holocaust that followed. In *Holocaust*, different consecutive phases of destruction are presented, such as economic persecution, the expatriation of Jews without German citizenship, arbitrary violence and imprisonments, the construction of ghettos, and, finally, the killings in forests, villages, and in the gas chambers. The miniseries also presents the various settings in which the Holocaust took place. Concentration camps such as Buchenwald, Theresienstadt, and Auschwitz are displayed as are the Warsaw Ghetto, Babi Yar, and the life of partisans in the forests of Eastern Europe. Other important issues of the Holocaust are problematized, such as the role of Jewish councils in ghettos, the behavior of the local non-Jewish population in territories occupied by Germany, Jewish collaboration, the role of Christian churches, Jewish resistance and uprisings, and much more.[24]

The depiction of the SS official Erik Dorf, his work, and his family life serves similar purposes. He provides the audience with the perspective of the inner and outer world of the perpetrators. In the beginning of the miniseries he appears as an intelligent but rather narrow-minded lawyer who has problems finding employment. He joins the Nazi party not for ideological reasons but because he is out of a job and becomes assistant to Reinhard Heydrich, chief of the *Reichssicherheitshauptamt* (Reich Main Security Office). Dorf has rather soft features, a normal family life with a wife and two children, and executes his job, at least in the beginning of the miniseries, in a pragmatic, businesslike manner. Due to his instincts and acumen, he enjoys a remarkable career in the SS. Later, as the Nazi genocide unfolds, Dorf becomes increasingly fanatical to the point that he comes to believe in the historical quest of murdering all Jews. The creators of *Holocaust* attempted to make "the Nazis as three-dimensional

and interesting as the Jewish family."[25] Dorf is a fictional character, an observing witness with access to important information, and is present at all the important events that characterize the Holocaust; from Babi Yar to the gas chambers of Auschwitz-Birkenau. He repeatedly interacts with actual Nazi leaders, such as Heinrich Himmler, Reinhard Heydrich, Adolf Eichmann, and Paul Blobel. With his multifunctional omnipresence he symbolizes the archetype of the perpetrator of the Third Reich. Erik Dorf becomes the mastermind of the genocide against the Jews. Charged with developing the extermination techniques, he exhibits qualities and character traits only a fictional character can have. As an observing participant he is present in every place where the worst crimes against humanity are committed and has access to information available only to the inner circle of the SS. Therefore, he is symbolic of all those who planned and executed the Holocaust. In some regards, he is the fictional equivalent of what Eichmann came to represent.[26]

Holocaust scholars are unanimous regarding the importance and effectiveness of *Holocaust*. As Judith Doneson points out, the miniseries was able to enlighten a rather uninformed audience and thus provided it with a memory about the Holocaust.[27] Jeffery Shandler argues that the critical responses to *Holocaust* "constituted the first major public discussion of 'Holocaust television' as a genre."[28] The miniseries was regarded as "the prototype for all succeeding—and successful—television projects on the era."[29] For Peter Novick it is "without doubt the most important moment in the entry of the Holocaust into general American consciousness,"[30] and Doneson stresses that "*Holocaust*, with its uncomplicated historical narrative, did establish a framework of the Final Solution for the viewing public."[31] At the same time, the Holocaust was identified solely as a Jewish tragedy. It was also seen as a dangerous consequence of unbridled nationalism and ethnic intolerance, and came to represent a universal metaphor of destruction.[32]

The contemporary reviews in newspapers and magazines, however, were divided. Some critics saw in the miniseries a great failure in finding satisfactory filmic solutions to an historical event "of such awesome proportions that it still generally defies the sensitive probing of art."[33] John E. O'Connor claimed that only a great genius could be able to achieve full artistic comprehension. In his opinion, the miniseries is merely a "sterile collection of wooden characters and ridiculous coincidences."[34] Other critics gave *Holocaust* a more positive reception. Lance Morrow, for example, criticized the television production in his review but commended the attempt to show the

Holocaust in prime-time television and to bring its facts into public consciousness.[35]

    Holocaust did not merely raise awareness of the historical facts but also of the problem of how to dramatize these events on film for the general public.[36] The debate about the trivialization of the Holocaust illustrated this point. Elie Wiesel's accusation that *Holocaust* was a simplification and trivialization of an "ontological event"[37] turned into a soap opera was frequently adopted or paraphrased by newspapers and broadcasting authorities.[38] Many adopted the word "trivialize" to describe their unease with the television dramatization.[39] "In fact," as Doneson frames it, "after *Holocaust*, 'trivial' became *the* buzzword designated to repudiate commercial renditions of the Final Solution."[40] A statement of Paddy Chayefsky, one of the screenwriters of the miniseries, referring to this critique reads as follows: "In fact, the word critics used on *Holocaust* was 'trivialize,' and in a sense that was an unfair criticism, even though accurate. Trivialization *is* television."[41] Other filmmakers and film critics embraced the same line, claiming that "simplification of complex issues is essential in television."[42] Especially through its simplification and its pervasive, all-encompassing effects, television was tremendously influential in popularizing the Holocaust. Television, although trivial, is able to constitute and represent our world in cognitive, moral, and emotional terms. It is also able to frame our view of the past and to introduce and rearticulate debates about history. *Holocaust*, in this regard, was path-breaking. Doneson poses the question whether other cinematic productions about the Holocaust would have been possible "without the antecedents that had already established a visual representation of the Holocaust?"[43] Quite possibly, alternative methods for translating the Holocaust into the language of memory would not have been possible without the visual and narrative familiarity created by *Holocaust*.

3.   PHOTOGRAPHS WITHIN *HOLOCAUST*

At different points, *Holocaust* blurs the distinction between fiction and reality by inserting actual photographs and historical footage within the stream of the series' narrative.[44] There are, for example, various scenes in which the protagonist Erik Dorf reports to his superiors about the events taking place in ghettos and concentration camps. In these scenes a slide projector is used to coherently include authentic photographs into the storyline of the series. In other scenes, actual footage is used to illustrate leaps in time. The

years 1936 to 1938 pass by in a time lapse. To illustrate this, Bertha Weiss and Anna Weiss play the piano four-handed, a scene which is then interwoven with black-and-white Nazi propaganda footage. Historical photographs or footage of the Holocaust are presented to the audience in every episode of *Holocaust*. In most cases, the pictures are included in the plot of the perpetrators. As mentioned above, Erik Dorf presents a slide show to Reinhard Heydrich. Elsewhere he reports to the SS leaders Paul Bobel and Ernst Kaltenbrunner. Rudolf Höss, commandant of Auschwitz, shows photographs of extermina-tions in Auschwitz to Dorf, and in the final episode of *Holocaust* an American captain confronts Dorf with photographs from Nazi crimes after his capture by American forces. Although these pictures are interwoven in the perpetrators' storyline, *Holocaust* employs dif-ferent kinds of original stills and video footage, not all of which were taken by German authorities. Some of the used photographs are indeed official images, which were recorded by order of German authorities for propaganda purposes; others were snapshots taken by German soldiers who happened to have cameras with them; others, however, were taken by the Nazi victims who attempted to docu-ment evidence of the atrocities. Other pictures came from Allied forces during and after the liberation of the camps.[45] The two latter groups of pictures, the pictures taken by victims and by the Allies, were not available for the SS. Their use in *Holocaust* is therefore his-torically inconsistent.

The use of photographs and footage within the miniseries serves different purposes. Photographs are used to explain, to illustrate, and to prove certain events or characteristics of the Holocaust. For exam-ple, the functional principles of the gas chambers are illustrated by photographs, as are the processes of selections and expropriation of the victims' property. The realistic photographs also have an effect on the question of how to represent the "unrepresentable" and "unprec-edented" Holocaust. In his review of *Holocaust* for *Time* magazine, Lance Morrow focused on the differences between historical photo-graphs and fictional film and connects them with the near impossi-bility of contemplating the Holocaust. As quoted above, he regarded two or three black-and-white concentration-camp still photographs displayed in *Holocaust* as "more powerful and heartbreaking than two or three hours of the dramatization."[46] Lawrence Langer took the same line and argued that authentic photos of the horrors are more effective than fictionalized re-creations.[47]

At this point it seems promising to look again at Susan Sontag's reflections on photography. She pointed out that knowledge about

the context of a photograph is a necessary precondition to under-
standing its motif.[48] She writes:

> A photograph that brings news of some unsuspected zone of misery
> cannot make a dent in public opinion unless there is an appropri-
> ate context of feeling and attitude. [...] Photographs cannot create
> a moral position, but they can reinforce one—and can help build a
> nascent one. [...] The contribution of photography always follows the
> naming of the event.[49]

In Sontag's opinion, an event has to be named and characterized first
before a photograph is able to cause moral resonance. In the case of
Holocaust, one could argue that it was the miniseries that provided
the context and the characterization of the event. This made it pos-
sible for the US audience to understand the photographs and enabled
the emotional reactions mentioned by Morrow. This argument is
supported by the fact that *Holocaust* employs photographs that were
actually taken by the perpetrators. Originally, these photographs were
not supposed to create affection for the victims and disgust toward
the perpetrators. On the contrary, these photographs served either as
propaganda for the Nazi regime or as documentation of the effective-
ness of their deeds. The fact that photographs can be used for opposite
purposes reveals the importance of the context. I would furthermore
argue that by framing these photographs within a new context, the
miniseries had an impact in turning them into secular icons of the
Holocaust or, as I would phrase it, making them historic.

In the following section, three examples in which photos are
used will be examined more closely in order to demonstrate the
interdependency between the fictional miniseries and the historical
photographs.

4.   READABLE: THE CONTEXTUALIZED
AUSCHWITZ ALBUM

Some photographs used in *Holocaust* that later gained an iconic sta-
tus are originally from the so-called *Auschwitz Album* or *Lili Jacob
Album*. This leather-bound collection contains 193 photographs
from the arrival and selection of Jews deported from Hungary to
Auschwitz-Birkenau in 1944. The photographs were taken by an offi-
cial commission of the SS, yet their original purpose has not been
clarified. The album was not intended for propaganda purposes, nor
is it likely that it was compiled for personal use. Most likely it was

created as an official reference about the camp for a higher authority similar to the *Stroop Report*, which details the liquidation of the Warsaw Ghetto in 1943.[50] The album survived because Lili Jacob, an Auschwitz prisoner from Budapest, coincidently found it when the Red Army liberated the camp.[51] Several photographs from the *Auschwitz Album* were integrated into *Holocaust.* Judith Doneson argued that today many people in the United States are indeed familiar with these photographs, and that a large number probably viewed them for the first time when the miniseries aired.[52] Within the narrative of the miniseries the photographs are contextualized in the plot surrounding the perpetrators and are thus, insofar, historically accurate. This is noticeable because viewers are often unaware of the SS origins of the photographs. The photos are perceived as damning evidence of Nazi barbarism rather than as celebrations of the genocidal project.[53]

Photographs in *Holocaust* are not only used to illustrate and prove the story (which really happened) but also the circumstances of the production of the photos are comprehensively thematized. However, although these photographs are generally contextualized correctly, the miniseries does not reveal to the audience exactly who took the picture, with what purpose, or at what time and place. It does not even offer an explanation as to what the photos actually depict. Although the photographs of the *Auschwitz Album* are put within their correct historical context, they generate a new ethical response. Neither joy about the successful fight against the Jews nor satisfaction over the effectiveness of the Nazi concentration camps determines the emotions of the viewing audience but rather sadness and grief over the atrocities and wasted lives. Following Judith Doneson, I argue that photos of the *Auschwitz Album* belong to the photographic memory of the Holocaust and that the miniseries has enforced this position.

5. NARRATED: THE RESTAGED *BOY IN THE WARSAW GHETTO* PHOTOGRAPH

Surprisingly, one of the most recognizable and iconic photographs of the Holocaust is not displayed as a black-and-white still in *Holocaust*, namely the photograph that shows a little boy in the Warsaw ghetto with his hands raised and a German soldier pointing his submachine gun in the boy's direction.[54] The photo was taken in April or May 1943 during the uprising in the Warsaw ghetto. Most likely, a member of an official propaganda unit that recorded the life and death in

the Warsaw ghetto for propaganda purposes took the photograph. Together with 51 other photographs and a collection of daily communiqués, it became part of the so-called *Stroop Report*,[55] which was a report for internal use about the suppression of the Warsaw Ghetto Uprising. As Marianne Hirsch describes it, it was a letter "addressed to Himmler, a gift of joyous and victorious violence."[56] The *Stroop Report*, therefore, is not only evidence of what happened but reveals the perpetrators' deep sense of pride and satisfaction at their accomplishments.

The *Stroop Report* first came to light during the Nuremberg Trials in 1945, where Supreme Court Justice Robert H. Jackson related to it in his opening statement.[57] Later, the infamous photograph was used in countless publications, exhibitions, art projects, and films,[58] and has today acquired an iconic status. Marianne Hirsch writes about it:

> If you had to name one picture that signals and evokes the Holocaust in the contemporary cultural imagination it might well be the picture of the little boy in the Warsaw ghetto with his hands raised. [. . .] It is not an exaggeration to say that, having assumed the archetypal role of Jewish (and universal) victimization, the boy in the Warsaw ghetto has become the poster child for the Holocaust.[59]

Already in 1975, three years before *Holocaust* was aired, Lucy Dawidowicz noted that the photograph has become "the most concrete illustration" of the German commitment to destroy all Jewish men, women, and children.[60] When working with the miniseries closely, one notices that the photograph of the boy is indeed part of *Holocaust*. It is indeed not displayed as a still, but rather an entire subplot is used to restage the photograph (Figure 11.1). It is the subplot of Moses Weiss, the uncle of the Weiss family, who becomes a resistance fighter in the Warsaw ghetto during the series. In almost every scene from the Warsaw ghetto a little boy of about 12 years named Aaron appears, who symbolizes all forms of resistance, starting with the smuggling of food and weapons, and ending with the desperate fight in the ghetto.

The photograph with the boy in the Warsaw ghetto is not restaged exactly as it appeared in the *Stroop Report*, but certain characteristics of the scene in the miniseries reveal striking similarities to the central elements of the actual photograph. For example, the context is the same. The scene plays after the uprising of the Warsaw Ghetto has been crushed. Men, women, and children alike are captured and rounded up by German forces. The attention of the scene focuses

Figure 11.1   Aaron Feldman (Jeremy Levy) alias the little boy with his hands raised in the Warsaw ghetto and Moses Weiss (Sam Wanamaker) in *Holocaust*. © CBS Inc.

on the small boy who exhibits tremendous virtue and courage, and whose youth makes his death especially gruesome despite the presence of other doomed Jewish prisoners in the scene. There are also a number of details that noticeably fit with the photo. For example, the "dreadfully big cap"[61] of the small boy, the raised hands, the high number of children and women among the civilian captives, the characteristic motor vehicle goggles of the soldiers strapped over their steel helmets, the submachine guns pointing in the direction of the captives, or the trash on the ground.

In the original photograph, 20 civilians, largely women and children, and five soldiers appear. The group appears to step out of the gateway of a house, although the picture is arbitrarily captioned in the report: *Mit Gewalt aus Bunkern hervorgeholt* ("Pulled from the bunkers by force"). In the scene in *Holocaust*, as a matter of fact, the group of resistance fighters is actually pulled from a bunker. Thereby, the miniseries seems to rectify the caption of the photograph and simultaneously intensifies the deliberate analogy between Nazi propaganda movies, like *Der Ewige Jude* ("The Eternal Jew"), and the

Stroop Report, which equated Jews with rats who emerge from the underground to infest civilization.

In both *On Photography* and in *Regarding the Pain of Others,* Sontag mentions this photograph. In the latter she writes:

> Certain photographs—emblems of suffering, such as the snapshot of the little boy in the Warsaw Ghetto in 1943, his hands raised, being herded to the transport to a death camp—can be used like memento mori, as objects of contemplation to deepen one's sense of reality; as secular icons, if you will. But that would seem to demand the equivalent of a sacred or meditative space in which to look at them.[62]

Perhaps the reenactment within *Holocaust* offers such a meditative space, thus enabling film to provide a context in which photographs become secular icons.

6.   INCOMPREHENSIBLE: THE DECONTEXTUALIZED *SONDERKOMMANDO* PHOTOGRAPHS

Another photograph utilized by the filmmakers, however, cannot be interpreted in these terms. *Holocaust* employs a photograph that was taken under the most extraordinary conditions by members of the so-called *Sonderkommando* (special detachment) in Auschwitz-Birkenau. The *Sonderkommando* was a group of mostly Jewish prisoners as well as some Soviet prisoners of war forced to operate the camps' crematoria and gas chambers. Supervised by the SS, prisoners of the *Sonderkommando* led people into the gas chambers, expropriated their belongings, and then burned their corpses.

The role and the behavior of the members of the *Sonderkommando* are highly contested in the accounts and statements of survivors. Hermann Langbein, a non-Jewish survivor of Auschwitz and one of the early historians of the Holocaust, describes the *Sonderkommando* as the worst form of collaboration with the SS and accuses their members of various atrocities.[63] He characterizes the men of the *Sonderkommando* in the following way: "They are always filthy, totally unkempt and seedy, and exceedingly brutal and ruthless. It is not unusual for one man simply to beat another to death."[64] Primo Levi, however, takes a more mediating position in his famous essay *The Gray Zone,* which is part of *The Drowned and the Saved*. He characterizes the conception and organization of the *Sonderkommandos* as "National Socialism's most demonic crime."[65] In his opinion, the

attempt to shift the burden of guilt onto the victims and to deprive them of the solace of innocence vividly elucidates the vicious character of National Socialism.[66] The history of the *Sonderkommando* becomes more complicated because its members were active in various forms of resistance. Most remarkable is the uprising of the *Sonderkommando* that took place in October 1944. With dynamite allegedly smuggled into the camp from a nearby factory complex, the inmates destroyed one of the crematoria and fought the guards with self-made hand grenades and captured firearms until SS reinforcements quelled the uprising. This was the only armed and organized uprising in the history of Auschwitz-Birkenau.

Members of the *Sonderkommando* were also engaged in other forms of resistance. One form was to document the mass murder in order to inform the outside world of Nazi crimes, and to preserve the memory of the murdered victims.[67] Under extremely dangerous circumstances, the *Sonderkommando* smuggled a camera inside the camp and took a set of four pictures of the events taking place inside the sealed-off complex that housed the gas chambers and crematoria. The first two photographs of this set show the burning of corpses in pits next to the crematoria. The lower part of the third photograph is black and shows a forest in the upper part. Undressed women standing in the forest next to the crematories are the subject of the fourth photo. The exact circumstances under which the photographs were taken remain unclear. What is known is that one or two prisoners of the *Sonderkommando* succeeded in taking the photos and smuggling them out of the camp to the Cracow Aid Committee in order to inform the outside world.[68]

One of the photographs depicting the burning of corpses in the cremation pits is shown in *Holocaust* when Dorf reports on events in Auschwitz (Figure 11.2). The photograph shows naked bodies on the ground and smoke rising up behind them presumably from burning corpses. The picture also shows members of the *Sonderkommando* in the process of burning victims' bodies in the cremation pits. In *Holocaust,* a voice-over of Erik Dorf comments on the photograph. He says: "Special teams go in and remove the bodies. Removing hair, cutting teeth." Dorf does not say a single word about the difficult circumstances under which the photographs were taken, over the controversial role of the *Sonderkommando,* or about issues of collaboration and resistance associated with the photo and which became important topics for Holocaust studies in recent years. The photograph is simply used to illustrate the functional principles of the gas chambers. Neither the significant character of the photograph nor

Figure 11.2 Cropped *Sonderkommando* photograph how it is presented in *Holocaust*. Used with permission of Yad Vashem. The Holocaust Martyrs' and Heroes' Remembrance Authority.

the difficult and conspiratorial circumstances of its production are thematized.

Today, the four *Sonderkommando Photographs* are recognized as icons of the Holocaust. Judith Keilbach mentions that these pictures only recently captured public attention for the first time. In 2000 they were presented in public as part of the exhibition *Mémoire des Camps* in Paris.[69] Dan Stone devoted a chapter in *Memory and Mass Atrocity: Essays on the Holocaust and Genocide*[70] to these photographs, and eventually Georges Didi-Huberman wrote an entire book about them, published in French in 2004, and English in 2008.[71] Didi-Huberman's *Images in Spite of All* is the most comprehensive work on the *Sonderkommando Photographs*.

In my opinion, Didi-Huberman and Stone establish in their writings the iconic character of the photographs. Didi-Huberman sees them, referring to Hannah Arendt's verdict, as *Momente der Wahrheit* (Instances of Truth).[72] He writes:

> This is exactly what the four images taken by the members of the *Sonderkommando* are: "instants of truth." A small thing therefore: just for instants in August 1944. But it is inestimable, because it is almost all "that we have available to us [visually] in this chaos of horror." [73]

Dan Stone takes a very similar stance when writing about the *Sonderkommando Photographs*, calling them "moments of shock,

flashes which—whilst conforming to the law saying that photography captures a moment in time—refuse to be fitted into a linear history but blast out of the continuum of history."[74]

The *Sonderkommando Photographs* gained their iconic status relatively late because they were not, according to Susan Sontag, contextualized properly. Photographs can be transformed into symbolic images by their recurrent use but not without providing them with an appropriate context. The extraordinary history of the *Sonderkommando* photographs is not thematized in *Holocaust*. Therefore, they remained pure illustrations of the technical processes of the gas chambers and crematoria, and failed to address the manifold aspects that shaped their importance and influenced their historic status today.

Didi-Huberman stresses the importance of looking at these four photographs in the proper context, something the miniseries failed to do. *Holocaust* situates the photos within the narrative of the perpetrators, who were never even aware of their existence, thereby inventing a new context and neglecting the true genesis of the photos. Another point Didi-Huberman raises is that the pictures are often reframed and cropped in what he describes as "being inattentive" to the originals. Didi-Huberman says:

> However, the cropping of these photographs is a manipulation that is at the same time formal, historical, ethical, and ontological. The mass of black that surrounds the sight of the cadavers and the pits, this mass where nothing is visible gives in reality a visual mark that is just as valuable as all the rest of the exposed surface. That mass where nothing is visible is the space of the gas chambers.[75]

Didi-Huberman refers here to the black frame that surrounds the two photographs showing the cremation pits, the existence of which tells us about the forbidden process as well as the tremendous risks the photographer took while taking the photos.[76] This story of the photographs is totally neglected in *Holocaust*. Nevertheless, even the untouched, original photographs cannot reveal their true background without contextualization. As Nicholas Chares argues in regard to the *Sonderkommando Photographs*:

> Of course the context within which the photographs were taken does not inhere in the images themselves but is provided by Didi-Huberman. Photographs cannot capture a context because no "thing" has context. Context is not inherent in anything although it affects our encounters with all things.[77]

7. RÉSUMÉ

Film historian Ilan Avisar points out that "popular cinema is distinguished by the presence of ideological overtones which are usually part of the subtext, and they attest to prevalent social attitudes toward specific topics."[78] Avisar thus expresses the common view that cinema is never able to fulfill its obligations vis-à-vis history. Film is not able to capture the complexity of historical events, and film is always governed by ideological considerations and prevailing social attitudes. However, this analysis attempted to depict these specific characteristics of film as helping to turn historical photographs into historic icons. As this chapter has tried to demonstrate, photographs are able to become historic when they are contextualized within their specific historical configuration. Film, as a powerful medium, can provide this context. But this does not mean, as the photographs taken by Holocaust perpetrators show, that the original message and moral intention of the photograph is always retained. Apparently, it is easier to create a new ethical response than to provide a photograph with a new context.

NOTES

1. *Holocaust,* Dir. Marvin J. Chomsky, Script Gerald Green, USA: NBC 1978 (DVD, Paramount Pictures, 2008). *Holocaust* was first aired on television in the United States in April 1978. The following citations refer to the DVD edition.
2. Judith Doneson, *The Holocaust in American Film* (Syracuse: Syracuse University Press, ²2002), 143–196; Peter Novick, *The Holocaust in American Life* (New York, Boston: Mariner Books, 2000), 209–217; Jeffrey Shandler, *While America Watches: Televising the Holocaust* (New York, Oxford: Oxford University Press, 1999), 155–178.
3. Lance Morrow, "Televison and the Holocaust," *Time Magazine* (May 1, 1978), 53.
4. Vicki Goldberg, *The Power of Photography: How Photographs Changed Our Lives* (New York: Abbeville Press, 1991), 135.
5. Ibid.
6. Susan Sontag, *On Photography* (London: Penguin, 1979), 19.
7. Judith Keilbach, "Photographs, Symbolic Images, and the Holocaust: On the (Im)Possibility of Depicting Historical Truth," *History and Theory* 47 (May 2009), 68f.
8. Doneson, *The Holocaust in American Film,* 177.
9. For an overview of the creation and dissemination of these photographs, see Barbie Zelizer, "From the Image of Record to the Image of Memory: Holocaust Photography Then and Now," in *Picturing the Past: Media, History, and Photography,* eds. Bonnie Brennen

and Hanno Hardt (Urbana, Chicago: University of Illinois Press), 98–121.

10. Sontag, *On Photography,* 20.

11. Janina Struck, *Photographing the Holocaust: Interpretations of the Evidence* (London: I.B. Tauris, 2003): 150.

12. Ibid., 171. For a catalogue of the mentioned exhibition, see YIVO Institute for Jewish Research, *Life, Struggle and Uprising in the Warsaw Ghetto* (New York, 1963).

13. It is an anonymous photograph from the Warsaw ghetto. Edward Steichen, *The Family of Man: The Greatest Photographic Exhibition of All Time: 503 Pictures of 68 Countries* (New York: Maco Magazine Corp., 1955): 166f. For a discussion of the absence of Holocaust photographs in *The Family of Man,* see Viktoria Schmidt-Linsenhoff, "Denied Images: The Family of Man and the Shoa," in *The Family of Man, 1955–2001: Humanism and Postmodernism, A Reappraisal of the Photo-Exhibition by Edward Steichen,* eds. Jean Black and Viktoria Schmidt-Linsenhoff (Marburg: Jonas Verlag, 2005), 81–99; Sarah E. James, "A Post-Fascist *Family of Man?* Cold War Humanism, Democracy and Photography in Germany," *Oxford Art Journal* 35.3 (2012), 315–336.

14. Novick, *The Holocaust in American Life,* 209; Theodore Ziolkowski, "Versions of Holocaust," *The Sewanee Review* 87(4) (1979), 676–685.

15. Shandler, *While America Watches,* 155; Mark E. Cory, "Some Reflections's on NBC's Film Holocaust," *The German Quarterly* 53, no. 4 (Nov. 1980), 444.

16. Several months later, *Holocaust* was also aired in Israel and in many West European Countries. For a history of its reception in West Germany, where the miniseries also had a significant impact, see Siegfried Zielinski, "History as Entertainment and Provocation: The TV Series 'Holocaust' in West Germany," *New German Critique* 19, Special Issue 1: Germans and Jews (Winter 1980), 81–96. For a history of reception in Italy, see Emiliano Perra, "Narratives of Innocence and Victimhood: The Reception of the Miniseries 'Holocaust' in Italy," *Holocaust and Genocide Studies* 22, no. 3 (Winter 2008), 411–440. For France, see Joan B. Wolf, *Harnessing the Holocaust: The Politics of Memory in France* (Stanford: Stanford University Press, 2004). A general analysis of the miniseries and its reception in the United States offers Doneson, *The Holocaust in American Film*, 141–196.

17. Doneson, *Holocaust in American Film,* 143.

18. Daniel R. Schwarz, *Imagining the Holocaust* (New York: St. Martin's Press, 1999), 163.

19. Joshua Hirsch, *Afterimage: Film, Trauma, and the Holocaust* (Philadelphia: Temple University Press, 2004), 4. For a discussion of authenticity and popular Holocaust movies, see Christoph Classen,

"Balanced Truth: Steven Spielberg's 'Schindlers List' Among History, Memory, and Popular Culture," *History and Theory* 47 (May 2009): 86ff.

20. Ilan Avisar, *Screening the Holocaust: Cinema's Images of the Unimaginable* (Bloomington: Indiana University Press, 1988), 129.
21. Cory, "Reflections on NBC's Film Holocaust," 445.
22. Ibid.
23. Judith E. Doneson, "Holocaust Revisited: A Catalyst for the Memory or Trivialization?" *Annals of the American Academy of Political and Social Science* 548, The Holocaust: Remembering for the Future (Nov. 1996), 75.
24. The comprehensive depiction of the historical events in *Holocaust* includes one important limitation. Remarkably, the story develops solely in Eastern and Central Europe. An exposure to events happening in other parts of Europe is missing. No deportations of Jews from France or the Netherlands take place, no collaboration of European powers is thematized, and no successful flight from the Nazis is mentioned. Thereby the miniseries undermines its apparent task of representing the most important events of the Holocaust in the light of two fictional families.
25. Letter from Robert Berger to Marvin Chomsky, director of *Holocaust*, March 17, 1977, Titus Files, cited in Doneson, *The Holocaust in American Film*, 157.
26. Noticeably, the end of Erik Dorf is not dramatized following Eichmann's fate. Dorf gets captured in plain clothes by US soldiers and is soon after interrogated by an American captain. Confronted with Nazi atrocities he commits suicide by swallowing a cyanide capsule he carried in his jacket. Dorf's death parallels more of Heinrich Himmler's end, who committed suicide during an interrogation after he was captured in mufti by British forces.
27. Doneson, "Holocaust Revisited: A Catalyst for the Memory or Trivialization?" 76.
28. Jeffrey Shandler, "Schindler's Discourse: America Discusses the Holocaust and Its Mediation, from NBC's Miniseries to Spielberg's Film," in *Spielberg's Holocaust: Critical Perspectives on Schindler's List*, ed. Yosefa Loshitzky (Bloomington: Indiana University Press, 1997), 153.
29. Michael Elkin, "Holocaust as a Media Event," *Jewish Exponent* (March 1986), 31.
30. Novick, *The Holocaust in American Life,* 209.
31. Doneson, "Holocaust Revisited," 75.
32. Doneson, *The Holocaust in American Film,* 140, 150.
33. John E. O' Connor, "TV Weekend," *New York Times* (Apr. 14, 1978), C26.
34. Ibid.

35. Lance Morrow, "Television and the Holocaust," *Time Magazine* (May 1, 1978), 53.

36. Annette Insdorf, *Indelible Shadows: Film and the Holocaust* (New York: Cambridge University Press, 1983), 4.

37. Elie Wiesel, "Trivializing the Holocaust: Semi-Fact and Semi-Fiction," *New York Times* (Apr 16, 1978).

38. Zielinski, "History as Entertainment and Provocation," 86.

39. See, for example, Wiesel, "Trivializing the Holocaust" or O'Connor, "TV Weekend."

40. Doneson, "Holocaust Revisited," 72.

41. "An Interview with Paddy Chayefsky," *American Film* VII, 3 (December 1981), 61. Cited in Insdorf, *Indelible Shadows*, 3.

42. Doneson, "Holocaust Revisited," 75.

43. Doneson, *The Holocaust in American Film*, 177 fn. 71.

44. For a brief discussion of the use of still photographs in *Holocaust*, see Doneson, *The Holocaust in American Film*, 177–181; Joachim Paech, "Erinnerungs-Landschaften," in *Kunst und Literatur nach Auschwitz*, ed. Manuel Köppen (Berlin: Erich Schmidt Verlag, 1993): 124–136.

45. For a classification of the different kinds of Holocaust photographs taken in most cases by the perpetrators and in rare incidents by the victims, see Judith Levin and Daniel Uziel, "Ordinary Men, Extraordinary Photos," *Yad Vashem Studies* 26 (1998): 265–293; Judith Keilbach, "Photographs, Symbolic Images, and the Holocaust," 54–76.

46. Lance Morrow, "Television and the Holocaust," *Time Magazine* (May 1, 1978), 53.

47. Lawrence L. Langer, "The Americanization of the Holocaust on Stage and Screen," in *From Hester Street to Hollywood: The Jewish-American Stage*, ed. Sarah B. Cohen (Bloomington: Indiana University Press, 1983), 227.

48. Sontag, *On Photography*, 17–19.

49. Ibid.

50. Brink, Cornelia, "Klage und Anklage. Das, 'Auschwitz-Album' als Beweismittel im Frankfurter Auschwitz-Prozess (1963–1965)," *Fotogeschichte. Beiträge zur Geschichte und Ästhetik der Fotografie* 95 (2005), 17f.

51. *The Auschwitz Album: Lili Jacob's Album*, ed. Serge Klarsfeld (New York: The Beate Klarsfeld Foundation, 1980).

52. Doneson, *The Holocaust in American Film*, 177. Even though they were presented as evidence in the trial against Adolf Eichmann in 1961, they attracted only little publicity. Struck, *Photographing the Holocaust*, 101f.

53. Tobias Ebbrecht and Konrad Wolf, "Migrating Images: Iconic Images of the Holocaust and the Representation of War in Popular Film,"

Shofar 28.4 (2010), 94. As Levin and Uziel point out, the number of photographs depicting the violence of the Holocaust taken by the perpetrators is very large. They argue, for example, that there are alone more than 1.000 personal albums in the *Bundesarchiv-Militärarchiv* (Federal Archive Military Archive) in Freiburg and the *Bundesarchiv Koblenz* (Federal Archive Koblenz). Levin and Uziel, "Ordinary Men, Extraordinary Photos," 265–293.

54. For an encompassing history of the photograph of the little boy in the Warsaw ghetto and the Stroop report, see Richard Raskin, *A Child at Gunpoint: A Case Study in the Life of a Photo* (Aarhus: Aarhus University Press, 2004).

55. An English edition of the *Stroop Report* is Jürgen Stroop, *The Stroop Report: The Jewish Quarter of Warsaw is No More!,* trans. Sybil Milton (New York: Pantheon Books, 1979).

56. Marianne Hirsch, "Nazi Photographs in Post-Holocaust Art: Gender as an Idiom of Memorialization," in *Crimes of War: Guilt and Denial in the Twentieth Century*, eds. Omer Bartov, Atina Grossmann, and Mary Nolan (New York: The New Press, 2002), 106.

57. Raskin, *Child at Gunpoint,* 32f.

58. For the reception of the photograph, its public mention and display, see Raskin, *Child at Gunpoint,* 32, 105–130; Hirsch, "Nazi Photographs in Post-Holocaust Art," 100–120.

59. Marianne Hirsch, "Nazi Photographs in Post-Holocaust Art," 100–120.

60. Lucy Dawidowicz, *The War Against the Jews, 1933–1945* (New York: Holt, Rinehart and Winston, 1975), 166.

61. Halla Beloff, *Camera Culture* (Oxford: Basil Blackwell, 1985), 120.

62. Susan Sontag, *Regarding the Pain of Others* (New York: Farrer, Straus and Giroux, 2003), 119.

63. Hermann Langbein, *People in Auschwitz* (Chapel Hill: University of North Carolina Press, 2004), 191ff.

64. Ibid., 193.

65. Primo Levi, *The Drowned and the Saved* (New York: Vintage 1989), 53.

66. Ibid.

67. For example, fragments of notes and diaries written by prisoners of the *Sonderkommando* were found buried near the crematories after the liberation of Auschwitz. These documents have become known as the "Auschwitz scrolls" and emphasize the resistance of the victims. For a comprehensive history of the scrolls, see Ber Mark, *The Scrolls of Auschwitz* (Tel Aviv: Am Oved, 1985).

68. Dan Stone, *History, Memory and Mass Atrocity: Essays on the Holocaust and Genocide* (London, Portland: Mitchell Vallentine, 2006), 16.

69. Keilbach, "Photographs, Symbolic Images, and the Holocaust," 75f.

70. Stone, *History, Memory and Mass Atrocity.*

71. Georges Didi-Huberman, *Images in Spite of All,* trans. Shane B. Lillis (Chicago, London: University of Chicago Press, 2008). The first part of *Images in Spite of All* was used as an article for the official catalogue *Mémoire des camps. Photographies des camps de concentration et d'extermination Nazis (1933–1999),* ed. Clément Chéroux (Paris: Marval, 2001).

72. Hannah Arendt argued that there is no truth but "instants of truth," which are small anecdotes that articulate the evil. Hannah Arendt, *Nach Auschwitz: Essays und Kommentare I* (Berlin: Bittermann, 1989), 135.

73. Didi-Huberman, *Images in Spite of All,* 31f.

74. Stone, *History, Memory and Mass Atrocity,* 23.

75. Didi-Huberman, *Images in Spite of All*, 35.

76. Focussing on Didi-Huberman's discussion of the blackness of the photographs, Nicholas Chare shows how Didi-Huberman made "safe" photos "unsafe" by (re)providing them with its context. Nicholas Chare, *Auschwitz and Afterimages: Abjection, Witnessing and Representation* (London, New York: I.B. Tauris, 2011), 141ff.

77. Nicholas Chare, "The Gap in Context, Giorgio Agamben's Remnants of Auschwitz," *Cultural Critique* 64 (Fall 2006), 63.

78. Avisar, *Screening the Holocaust,* 130.

CHAPTER 12

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SHINY HAPPY WARFARE? NEW YORK VICTORY PARADES AND THE (IN)VISIBILITY OF VIOLENCE

Sebastian Jobs

For almost 150 years New York City has been America's self-declared national parade ground. Traditionally, personalities from politics, sports, and of social importance have enjoyed the city's distinct parade style of ticker-tape throwing. The list of celebrities reaches from President Theodore Roosevelt to aviator Charles Lindbergh and the moon-conquering crew of Apollo 11. Although most recently parade activity has somewhat subsided, the tradition is still alive. The latest addition to this illustrious list were the Super Bowl winners of the New York Giants, who in 2008 had the honor of "riding" through the Canyon of Heroes, as the Manhattan's Broadway and Fifth Avenue parade area is also called. However, some of the biggest and most elaborate celebrations to ever take place have been military victory parades—especially those staged after the First and Second World Wars. New York was a prime location of return from the war, and after the First World War the city was a major port for soldiers coming back from Europe to disembark, and thousands of men had themselves enlisted in the city to fight in Europe. The task of welcoming home some 1.3 million soldiers required a professional organization of celebrations. The series of ad hoc committees that had earlier taken up the task of organizing these events was then replaced by a permanent mayoral agency. This close cooperation between military officers and civic bureaucrats allowed the staging

of more than ten parades in 1919 alone.[1] After the Second World War the US government continued this tradition and selected Fifth Avenue as the place for the central (and only major) victory parade to welcome back American soldiers: 13,000 soldiers of the 82nd Airborne Division were selected to represent the mass of American soldiers in the Second World War. But why this great effort?

Within American society military parades served a number of concrete purposes. They were collective attempts to reconcile the American public and its soldiers with the victorious war and to come to terms with past experiences. Therefore, victory parades functioned as rites of passage on a variety of levels. First, it was the last time most soldiers would wear the uniform of the American armed forces, as the parade was for most of them the final duty before discharge—thus, they symbolically crossed the threshold from being citizen-soldiers to mere citizens.[2] Second, as spectators, organizers and soldiers joined in celebrations, parades were not only big performances of military power and heroism but productive sites of building and imagining a "community." They span an arch of military tradition and American history, and thus tell a story of national strength and fortune seen through the lens of the individual soldiers or, more precisely, through the lens of their disciplined bodies, which became the primary medium of symbolic expression.[3] In this fashion, parades permitted a glimpse into the realities of war, while at the same time serving as (somewhat inaccurate) representations of war that were riddled with blind spots.[4]

As much as they were sites of memory, these pageants were also good examples of deliberate amnesia. While some interpretations of war dominated the performance on New York's Fifth Avenue (for example heroism, patriotism, national strength) other aspects remained largely unaddressed. Organizers staged military spectacles through which audiences could indulge in the illusion of a clean and just war, and celebrate its conclusion, while some loose ends of the war narrative remained untold or hidden. This selectivity of perspective becomes most obvious when one looks at the way the matter of violence was integrated into the demonstration. As I will show, in military victory parades after the First and Second World Wars, violence was central to the military pageantry, but in many cases it remained only an obscure background noise rather than a leitmotif.

1.   WOUNDED AND HEALED

Military parades put the soldierly bodies in the spotlight. When soldiers marched at a pace of 120 steps per minute, they demonstrated

their ability to control their individual bodies, as well as the craft of acting together as one body of soldiers. Yet their athletic achievement did not stand alone and instead became meaningful within the story of the national war effort. As the soldiers' march was framed by national symbols like flags and patriotic songs, their individual experiences were subsumed under the umbrella of the greater American story of war. This particular focus on physical expression posed a narrative challenge, however, since organizers had to reconcile a number of rather contradictory images of war. Although they were meant to put an end to the state of war, they paradoxically continued it as they recalled images of warfare. On the one hand, there were strong and disciplined soldiers that could handle complex weaponry and march for hours in lockstep. In March 1919, one commentator remarked with great admiration that in the parade of the 27th Division the day before, soldiers had marched "with the precision of a machine."[5]

The idea of a machine-like body comes to mind, one capable of a concerted and efficient demonstration of strength and power no matter where it was required: on the parade ground or on the battlefield. This masculine performance of returning citizen-soldiers came to symbolize the efficiency of America and was reminiscent of ideas that envisioned the entire state as being like a machine. They acted out a model of "martial citizenship" that was based on the idea that through their service in the army men would make the ultimate sacrifice for their country.[6] On the other hand, the flip sides of individual and collective heroism were unimaginable wounds and violence that soldiers had experienced on the battlefield. Many returned wounded; many never came back from the war at all. How, then, did the parade narrative integrate their experiences and bodies?

After the First World War each parade featured one section with soldiers who were wounded: those who could walk marched with their respective units, but the overwhelming majority of them were driven through the parade by car. Here the violent character of war became most visible for the spectators on the home-front. But interestingly, on the day after the parades, newspaper articles mainly refrained from giving detailed or graphic descriptions of the wounds suffered by the soldiers. It was as though the physical body was a taboo of intimacy that could not be expressed or shown. Instead, scars, crutches, and bandages that hid missing limbs were visual markers of the violence that had happened to those bodies. They gave witness to the fact that they had been "used" in combat. However, at the same time, these instances of physical memory also marked the limits of the expressibility of pain and violence. Wounds themselves did not carry a particular

meaning beyond the reference to the individual instance in which the soldier had been wounded. Generally speaking, a missing limb did not refer to the war at all or to the act of fighting. These "souvenirs of the battle front"[7]—as the *New York Herald* euphemistically called them—remained empty signs on a social level until they were embedded in narratives; that is to say, a wound could only become a public achievement when it was part of a grand narrative. Here the parades came into play because they could deliver this storyline. Soldiers and wounds were invested in uniforms and accompanied by flags as signs denoting them as patriotic warriors. Within that framework that soldiers' battle injuries were recognized as such and, in addition to that, were transformed into individual sacrifices for their country. The echo chamber of newspapers highlighted in unison the fact that they had received their wounds while performing a citizen-soldier's duty. Here parades became acts of signification that would translate the individual experience of being and getting wounded into a socially understandable "language" by relating the individual commitment to the collective war effort. This translation ensured that the sacrifice of the individual battle wound would acquire meaning and could thus overcome its potential emptiness.[8]

In this sense, this interpretive framework, indirectly, addressed a lingering crisis. The home-coming of the wounded was a potentially ambivalent experience, since it posed a major challenge to the soldiers' physical strength as well as their masculinity. When they came back from war, many disabled veterans were not able to simply slip back into their previous lives. Thus traditional role, such as the able and strong male breadwinner, were put into question. So how did the parades cope with these changes that seemingly contradicted the abovementioned narrative of national strength? Victory parades countered this danger for masculinity with role models that would allow the soldiers to be re-*member*-ed as heroic men. The celebration of personal sacrifice created a community of new men. In this community, soldiers shared the fate of wounds and scars. However, instead of calling into question the manliness of these veterans, their wounds became the ultimate proof of their masculinity as national heroes, thus creating an imaginary body that transcended the community of soldiers. Their status as men and citizen-soldiers was reaffirmed through the community of victors.[9] In the end, the parade gave their sacrifices a positive spin. This was even amplified or testified to through the participation of spectators who watched and commented upon what they saw. Although many were shocked and emotionally touched, the wounded men, the men in crisis, were not ostracized

but reintegrated through laughter and cheers. Yet, this community also reflected the state of a highly segregated American army and society. Although the "black" soldiers of the 369th Regiment, the so-called Harlem Hellfighters, were the first to return from Europe in February 1919 and the first to be greeted with a victory parade on Fifth Avenue, they were not allowed to appear in the same march as their fellow countrymen. Following the logic of *Plessy vs. Ferguson* the sacrifices African American soldiers had made were only thinkable as "separate but equal."

However, in all of the parades after the First World War some wounds seemed invisible and remained unspeakable. Doctors from the Messiah Home Hospital in New York used the same parade of the 27th Division in March 1919 for a psychotherapeutic experiment with 100 veterans suffering from the so-called shell-shock syndrome. This psychomedical condition described the psychological trauma that soldiers experienced after having been exposed to extreme violence and stress in war. In the Second World War it was known as "combat fatigue," but it obtained a special notoriety after the Vietnam War and is nowadays known to the public as posttraumatic stress disorder (PTSD).[10] Along with 100 caretakers the veterans were seated in a camouflaged stand on the west side of Fifth Avenue between 59th and 60th Street in order to test whether the sight of marching (and victorious) soldiers would have any effect on their condition. However, this experiment failed or at least did not produce any measurable results as the soldiers "enjoyed the parade without any special effect on their condition." Yet this endeavor highlights the hopes and expectations that doctors held at the time: from their point of view, the parade assumed almost magical powers as a healing ritual. Very pointedly one could say that war and its hardships were seen as wounds—both individual and social—for which victory, in general, and the parades, in particular, provided a cure.[11]

This medical, or at least care-taking, perspective on the homecoming was omnipresent in the parades. The emphasis of the display was upon the process and the ability to heal soldiers in the parade; finally they "had come back to the sheltering arms of the homeland," as one journalist commented upon the return of the 77th Division, in May 1919. For them the audience's acclamation was a reward, whose healing powers were also obvious for observers: "the horrors of the war surely must have been lost to thought to these sturdy youths because of the spontaneity with which they were welcomed back into the civic family circle." In both descriptions, the situation of war and its violence was contrasted with the image of home as a quiet,

organized and civilized place—and in the latter statement this notion was further intensified through the invocation of the "family" as a place of social safety and common values.[12]

Returning to the general issue of violence and visibility, after the First World War scars and wounds not only visualized the effects of war, they also were means of authentication. They proved that these men had fought in the war and that they could speak convincingly of it. Thus their entire bodies were presented as a seemingly "authentic" truth that served as evidence for the purity of the previous war. The scars of the wounded soldiers made them credible in terms of violence and war experience. War had left marks and impressions on their bodies and had visibly altered them. In that sense, their bodies served as mnemonic devices that carried traces of the soldiers' personal history within a framework of collective patriotic action. Therefore, the wounded bodies allowed soldiers and spectators alike to deal with change on a personal as well as "collective" level.[13] These soldiers were often described as those who were least disciplined and most enthusiastic in the marches: in this picture, pain and suffering yielded to the image of the optimistic wounded returning home from the war happily and recovering. However, the range of this master-narrative was rather limited. The narrative of wounds and violence supposedly came to a wholesome conclusion within the framework of the nation-state that served as a cure but, at the same time, was also strengthened by the soldiers' sacrifices. As such they displayed the violence suffered by individual soldiers. Yet among those who went to Europe, a great number never came back from the battlefield. The next section will discuss how the violent sacrifice of these fallen soldiers was made visible in the parades.

2.   KILLING AND GETTING KILLED

To represent the dead of war after the First World War, most parades included a section that honored the fallen soldiers. The march of the 77th Division in May 1919 was led by a so-called cortège, consisting of a horse-drawn gun carriage decorated with flowers and wreaths, and a platoon of 50 soldiers marching slowly at funeral pace (that is about 60 steps per minute). They carried white flags with 2,400 golden stars, which stood for the dead members of the division, while the army band played a funeral march. On its way up Fifth Avenue the platoon stopped at the "Court of the Victorious Dead" in front of the New York Public Library building on 42th Street. Here the soldiers were joined by veterans of the Civil War and the Spanish-American

War. They honored their fellow dead soldiers by saluting in front of the so-called altar and by laying down several wreaths and flowers bouquets.

Six weeks earlier the organizers of the victory parade for the 27th division had already found very similar means to represent those who had died during the war. For that service a flag-draped caisson decorated with flowers was drawn by a horse without a rider and led the parade, followed by a guard of honor that carried a huge banner with 1,972 golden stars. Already in this parade one of the crucial locations was the decorated Court of Dead at the public library; it was flanked by veterans from the Spanish-American War and the Civil War, including two soldiers from the former Confederate Army. They jointly removed the flowers and wreaths from the caisson, put it in front of the altar, and saluted.

The parade and the altar, in particular, were the site of various activities whose character one newspaper reporter pointedly summed up by naming "flags, handkerchiefs and tears" as the most visible items at the spot. First of all, the public recognition of the dead as gold stars was a way to visualize the invisible bodies, for they represented "the men that were left in Flanders fields," as a caption of an official US Army photo described it. In public perception those soldiers had "never left the battle, Over there, across the way," as a poem summed up the tragedy. The fact that their bodies had remained abroad in the eye of the public constituted a state of physical and emotional unsettledness. Accordingly, the poem went on to deplore that they "could never silent lie, with the ranks of their old comrades in the homeland sweeping by."[14] When these men were officially remembered through the parade, many even thought the spirits of the dead soldiers marched with their former comrades. Thus the public display of the fallen soldiers and the ceremonies at the "altar of the victorious dead" served as a place to grieve, as a symbolic repatriation, and as a civil-religious funeral that gave these "homeless" soldiers a home-coming celebration too.[15] Earlier in 1919 a public debate had taken place on whether to repatriate the mortal remains of fallen US soldiers, which was only finally settled one year later with the decision to bring more than 70 percent of those killed back to the United States. Then, in 1919, funeral-like sections of the parades provided an opportunity to grieve for the invisible and bid farewell to the dead soldiers. They allowed rites of passage and were attempts at coming to terms with seemingly unsettled issues—primarily the absence of the very corpses—as well as overcoming the state of unrest.[16]

The cortèges in the parades presented the death of the soldiers from a very specific angle. They emphasized the ultimate sacrifice they had made for their country and thus interpreted it as a national sacrifice. For instance, John H. Hallack, chairman of the 189 Selective Service Boards of New York City, strongly argued in favor of the pageant in April 1919, roughly one month before the event was to take place: "They [the soldiers] have sacrificed blood to crystallize patriotism and love of country which we instilled in them when they were sent away." In Hallack's statement the individual, mutilated body with its unsanitary wounds and infections was transformed into a clean monument of patriotic sacrifice, as he closely connected the physical sacrifice of individual soldiers with the sleek narrative of a caring and passionate nation. The individual body became an example for the American body politic, and through the sacrifices made in the war the idea of the nation had been strengthened or, from a performative point of view, had even brought into being. The very act of fighting had "crystallized into patriotism." The blood of war had dried and the violence connected to the deaths of these men disappeared behind the golden stars on an American flag.[17]

But what about the violence that American soldiers themselves had committed? While the dead martyrs of civil religion were remembered through symbols like the gold-star flag, it is striking to see how the complex nature of the "job" American soldiers had performed was largely left out of the performative picture of parades. It might sound like a truism, but American soldiers had not only experienced violent acts; they had also performed them.

Very broadly speaking, war constitutes a state of exception, a violation of taboos, insofar as it allows for the exercise of violent actions that would be legally and socially banned and sanctioned in peace time. Or to be more precise, in war the immediate objective of the combatants is to injure or even kill each other through acts of violence. Here certain activities become acceptable which at a different time would be regarded as uncivilized; namely, the destruction of enemy structures, such as houses or even entire cities, and the infliction of pain on others. However, to the spectators of the parades this kind of violence remained almost invisible. There were no overt references to the shooting and fighting and there were no scores of killed men or destroyed tanks on display. Only the medals worn by soldiers referred to concrete events of battle heroism. But even more, official comments about war tried to hide the combat action behind a relatively neutral language. One can find an instance for this neutral or even

euphemistic language in the abovementioned speech that General Alexander, commanding officer of the 77th Division, delivered on the eve of the division's parade: "[t]he division played the game, it paid the price, it won the objective and you may well be proud of the men."[18] This playful assessment of the war covered up the actions of soldiers and assumed an image of warfare that seemed to be totally rational and rule-driven, like a game or a job. Hence victory parades not only relieved soldiers from the craft of war and turned them back into civilians, but they also, retrospectively, justified and legalized the means the men had used to achieve this victory: they created a silence. Thus parades were not only instances of presentation and memorialization; at the same time, they were also acts of concealment and oblivion. For soldiers on their ways back to civil life, aspects of uncivility—namely, the violence of killing and wounding—were largely left out of this official public picture.[19]

However, this official selectivity was not always met with concurrence and even bore a certain danger of performative failure. After the First World War, some started to question the version of war they were being served and commented upon the silences that remained inaudible in the parades. After the men of the 27th Division had been on parade in Brooklyn on March 24, one reporter of the *New York Sun* gave his rather dismal impression of the soldiers' performance: "[t]hese men were parading. But they recognized a parade as one of the mere incidents, one of the things that are done automatically in their profession. Their profession was fighting," to which we might also add killing—and yet neither of these were included in the performance. In this statement the glorifying patriotism gave way to the repetitive and routine aspect of parading, in particular, and warfare, in general. But the spectators' disgruntlement at the gaps and lacks of the performance went even further than that. Despite all the jingoistic symbolism and rhetoric, the story "told" by the soldierly bodies was not merely one of a great victory: "The closer you get to the grim fact of war, say the boys who have been through it, the less you feel like making a demonstration," wrote the same journalist. Similar emotional expressions or nonexpressions were reported from the sight of the 77th Division's parade, the same year: "The wrinkles in [the soldiers'] foreheads couldn't be helped, but they need not to be discussed. They were glad to be home and they demanded that all New York should assist them in their celebration."[20] These alternative "readings" of the parade bring forward images of warfare "from below" that contradicted the sleekness of official propaganda. While organizers attempted to resolve rather contradictory war experiences

into one story of great heroism, the brittleness of the soldierly bodies to spectators served as a countermemory to the dominant ideological narratives of modern, clean warfare.[21]

In light of these experiences, doubt arose in 1919 as to whether parades could provide a means of wrapping up a war and adequately containing its individual experiences. In his book "Parade's End" author Ford Madox Ford diagnosed a gap in what victory marches could signify: "There will be no more parades. [. . .] there damn well won't. . . . No more Hope, no more Glory, no more parades for you and me any more. Nor for the country . . . nor for the world, I dare say."[22] The disaffection and disgruntlement that speaks from this statement criticize the idealized image of war and the military that come with the staging of parades.

The same kind of official streamlining of battlefield stories becomes apparent with respect to the one and only victory parade that American troops held after the Second World War. When the 82nd Airborne Division (nickname the "All-American") marched on Fifth Avenue in January 1946, the organizers even refrained from presenting wounded or dead soldiers in the parade at all—and in that, they continued an official military policy of obscurity that had already existed during the war. Out of fear that depictions of the soldiers' vulnerability would undermine the war effort, censors had for a long time prevented the publication of pictures displaying American blood in order to protect the national purity that would otherwise have been in danger. It was not until late in 1943 that photographs showing soldierly blood were published in *Life* magazine. As in the First World War, organizers seemed obsessed with the clean and perfect soldierly body as a model of American modernity and superiority. Instead of showing the gruesome details and effects of war, the parade presented machine-like men and, moreover, the impressive machinery of war.[23]

However, given the totality of war and its brutality, the commentators in the mass media, not surprisingly, took the pomp of the march with a grain of salt—very similarly to what people had observed in 1919. During his coverage of the 82nd Airborne's parade, one reporter from NBC radio made an observation about how the physical appearance of the soldiers had changed: "these men look terribly hard." Going on, he described emotions like sorrow, dismay and trauma, which were not at all addressed in the parade. Moreover, the journalist added that the soldiers "will have to turn into civilians again."[24] The magical power of transition, the rite of passage that in 1919 had seemed the unchallenged function

of the parades, was very much in question 27 years later. While the statement makes clear that the emotive and ritual transition from "G.I. Joe" to just "Joe" was not over with the parade, the commentator reached the conclusion that the interpretive framework provided by military pomp could not perform a rite of passage alone. The cheering, clapping, and waving of flags only expressed parts of the feelings that servicemen and spectators held; thus their home-coming and reintegration into civil society and family life had to rely on other arenas as well, be it their families or professional careers, as, for instance, so pointedly described in the movie *The Best Years of Our Lives* (1946).[25] Although the end of the Second World War—the so-called Good War—had brought victory for the United States, this great triumph was also a terrible victory that had cost human lives and great effort on the homefront; the latter remained, however, unspoken in the parade. This "parade gap" left some dissatisfied, although in the eyes of the organizers the invisibility of past violence was one way to guarantee the future invincibility of the nation. This selective performance became even more obvious in the way that the machines of war were presented.

3. FORMIDABLE MACHINES

With the introduction of more sophisticated machinery in the First World War (i.e., tanks and planes) parade organizers also paid tribute to this element of warfare and made weapons an integral part of the marches. However, shiny bayonets and roaring tanks were only one part of the performance, and they could not gloss over the fact that major sacrifices had been made by human beings. After the Second World War, when organizers refrained from including wounded and dead soldiers in the parade, machines became an even more visible part of the parade of the 82nd Airborne Division. Sherman tanks, jeeps, howitzers, and planes dominated the show and made an impression on the streets of Manhattan—both figuratively and quite literally, as the chains of the 35-ton tanks left visible traces on the asphalt.

On the one hand, these machines were objects of great fascination and admiration. In the newspapers this sentiment was presented to readers especially through one figure: the young boys who liked to watch the military machinery. Among photographs of the actual parade action newspapers often printed depictions of children climbing on tanks and jeeps, which became prominent illustrations of the accessibility and familiarity of weapons. Following the abovementioned parade of the 82nd Airborne Division in January 1946, almost

all newspapers covered the story of a boy who before the start of the parade showed a particular interest in the tanks of the division and even had a chance to climb onto one of the vehicles. For the same event one Lyn Narins, the son of Mr. and Mrs. Charles Seymor Narins, sent the following handwritten note to Grover Whalen, one of the main organizers of the parade: "Dear Mr. Whalen, Thank you very much for those wonderful seats. Mommy and I saw everything and enjoyed the Parade. I liked the heavy tanks best of all." Given the omnipresent media coverage of combat action during the Second World War, even children seemed to be familiar with the weaponry of war, and parades offered them the opportunity indulge their fascination. At the same time, this light-hearted perspective on machines was also shared by some soldiers. To them the mounting of a tank could be equally satisfactory. In his account of the parade in 1946 John Teeter, a soldier from the said 82nd Airborne Division, used an interesting metaphor to describe his experience of being on parade: "I must say being a cowboy, that 5th avenue was the deepest canyon I ever rode a horse in."[26] Given the fact that there was no cavalry in the parade, one might assume that the horse this soldier rode was one of the many armored vehicles. The reference to his occupation as a cowboy or, at least, his alleged knowledge of equine business could be interpreted as a comparison with war and parading being a "job" that had to be done. At the same time, "riding a horse"—to steer a machine of that size—had something sportive and extremely masculine to it, in a sense, a self-affirming satisfaction.[27] Teeter performed the role of the strong and able warrior who could master a strong engine.

On the other hand, given all that fascination for contemporaries, there was also something ambivalent about these weapons: while they were always presented as wonderful and shining machines and technical apparatuses, their purposes—to awe, to destroy, to hurt, to kill—remained arcane, unspoken, almost secretive. It is highly unlikely that people did not know of their functions, but this aspect of their usage was hardly made an issue. Machines were presented as weapons without blood, and the tanks had even received another layer of fresh paint to expunge the stains of war and battlefield usage.[28] One *New York Herald Tribune* journalist bitingly remarked that arms and soldiers in the sun looked as if they were a "rainbow of promise." In contrast, in the eye of the reporter, the machinery in the parade lacked "the deadly efficiency it had stood for before."[29] These wonderful machines did not seem to have a purpose beyond showing their efficient fighting power. Even more, in the parade they were reduced to their ceremonial functions.

In addition, there were concrete reasons to "mistrust" the machines: their employment also changed the role of humans in warfare. One episode from the victory parade of the 82nd Airborne Division may stress this point. The *New York Times* reported that during the march of his former colleagues one wounded infantry-man "jeered the tanks" as they passed by and pointed to his own foot as the "real weapon of war."[30] One could certainly interpret this incident as being part of the rivalry between different parts of military forces. But still the question lingers, what happened to the body (or bodies) of soldiers when machines took over at least part of the task that had formerly been performed by men? In a war that in great parts was decided by American technological superiority, what would remain of the physical heroism that had been central to earlier wars? Going back to Renaissance Europe a Western tradition of political thinking had conceptualized citizens as being soldiers (mainly men) who protected "the secular political order and civic ideals" and would, therefore, ensure the existence of the very community they were fighting for as well as their individual freedom and voting rights.[31]

However, this nexus was endangered when machines came into play and physical fighting as a practice of citizenship was seriously called into question. After the First World War, parade organizers had given great emphasis to an idealized picture of the soldiers' activity of fighting for the country. Yet, with the greater reliance of war on machinery, the idea of male citizen-soldiers and the brightness of bravery and chivalry that had set the perspective during earlier victories was at risk of being paled in the light of the shining machines. Surely, on top of the machines there were humans who steered them, and the loss of human life during the Second World War was great. But with the great presence of elaborate weaponry one might as well ask: "Who won the war—men or machines?" It is impossible to give a nuanced answer to this very general question, but, as these comments show, they seemed to have been of great concern for contemporaries as they publicly pondered them.[32]

Thus the role which weapons played in the parades underwent a considerable change over the years. While before the First World War the admiration for war machinery seemed overwhelming, the dawn of mechanized warfare gave rise to a more distanced and ambiva-lent stance towards the weapons in use. The appearance of machines and sophisticated weaponry was at once an epitome of modernity, strength, and efficiency, but, over time, it was also met with a grow-ing uneasiness. These machines seemed alien, strange, and sometimes

even uncontrollable; they thus became the subject of greater skepticism and anxieties—not least because their power called into question the role of humans in warfare.

4. CONCLUSION

Parades served a great variety of concrete social purposes: first and foremost, "nation-building" at home. As the center stage belonged to the performance of the victorious citizen-soldiers, soldiers figured as men who had risked their lives and had fought for their countrymen in order to ensure their safety and the well-being of the community. In their physical performance—during both battle and parade times—they were invested in discourses of national strength, modernity, and hygiene. However, these frames of reference allowed only for the display of certain aspects of warfare. To the people in the audience these victory parades brought home a sanitized version of war. Not surprisingly, it was dominated by joy over the fortunate outcome of the war and the proven strength of the nation. Yet as the parades that followed the First and Second World Wars indicate, in the final act of the drama violence played only a supporting role in the theater of war. Soldiers were strong, and machines served as examples of efficient and modern warfare. Moreover, wounds and casualties among American ranks were presented as clean and heroic sacrifices for the nation. The gruesome experiences soldiers had made during the war were hid behind the façade of the glorious victory. Even more, in this picture, the soldierly fighting was reduced to a mere "job," and the violent acts American soldiers had committed, the killing and wounding, were left out of the picture. The soldiers' hands remained clean and free of blood, like the weapons they used.

However, this selectivity created blind spots in the perspective on war that increasingly raised discontent among those who marched, those who watched, and those who reported on it. With its shining machines as well as the erect and functioning bodies, parades were supposed to symbolically heal the wounded soldiers and put to rest the dead, thus providing a healing ritual to the entire community. But they presented a mere glossed-over version of warfare, one that was overwhelmingly awesome and only slightly awful. Especially after the Second World War this picture could, however, no longer represent and process the complexity of modern warfare. The parade ensemble that uniformly showed a clear, neat picture of war alienated the spectators in particular, who increasingly lost interest in the streamlined messages. The arrangement they witnessed attempted to

mute the polyphony of voices that in earlier parades had represented a greater variety of different war experiences and that had opened up paths of participation for many.[33] The parade as an idealizing performance of the fighting became "just a show" and a hollow image, and at some point it ceased to give an adequate representation of experiences of war that could help the servicemen and spectators to readjust.

NOTES

1. These planning activities are documented in the files of the Mayor: *Report on the work of the Mayor's Committee of Welcome Home Troops, [1919?]*, Departmental Correspondence Received, 1918–1925, Office of the Mayor, Mayor John F. Hylan Administration (New York City Municipal Archives [NYCMA]). For the military perspective the *Misc. Ceremonies, Reviews etc.*, Historical 56.6–66.1, World War I Organizational Records, 77th Division; Record Group 120: Records of the American Expeditionary Forces—World War I (National Archives at College Park, College Park, MD = NACP).

2. The idea of a threshold that participants cross during a ritual is conceptualized, among others, by anthropologists Arnold van Gennep and Victor Turner. Arnold van Gennep, *The Rites of Passage* (London: Routledge & Kegan Paul, 1909); Victor Turner, "Betwixt and Between: the Liminal Period in Rites de Passage," in *The Forest of Symbols; Aspects of Ndembu Ritual* (Ithaca, NY: Cornell University Press, 1967), 93–111; Victor Turner, *The Ritual Process: Structure and Anti-structure* (New York: de Gruyter, 1969).

3. The concept of performance goes back to John L. Austin's reading of the productive character of speech: John Langshaw Austin, *How to Do Things With Words: the William James Lectures Delivered at Harvard University in 1955* (1962; Cambridge, MA: Harvard University Press, 1975); on the nexus between body and nation the example of the German *Turner* movement is very informative: Thomas Alkemeyer and Anja Wiedenhöft, "Der Körper der Nation—die Nation als Körper: Repräsentationen und Habitus-Konstruktionen in der deutschen Turnbewegung des 19. Jahrhunderts," in *Körper-Diskurse-Praktiken: zur Semiotik und Lektüre von Körpern in der Moderne*, eds. Brigitte Prutti and Sabine Wilke (Heidelberg: Synchron, 2003), 19–59.

4. The ephemerality of performances poses a methodological problem to historians, since all that is left of them are the traces in the various archives. For this chapter, I have mainly used newspaper articles, which themselves are already like a second level of performance, since they provide a perspective and thus create their own meaning. At the

same time, they do not exist beyond the borders of contemporary discourse about nation, war, and bodies, and can, therefore, serve as an echo chamber that preserves fractured pieces of meaning from the actual performance.

5. "Record Throngs Along Fifth Avenue Greet Veterans With Wild Acclaim," *New York Tribune*, March 26, 1919, 1. In Western modernity the concept of the human body is one of a machine that requires discipline in order to be productive. Michel Foucault, *Discipline and Punish: the Birth of the Prison* (1977; New York: Vintage Books, 1995), 135, 188. Ideas about the state as a machine date at least back to political thinkers in early modern Europe, Barbara Stollberg-Rilinger, *Der Staat als Maschine: zur politischen Metaphorik des absoluten Fürstenstaats* (Berlin: Duncker & Humblot, 1986).

6. About fighting and soldiering as a practice of citizens in the Western tradition: R. Claire Snyder, *Citizen-Soldiers and Manly Warriors: Military Service and Gender in the Civic Republic Tradition* (Lanham, MD: Rowman & Littlefield, 1999). The democratic character of the citizen-soldier model is, however, in question if one looks at the fact that mainly men were eligible to serve in wars. Thus the access to the political sphere of citizen-soldiers was almost exclusively restricted to a "fraternity of white men." The model of "martial citizenship" as opposed to "maternal citizenship" emphasizes the nexus of gender and military service. It serves as a basis for claims that eventually only men with their military service could substantially contribute to the public good and should therefore enjoy preferred treatment in terms of voting rights; cf. Francine D'Amico, "Citizen-soldier? Class, Race, Gender, Sexuality and the US Military," in *States of Conflict: Gender, Violence and Resistance*, eds. Susie Jacobs, Ruth Jacobson, and Jane Marchbank (London: Zed Books, 2000), 105–122; Dana D. Nelson, *National Manhood: Capitalist Citizenship and the Imagined Fraternity of White Men* (Durham, NC: Duke University Press, 1998); Nancy C. M. Hartsock, "Masculinity, Citizenship, and the Making of War," *PS* 17 (1984), 198–202.

7. "Wounded in Pajamas See Olive Drab Ranks," *New York Herald*, March 26, 1919, 3.

8. Literary critic Elaine Scarry describes this as the "referential instability" of wounds: *The Body in Pain: the Making and Unmaking of the World* (New York: Oxford University Press, 1987), 117.

9. This crisis of masculinity has been analyzed by Joanna Bourke for the British case: *Dismembering the Male: Men's Bodies, Britain and the Great War* (1996; London: Reaktion Books, 1999).

10. On the history of PTSD and "shell-shock syndrome": about the American debate Eric T. Dean, *Shook over Hell: Post-traumatic Stress, Vietnam, and the Civil War* (Cambridge, MA: Harvard University Press, 1997); on the experiences and novelty of "shell-shock" in the First World War: Eric J. Leed, "Fateful Memories: Industrialized

War and Traumatic Neuroses," *Journal of Contemporary History* 35 (2000), 85–100.

11. "Cheers of War; Wounded Hail Marching Line," *New York Tribune* (March 26, 1919); "Shell Shock Patients at 100th Street," *New York Herald*, March 25, 1919, 3. On the phenomenon of "social" healing after the First World War in Germany: Goltermann, "Verletzte Körper *oder* 'Building National Bodies'," *WerkstattGeschichte* 24 (1999): 83–98.

12. "City Acclaims the 77th Division on Its Last March," *New York Herald*, May 7, 1919, 1, 6.

13. About wounded bodies as a means to present an "authentic" story about war: "the scar is the result of the body having resisted another object, the body has suffered damage, but the human being remains to tell the tale" A. Burnett and Mary Holmes, "Bodies, Battlefields and Biographies: Scars and the Construction of the Body as Heritage," in *Exploring the Body*, eds. Sarah Cunningham-Burley and Kathryn Backett-Milburn (Basingstoke: Palgrave, 2001), 21–36, esp. 33. David Cohen William and E.S. Atieno Odhiambo have explored the ways in which a Kenyan minister's mutilated body was used to speak about social conflict and change: William and Odhiambo, "Reading the Minister's Body: Investigations Into the Death of the Honourable Minister John Robert Ouko in Kenya, February 1990," in *Exceptional Spaces: Essays in Performance and History*, ed. Della Pollock (Chapel Hill, NC: University of North Carolina Press, 1998), 77–97.

14. "With the Marching Column Moving up Fifth Avenue," *New York Herald* (May 7, 1919), 7. The caption of an official US Army photo showing the presentation of the gold star flag in 49974, Box 398, RG 111 (NACP). "The Shadow Legion," *New York Herald*, March 25, 1919, 10.

15. Robert N. Bellah "Civil Religion in America." *Daedalus* 96 (1967): 1–21; Thomas Hase, *Zivilreligion: Religionswissenschaftliche Überlegungen zu einem theoretischen Konzept am Beispiel der USA* (Würzburg: Ergon, 2001).

16. G. Kurt Piehler, *Remembering War the American Way* (Washington, DC: Smithsonian Books, 1995), 94–98. Victor Turner has elaborated on the function of rituals as a means to cope with crises: "Variations on a Theme of Liminality." in *Secular Ritual*, eds. Sally F. Moore and Barbara G. Myerhoff (Assen: van Gorcum, 1977), 36–52, esp. 39.

17. "Storm of protest may save parade," *New York Times*, April 5, 1919, 1, 4. About this connection between individual and social hygiene: Mary Douglas, *Purity and Danger: an Analysis of the Concepts of Pollution and Taboo* (1966; London: Routledge, 1995); Anna-Maria Brandstetter, "Die Rhetorik von Reinheit, Gewalt und Gemeinschaft: Bürgerkrieg und Genozid in Rwanda," *Sociologus* 51 (2001), 148–184.

18. *77th Division—City Hall*, Folder 1308, Box 122, Hylan Papers (NYCMA). About the unspeakability of war violence: Scarry, *Body*, 68.

19. The debate about the moral justification of violence in war is very broadly summarized in Scarry, *The Body in Pain*, 95–105.

20. "Brooklyn Hails Heroes of War," *New York Sun*, March 25, 1919, 1, 5, "City Pays Homage to Its Own—the 77th Division," *New York Tribune*, May 7, 1919, 1, 12, 13.

21. Michel Foucault has described the other voices of memory that become apparent in bodies, "Nietzsche, Genealogy, History," in *Michel Foucault: Language, Counter-memory, Practice: Selected Essays and Interviews*, ed. Donald Bouchard (Ithaca, NY: Cornell University Press, 1977), 139–164, esp. 150.

22. Ford Madox Ford, *Parade's End* (1925; New York: Penguin Books, 2001), 306–307.

23. Christina S. Jarvis, *The Male Body at War: American Masculinity during World War II* (DeKalb, IL: Northern Illinois University Press, 2004), 28–35, 89.

24. "Victory Parade Description," NBC Radio, January 12, 1946.

25. Sonya Michel, "Danger on the Home Front: Motherhood, Sexuality, and Disabled Veterans in American Postwar Films," *Journal of the History of Sexuality* 3 (1992), 109–128.

26. Lyn Narins to Whalen, January 14, 1946, Victory Parades, Box 2380, Whalen Collection (NYCMA); as an example for such a newspaper story "Bill's Inspection in Full Kit Starts Big Parade on Way," *New York World-Telegram*, January 14, 1946, 2; *Personal Memoir*, Joel Edwards Teeters Collection (AFC 2001/001/24713), Veterans History Project (Library of Congress), 2.

27. On the notion of self-affirmation: Michel Foucault, *The History of Sexuality. Vol. I: An Introduction* (1976; New York: Vintage Books, 1990), 123.

28. "Heroes—the 13,000," *Time*, January 21, 1946, 19.

29. "Victory Parade," *New York Herald Tribune*, January 13, 1946, 6.

30. "'Hell Buggies' Get Acclaim, Gifts, Recalling Rome and Paris Fetes," *New York Times*, January 13, 1946, 36.

31. Snyder, *Citizen-Soldiers*, 22 and Ronald R. Krebs, "The Citizen-Soldier Tradition in the United States: Has Its Demise Been Greatly Exaggerated?" *Armed Forces and Society* 36 (2009), 153–174.

32. "The Iron Monsters," *New York Herald Tribune*, January 14, 1946, 16. About the values of human sacrifice and honor in war: Allen J. Frantzen, *Bloody Good: Chivalry, Sacrifice, and the Great War* (Chicago, IL: University of Chicago Press, 2004).

33. About the aspects of dialogue and polyphony: Michail M. Bakhtin, *Rabelais and His World*. Transl. by Helene Iswolsky (1965; Cambridge, MA: MIT Press, 1968).

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Violence and Historical Reenactment: From the American Civil War to the Moore's Ford Lynching

Dora Apel

1. Reenactments

War reenactors and "living history" groups (who perform for the public only while reenactors perform both publicly and privately) have grown from a small phenomenon to a startling array of contemporary groups and events. In the United States alone, war reenactments draw thousands of participants and spectators each year; in 1998 as many as 25,000 "troops" took part in a huge recreation of the 1863 Battle of Gettysburg. Reenactment is not focused on the Civil War alone, however; it has grown to encompass nearly every war that has ever been prosecuted. Is the drive to reenact a passion to make history "visible" or a desire to personally participate in a grand imagined narrative? How does historical reenactment intersect with contemporary culture, politics, and society?

Although many historians have contempt for the idea of traditionally mounted historical reenactments that recreate what historians regard as mythologized history, a growing number of political reenactments in recent years attempt to reframe the past in provocative ways. This suggests that reenactment should be considered seriously both as an important aspect of the hegemonic culture of war and as

a potentially subversive practice that makes visible forms of violence otherwise historically occluded. While some popular reenactments construct, rather than recreate, historic events according to patriotic and romanticized myths, other forms of reenactment bring a violent past into the present in order to call into place a public sphere that not only recognizes those who have become historically invisible, but also reckons with the continuing effects of that political repression.

I want to outline some of the motivations for war reenactment in order to argue that there are two general trends in reenactment: one which aspires to recapture an imagined nostalgic past that focuses on individual experience while affirming dominant historical assumptions, and one that seeks to question entrenched hegemonic narratives by evoking new ways of understanding the past and making visible elided views of history or keeping alive forgotten moments of resistance. Thus I will examine the phenomenon of war reenactment in general and consider its reactionary and progressive potential through the specific examples of American Civil War reenactment, which entails the exclusion of African Americans despite their central importance to that war, and the annual reenactments since 2005 of a 1946 group lynching in Moore's Ford, Georgia.

American Studies scholar Jenny Thompson, who spent seven years attending war reenactments and getting to know reenactors, observes that war reenactors vary widely in income, education, and profession. They come from all walks of life, including "factory assemblers, computer programmers, construction workers, lawyers, waiters, advertising copywriters, doctors, teachers, bricklayers, and bank tellers; and no single occupation or job type dominates among them." One of the appeals of reenacting is precisely a disregard for distinctions in class and profession in the democratic forum of reenactment, which "levels the playing field" among participants. Significantly, however, reenactors are overwhelmingly white and male. Of the 3 percent of women who participate, they either play peripheral roles, such as war correspondents, or they reenact as men; blacks are even scarcer. Reenactors range in age from young to old; but most start "the hobby" in their twenties and the average age is 38. About half admit to being either conservative or Republican; only 20 percent describe themselves as liberal.[1]

Whether college students, firefighters, or doctors, reenactors fall into three categories: "farbs"—those who spend little time or money in maintaining "authenticity" and might wear modern shoes or smoke a modern cigarette (farb is used derisively by hardcore reenactors); "mainstream" reenactors who fall between farbs and hardcore—they

look outwardly authentic but might not wear period underwear or might use modern items after hours; and "hardcore," "authenticity Nazis," or, as they like to be called, "progressives." They seek an immersive experience in which, for example, not only is the food authentic but seasonal and regionally appropriate; inside seams are sewn in a period-appropriate manner; and they never come out of character.[2]

The authentic clothing and gear has become big business and "sutlers" often sell period gear at reenactments. The reproduction clothing and gear needed to reenact is expensive and estimates of the cost of getting started in the hobby are about $1,500, though one can spend much more.[3] The hobby requires months of preparation and is widely understood as addictive. Average reenactors attend four or five events a year and may do the same or different "impressions," or soldier personas; more hardcore reenactors may include "five World War II events, two World War I events, two Vietnam events, and usually at least two public events," according to Thompson. Some do more. Many spend time at flea markets, militaria, and gun shows, collecting for their kits or accumulating large collections. They marry below the national average and divorce more often. At the extreme are reenactors for whom the hobby becomes the consuming passion of their lives; they lose the ability to distinguish reality from fantasy and over-identify with their impressions, disgusting even other reenactors.[4]

Small groups of Civil War reenactors began dressing up as Union and Confederate soldiers in the 1950s, but the hobby gained traction with Civil War centennial memorials in which major battles were reenacted beginning in 1961. First World War and Second World War reenacting grew out of Civil War reenacting in the later 1960s and 1970s and these in turn produced more events, including Korean and Vietnam War reenacting. Groups formed to reenact the French and Indian War, the English Civil War, the War of 1812, and especially the American Revolution. Other kinds of historical events are reenacted, too. In Saginaw, Michigan, for example, fur trading with the French is reenacted on the Saginaw River. Nor is reenacting limited to the United States. Under "reenactment groups," Wikipedia lists official groups in 31 countries, including those in Western Europe, Eastern Europe, Scandinavia, Asian countries, North and South America; they reenact Napoleonic wars, colonial wars, Viking, Saxon, Norman wars, ancient Greek wars, the War of the Roses, the Hundred Years War, the storming of the Bastille, and much more. Reenactors in each country reenact events from their own history but the American Civil War also is reenacted in Europe and Australia.[5]

One reason reenacting became so popular in the United States in the decades following the Second World War is that the last veterans of the Civil War were dying off, creating nostalgia for a past that would no longer remain in living memory and was officially enshrined in the Civil War memorial reenactments of the early 1960s. But it is no accident that the 1950s also began the era of civil rights activism that produced greater freedoms for black Americans, or that the 1960s and 1970s were the eras of the anti-Vietnam War movement and the gay rights, women's rights, and Black Power movements. Reenacting war may be seen as a reaction to the political protests and antiestablishment ethos of those decades; the community-building camaraderie, bawdiness, and male bonding of war reenactment groups may be regarded as a counterpart to the civil rights marches in the South, the love-in at Woodstock, and the antiwar demonstrations in Washington, D.C. The rise of Civil War reenactments also may be seen as a form of symbolic defiance against the era of affirmative action and the challenges to white patriarchy. Many reenacting groups were on the right-wing fringe and shared a white supremacist agenda.[6]

War reenactments are loosely scripted or unscripted, in order to keep them open-ended and free-flowing. This allows the event to remain unpredictable, exciting and centered on personal embodied experience and choice, even when it contradicts historical facts. As one observer notes, "The degree to which performers empower themselves through layers of authenticity is secondary to their willingness to allow personal interpretation rather than verisimilitude to influence their actions."[7] This is what distinguishes war reenactment from repetition, simulation, or reproduction, which minimize personal agency, and makes it possible for a battle known to have been won by the Germans to be won, in reenacted form, by the British. Despite the emphasis on period authenticity, reenactors focus not on the historical detail of battle events, but rather on individual experience, valorizing it over historical and political meaning. The reenactor-soldier allegorically embodies the uniform he wears and the reenactment experience gives him access to the quality of manliness—consisting of virtue, courage, and the sublimation of personal needs to a higher purpose, forged in the "steel bath" of battle.[8] The intensity and intimacy of male bonding during real shooting wars is a central feature of war reenacting, where homoerotic camaraderie and humor thrives without threatening a sense of manliness in the acutely masculine world that reenactors create.

Interestingly, there is a favorite among soldier impressions: the Nazi SS. Many consider the German uniforms and equipment the best looking and most striking, with their high boots, helmets, and well-cut tunics. While a few reenactors refuse to do a German impression because of its political implications, many more succumb to its fascination. Most reenactors feel that all soldiers are the same and it does not matter what uniform they put on because, for them, war is ultimately about male bonding. As one reenactor explains, "It doesn't come down to your flag or your country or your politics. It's the men in your platoon. The men in your company. That's who you're fighting for. You're not fighting for any glorious cause or whatever. What it comes down to is you're fighting for the twelve guys that you happen to be in combat with."[9] Reenactors who buy the clothing and gear, drive hundreds of miles to events, and spend days participating in military skirmishes and mock battles revere the idea of the soldier and see the soldier-male as universal. Hence the focus on details of period clothing and equipment, verified by old photos, rather than on the historical events themselves; hence, too, the insistence of most reenactment groups that they are apolitical, which in turn underscores their refusal to contextualize and interpret history. This refusal is the most serious critique of war reenactment by scholars.

Historian Kevin Walsh proposes that modern and postmodern life serves to distance people from the economic, cultural, and political processes that affect and even control our lives, often inducing "an uncritical patriotism which numbs our ability to understand and communicate with other nations." Analyzing the heritage boom in Britain in the 1970s and 1980s, Walsh suggests that artificial heritage museums regard the past as isolated and complete, obscuring the contingency of the past on the present. He dismisses historical reenactments as "nothing but mere titillation, meaningless amateur dramatics promoting the postmodern simulacrum, a hazy image of a manipulated and trivialized past." These simulacra, moreover, contribute to actual historical amnesia.[10] Similarly the recent rise in reenactment during an era of economic decline may be seen as nostalgia for an imagined heroic past just as "living history" or "heritage" museums—John D. Rockefeller's Colonial Williamsburg (founded 1926), Henry Ford's Greenfield Village (founded 1929), and Plimouth Plantation (founded 1947)—erected during the rise of industrialization in the case of the former two and expansion of black equality during the Second World War for the latter, represented a nostalgic longing for the preindustrial past and slave eras, respectively. Reenacting can be

distinguished from video war games that also draw the player into an immersive experience and create the illusion of acting within a field. Reenacting is not only physically embodied but also offers the possibility of collapsing time and producing the "period rush" that occurs when the present seems to merge with the past and the reenactor feels, for a moment, that the experience is real and not merely fantasmatic. These moments are treasured by reenactors.

Because reenactors are aware that historians often see their hobby as trivializing history or that others scoff at reenacting as obsessively militaristic, many reenactors justify their hobby as educating the public and keeping history alive while honoring the sacrifices and memory of past soldiers. They often scorn Americans for being ignorant about and dismissive of military history. Yet, as Thompson observes, their own obsession was bred within a thriving American war culture that has militarized domestic society, inflated the rhetoric of patriotism, and lured tens of thousands of America's youth to sign up for real wars in foreign lands. Over 80 percent of reenactors have relatives who served in the wars they reenact. This is significant, not because those relatives have necessarily romanticized the wars in which they were involved, but, on the contrary, because they have transmitted their trauma. The act of participating in a battle meant to simulate events in Germany or Vietnam for the children or grandchildren of war veterans is a way of connecting to that experience and to the fathers or grandfathers who have not talked much about it, who remain distant, silent, or inaccessible. It might be older brothers, uncles, or the father of a friend, because the trauma ripples outward through the families, neighborhoods, and communities in which the veterans live. Reenacting, then, also becomes a way of trying to understand the past in order to better understand the effects of war on veteran families. As Jenny Thompson observes, "part of the impulse to re-enact seems to be a desire to control war's legacy by owning it."[11]

Most reenactors are romanticists who grew up immersed in war movies, television war programs, war games, G.I. Joe, and toy soldiers; they read war histories, fictions, and memoirs and collected war memorabilia. They were members of the Boy Scouts of America, which was modeled on the idea of the soldier and emulated the ideals of sacrifice, heroism, discipline, and courage. If they were unable to break through to their own silent veteran fathers, reenactors had a wealth of other sources and "came of age consuming war."[12] This consumption relied primarily on visual representations for the production of memory and meaning. But why does the obsession with trying to connect to that taboo experience so often induce war enthusiasm?

Many, perhaps most, reenactors love the violence, the imagined blood and gore, the opportunity to act out a sanctioned form of brutality in a safe environment. Writing of public and private reenactments, Thompson observes, "Unlike their attempts to control violence in public, in private they are willingly and mercilessly violent. Not only do they freely and repeatedly kill each other as well as die themselves many times in a single event, but they also inevitably enact a variety of war crimes and executions."[13] In private, reenactors are unrestrained in committing simulated atrocities. Perhaps this is a form of compensation for having missed the real thing, a chance to prove their manliness and to measure up to their forefathers—but perhaps it is also a submission to simple fantasy bloodlust.

There is another dimension to reenacting for those who enjoy the long periods of waiting, freezing in the winter or boiling in the summer, and continuing even when they are exhausted. They find pleasure in their suffering and luxuriate in their isolation and misery. These tests of endurance are another pathway to manliness and self-esteem, reinforcing the characteristics of strength, aggressiveness, and stoicism among those who identify with the soldier not only as history's hero but also as history's longsuffering victim, the tarnished and underappreciated public servant, the pawn of governments, the cannon fodder of war that is forgotten when war comes to an end.[14]

Although one of the charms of war reenactment is violence itself, such violence is of course a fantasized and fetishized form of violence, not the real experience of violence. The appeal of reenactment is the appeal of war without the imminent threat of death, since the dead will rise again and rejoin their comrades. Perhaps, however, war itself is a form of reenactment on the part of many soldiers, a delusional acting out of a romantic idea of selfless bravery, a fight for national glory and honor based on the ideals of war learned through cultural representation regarded as documentary truth. Horror and loss are usually shown as occurring on the enemy side and thus are insufficient deterrents for those who want to connect to the past, to those experiences borne by their fathers and forefathers, and to the patriotic ideal of the manly and heroic soldier. Many of those who enthusiastically enlist in the armed forces are no doubt driven by the desire to reenact the past.

As might be expected, war veterans in general do not feel compelled to reenact and are not eager to reconnect to that traumatic experience. Thompson asserts that most reenactors are civilians with no desire to experience real war. With reenactment comes the chance to get as close as possible to war experience without going to war, to immerse oneself in "danger" and shared experience, where everyone is just a

soldier, every event is different, and bloodlust can be vented without any sense of guilt or responsibility for its consequences. Nevertheless, the fantasy of war and the obsession with details and factoids of authenticity comes at the expense of critical engagement with history and the meaning of the issues behind the events reenacted.

2. RECRUITING FOR THE NATIONAL GUARD

The blurring of reenactment and real war experience becomes evident in a recruiting film for the American National Guard shown in movie theaters along with previews of coming films in 2008–09 (now on YouTube). The three-and-a-half-minute film short explicitly trades on the fantasy of connecting to a heroic past. The story line follows a National Association for Stock Car Auto Racing (NASCAR) driver (played by Dale Earnhardt Jr.) who gets called up to National Guard service. With the band 3 Doors Down performing their song "Citizen Soldier," the video employs rapid editing cuts and includes the band playing, making it look like a music video. The image of modern-day soldiers is intercut with documentary-style clips of American soldiers during the Revolutionary War running through the woods with muskets while avoiding cannon ball blasts. The scene alludes to the Guards' roots in the colonial militia and fuses present-day militarism with the fight for American national independence. The text "I fired the shot that started a nation" is superimposed on the screen. The running soldiers are romantic figures in a picturesque landscape, possibly even war reenactors, whose services the TV and film industries often call upon. Other lines of text appear as the video progresses, such as, "I am an expert and a professional," "I comfort my neighbors," "I will never accept defeat," and "I will never quit." As scenes of Americans storming the beach at Normandy during the Second World War appear onscreen, the text "I stormed the beach at Normandy" makes it clear that the modern soldier is a universal soldier who has fought in all wars past. The video concludes as the soldier delivers a young boy found in a destroyed shelter to the grateful arms of his mother and the word "brave" is emblazoned on the screen.

Mapping the gallant present onto a valiant past, the film appeals to a sense of idealistic nationalism founded on the rhetoric of freedom against tyranny that served as the foundation of previous wars. The target audience of working-class young men, NASCAR and rock video fans, is meant to be inspired by the idealized figure of the soldier, the humanitarian nature of his job and the gratitude with which

his brave efforts are rewarded. Merging together pure fiction, reenactment, and the romance of war, the recruiting film does not suggest the real desert conditions of Iraq and Afghanistan, where soldiers will not be running freely through deciduous forests. It is meant to draw youths with bleak economic futures into a dream of universal admiration, self-respect, and national pride and to appeal to those who long to connect to the heroically mythologized traditions of their forefathers as the ultimate incubator of manliness and strength. Ironically, the visibility of the warrior-hero as the embodiment of manliness elides the actual premise of military training, which "breaks" and "rebuilds" recruits to serve with absolute and unquestioning submission so that soldiers do not resist when sent toward death. As one scholar observes, "We encourage the soldier's delusion of masculine virility and call him a hero—in order to lure him into becoming a sacrificial victim."[15]

3.   RACE AND REENACTMENT

It is no accident that there are very few black reenactors and this is especially significant for Civil War reenactment, raising questions about the assertion that reenactment simply "keeps history alive" and "honors the sacrifices of soldiers" as many reenactors contend. Historian Tony Horwitz, who explores the meaning of the Civil War in the modern South and the popularity of reenacting it, points out that attitudes towards the Civil War divide along racial lines, with too many whites fondly mythologizing the war and rejecting its real historical implications.[16] In 2003, for example, the Beauregard-Vernon National Association for the Advancement of Colored People (NAACP) chapter in DeRidder, Louisiana, formally denounced a planned Civil War reenactment, citing as their reasons "racism and hatred." The group opposed the planned "Battle of Hickory Creek," which was described as a fictional Civil War battle "loosely based on the massive overland invasion of western Louisiana in the fall of 1863."[17] The NAACP group's position was consistent with that of the national NAACP, which opposes display of the Confederate flag and is against Civil War reenactments nationwide. White supremacists across the country still display the Confederate flag 150 years after the Civil War began, making it one of the most inflammatory symbols of racial violence in America.

The Confederate flag became an embattled symbol in the 1990s, when it flew underneath the US and South Carolina flags on a pole atop the State House dome in Columbia, igniting a national media

controversy. Supporters of the flag defended the values it represented while critics pointed out that those values included racism and a defense of slavery. A compromise was eventually reached and in June 2000, in a solemn ceremony, the flag was removed from the State House dome, where it had waved since the 1960s, and placed on a pole behind the Confederate Soldier Monument on the north grounds of the State House. "There it waves today," writes historian James Farmer, "more visible than before, illuminated at night but nonetheless vulnerable to opponents whose nocturnal raids require that a supply of replacements be kept on hand."[18] Farmer argues that Confederate reenactors, by reenacting the Civil War, see their role as counterattacking those whom they regard as insulting their ancestors by opposing the symbols of the Confederacy.

Local organizers and participants of the DeRidder reenactment claimed they were preserving their historical heritage, an odd claim indeed since this was a fictional battle. Plans were made to bus in school children from around the area to educate them about the "glory days" of the Old South. One member of the NAACP, Charles Butler, lost his job with the City of DeRidder's Public Works Department for opposing the reenactment, which was held in February, during Black History Month.[19] Such an annual reenactment can only be seen as constructing and sanctioning an exclusionary white community and demonstrates that the archetype and patriarchal ideal of the warrior-hero in America is always white. Even those who reenact later wars often accept the racist and sexist segregation of troops on the grounds that to do otherwise would be inauthentic. "History," as one reenactor asserted, "absolutely precludes from allowing any women or blacks into the unit."[20] Other reenactors resist such discrimination and exclusion, but they have had little impact on the hobby. Reenactments of the Civil War seem to thrive on the racism on which they are based.

For many, the Civil War was not primarily about slavery at all, as the Republican governor of Virginia, Robert McDonnell, proclaimed in 2010 when he issued a state proclamation celebrating April as Confederate History Month. When asked to explain why there was no mention of slavery in his declaration honoring "the sacrifices of the Confederate leaders, soldiers and citizens," he acknowledged that slavery was one of "any number of aspects" of the war but explained that he had focused on issues "I thought were most significant for Virginia." For the black residents of Virginia—one fifth of the state's population—slavery was quite significant and when they objected, along with many others,

McDonnell finally backed down and apologized. But McDonnell's efforts continue a long tradition of Civil War revisionism that attempts to erase slavery from the war narrative and to reimagine the Civil War and the lost Southern cause as a noble battle for states' rights against an oppressive federal government. This view is held by the conservative white Tea Party movement that developed in the wake of the 2008 election of Barack Obama to the US presidency, and by the white supremacist militia movements, whose opposition to the federal government spurred Timothy McVeigh's bombing of a federal building in Oklahoma City in 1995, killing 168 people.

How far can one reasonably take the argument for "authenticity"? Should unit recruiting efforts be limited to those areas where units were actually raised, so that reenactors from other states are turned away? Should overweight reenactors be excluded if the troops were known to be hungry and thin? Should spectators, whose presence inevitably changes the experience but who were not present at Civil War battles, be allowed to attend? Is it authentic if a Second World War battle that occurred in France is reenacted on American soil? Vanessa Agnew points to similar questions that were raised in regard to the BBC's reenactment of Captain Cook's first voyage, filmed as *The Ship* and set in the eighteenth century, for which Agnew was a consultant participant: "Were antimalarials and sunscreen crimes against history? Did safety harnesses lessen the terror that was necessary to our experience of the past? Should we have been flogged?" As Agnew suggests, "Such debates show that reenactment has appropriated the language of relativism—each reenactor offers his or her own version of the past—but not its lessons about the constructedness of history."[21] History is created by those who selectively shape and mold a story by choosing what to make visible and what to exclude, what to privilege or deemphasize, in order to construct interpretive frames.

Moreover, can even the visceral experience of the "period rush" be trusted as the authentic experience of soldiers in a different historical moment? Is it possible to experience what a soldier 30 or 50 or 150 years ago would have experienced in the same way, without the knowledge and experience of the modern world shaping that experience in the reenactor? How can the modern day reenactor escape the conscious awareness of the significance of the event, which makes it worth reenacting in the first place? Moreover, reenactors approach the hobby with a form of competitive aggression. One anecdote relates that

at a reenactment of a battle on World War II's Eastern Front, the competition got pretty rough—not between the Germans and the Russians, but between the authentics and the super-authentics. The latter group included a West Point professor who awed his associates by producing, at the appropriate moment, a packet of Nazi toilet paper.[22]

Discussing investigative historical reenactments filmed for television (such as *The Ship*), historian Alexander Cook asserts that even with weeks or months of immersion, "*We* can never be *Them*." While the mechanism of sympathy forces reenactors and audiences to engage with a different historical perspective and counteracts the "condescension of posterity," this sympathy exists in tension with the critical distance necessary for historical analysis. "In practice, moreover," writes Cook, "it is extremely difficult to employ sympathy as a universal mode of engagement with the past. The clash of forces and interests in history is such that a sympathetic identification with one group of people almost inevitably entails taking a critical distance from the perspective of some other group."[23] Thus it is no surprise that Civil War reenactors have little sympathy, if not outright antipathy, toward both Union troops and African Americans since the historical actors with whom they identify opposed the cause of free labor and the end of slavery. Indeed, the persistent practice of Civil War reenactment enforces, over and over, a racist historical perspective with a destructive impact on Southern culture, institutions, and political life.

Yet reenactment as a form of historical investigation holds great appeal for both reenactors and audiences. Can something beneficial and enlightening come out of it? Cook effectively summarizes two of the key problems with reenactment: (1) the idea that we can know the past by analogy, that is, that the subjective experience of modern reenactors can be mapped onto the past, and (2) the visceral, subjective engagement of the reenactor comes into conflict with the critical distance needed for historical investigation. "The real question is not whether the experience of reenactment allows us to simulate the mentalities of the past," writes Cook, "it is whether the exercise can help *improve* our understanding of a different world and of the behavior of its inhabitants," by better understanding the conditions of existence in which those inhabitants acted through a "denaturalization of the present."[24] As Cook points out, these are problems that historians must grapple with more broadly in any construction of history. Perhaps most significant for understanding reenactment, however, is the discovery by the developers of reenactment projects that "a substantial disjunction" is almost always found between the responses of

reenactors and the attitudes of those in the original situation that can be found in the historical record.

The common experience of a "denaturalization of the present" that occurs with prolonged immersion in a different lifeworld paves the way to critical social inquiry about both past and present. Key to productive reenactment is the foregrounding of self-reflexivity: participants must see themselves as modern researchers engaging with a historical imaginary, not as empty vessels embodying a knowable past. As historical reenactment becomes more and more popular, so does the belief among scholars that we must pay closer attention and explore its potential. However contemptuous of reenactment academics may be, living history "affords us a particularly rich source for the study of our own biases."[25]

4.   PRODUCING COUNTER-MEMORY

Collective memory may be understood as official memory, the memory encoded in the public archive of representations. Such representations, reproduced over and over, come to embody the experience of an event for audiences that were not present or even alive at the time, and even for those who were, because it is difficult to take in the whole of an enormous and complex event beyond one's own immediate circumstances and awareness. Such awareness in turn may be shaped or diminished by the traumatic effects of the event. Official memory is thus shaped by those who control the images, while evidence to the contrary often becomes invisible to larger public view. Counter-memory, then, is the production of new visual memory that challenges official memory, which may be skewed, distorted, partial, or deliberately false. Counter-memory recreates the past in the present in order to reframe that past from the perspective of those who were silenced and obscured, whose interests were repressed during the construction of official memory by the state.

Thus it is possible to use reenactment to connect with the past in order to deconstruct an official view, to represent the repressed, to make visible the effects of that repression and its implications in the present, and to study our own biases. This form of reenactment seeks to avoid the romance of war and violence or nostalgia for a mythologized past and instead challenges received wisdom or attends to the forgotten experience of ordinary persecuted people that has become invisible to history. Replacing the passion plays or historical pageants of earlier times, the reenactment of events from the Holocaust, lynchings, miners' strikes, the wars in Vietnam and

Iraq reexamine foundational events, traumatic histories, and myths that shape contemporary social and political realities. Unlike historical war reenactment, which sacrifices broader interpretive questions about the memory and meaning of historical events in order to privilege intensified personal experience, reenactment that reframes official history to produce counter-memories aspires to investigate the political over the self. Counter-memory reenactment utilizes the intensified personal experience of participants and witnesses to support a more critical political awareness of the past and its effects on the present.

Reenactment also can be seen as an attempt to reinforce the symbolic liberating effects of a political event. The Storming of the Bastille at the beginning of the French Revolution, for example, is widely celebrated with reenactments in France, as well as in London and Philadelphia. The Storming of the Winter Palace in Petrograd was first reenacted in 1920, just three years after the original event during the Russian Revolution and in the middle of a civil war while the city was under siege and suffering food shortages. The 8,000 participants were witnessed by an audience of 100,000, a quarter of Petrograd, and the event was coordinated by army officers, artists, musicians, and directors. As Sven Lütticken notes, it was meant "to be a continuation of the revolution, activating the masses and giving history a forward impulse."[26]

5. MOORE'S FORD QUADRUPLE LYNCHING REENACTMENT

One of the most painful examples of a counter-memory event is the quadruple lynching reenactment that took place in 2005 at Moore's Ford Bridge over the Apalachee River near Monroe in Walton County, Georgia, which has since become an annual event. No one has ever been prosecuted for the lynching of four African Americans, two men and two women, one of whom was seven months pregnant, which took place more than 60 years ago on July 25, 1946. The killings are still under investigation by the FBI and the Georgia Bureau of Investigation despite FBI interviews with 2,800 people following the event and an FBI report that named 55 suspects.[27] The coroner's verdict, as usual in such killings, was "Death at the hands of persons unknown," demonstrating the political stranglehold of the perpetrators who, as was usually true, were leading members of the community. Their crimes depended on secrecy, intimidation of the local population, and an inviolate code of silence.

Just months after former Klansman Edgar Ray Killen was convicted of the 1964 killings of the three civil rights workers Michael Schwerner, James Chaney, and Andrew Goodman, the Moore's Ford lynching reenactment was organized by the Georgia Association of Black Elected Officials. Their goal was to keep the atrocity of this multiple lynching before the eyes of the public and to push for indictments against those responsible who were still living. They hoped to break the code of silence that had protected the perpetrators for decades, even after their deaths, and to encourage long-intimidated witnesses to come forward to identify those involved. The first reenactment took place on the 59th anniversary of the lynchings and captured the attention of the national news media, including the *New York Times*, CNN, and MSNBC. The previous month, 1,000 members of the Georgia Association of Black Elected Officials passed a unanimous resolution urging prosecutors to bring charges in the case,[28] which was reopened in 2007 by the US Justice Department.

The two black couples who were murdered, George and Mae Murray Dorsey and Dorothy and Roger Malcolm, were sharecroppers lynched by a mob of local citizens following an altercation in which Roger Malcolm stabbed the son of the white farmer for whom he worked in the belief that he had been making sexual advances toward his wife, and also following a rumored disagreement over a crop settlement between George Dorsey and the white farmer for whom he worked. George Dorsey was a decorated veteran who had fought with American forces overseas during the Second World War, which was no doubt a further irritation to the white supremacist farmers. In the postwar period, demands for equality and the enforcement of voting rights by returning black veterans were deeply threatening to white supremacists, who were further inflamed by the incendiary racist rhetoric of the 1946 gubernatorial candidate in Georgia, Eugene Talmadge. Bold national civil rights initiatives in the following year led rebellious southerners to form their own States Rights Party, known as the Dixiecrats, which denounced civil rights, race mixing, and desegregation.[29]

For the first reenactment in 2005, echoing the long-standing intimidation of the white community, at the last minute the white men who had volunteered to play the Klan perpetrators backed out.[30] African American volunteers took their place, some of them wearing white plastic masks over their faces in fraught heteropathic identification with the white supremacist killers. The masks ironically evoke the racist black-face minstrelsy once employed by whites to satirize African Americans,

but there can be no equivalence between blackface and whiteface here. If blackface minstrelsy performance embodied a dialectic of "love and theft," as Eric Lott suggests, in which whiteness was defined against blackness while appropriating the very elements of blackness, usually tied to sexuality, that whites envied and feared, all in the name of entertainment, none of this holds true for the lynching reenactment.[31] In the hierarchy of American race relations in which whiteness always defines and supersedes blackness, the white masks do not suggest a premeditated race-change theatrical performance as a way of appropriating and domesticating the power of whiteness. On the contrary, the unexpected presence of the white masks, documented in photographs (Figure 13.1), deepens the chilling and alienating effects of the lynching reenactment by concentrating the lethal power of whiteness in a plastic facsimile. For many white viewers, who regard whiteness as the normative, unmarked condition of being, the white masks have the shocking effect of making the social construction of white identity visible.

African American organizers narrated events with a megaphone at every stop on the journey to Moore's Ford Bridge, from the farm where the stabbing took place to the jail where Roger Malcolm was

Figure 13.1 First Moore's Ford Lynching Reenactment, Georgia, 2005. © Erik S. Lesser.

held to the bridge where the two couples were driven by the white farmer Loy Harrison. Harrison bailed Malcolm out of jail but is widely believed to have been part of the setup that delivered the group to a Klan mob.[32] While it seems the mob at first intended to lynch only Roger Malcolm, the momentum of the mob quickly grew to encompass both black men and then their wives, one of whom cursed a white man by name whom she recognized. Reenacting those events, the mob pulled the victims out of the car, "beat" them, dragged them down an embankment, and "shot" them numerous times, using firecrackers but carrying real firearms, with fake blood poured over the prostrate victims' bodies. The reenactment concluded, as would every subsequent reenactment, with audience members comforting the reenactors in a tearful aftermath.[33]

In subsequent reenactments, whites from Atlanta, about 40 miles west, played the roles of white supremacist perpetrators and supporters of Eugene Talmadge. The reenactments drew large African American audiences; however, few whites from Walton County attended (although the land on which the reenactments take place is owned by a white family). Some of these whites question the need for such a reenactment and suggest that it only fosters hatred and racial polarization. Reenactors and witnesses, however, understand that it is not the reenactment that is the cause of racial polarization, which has a long-standing history. Reenacting not only brings the unresolved past into the present, but also forms a bond between the victimized dead and the living.

The experience became so overwhelming and agonizing that in July 2010, none of the previous reenactors who played lynching victims was willing to do so again, requiring the hurried recruitment of four new volunteers from Atlanta.[34] Even some of the white men who played Klansmen began to have nightmares and half a dozen refused to participate in the 2010 reenactment. One reenactor, who grew up not far from Moore's Ford and came to believe that his uncle might have been a perpetrator, explained that he could not recall the 2009 reenactment when it was over. "It's a horrible thing to do," he said. "I was not there. I'd say it's a fugue state. I'm still a little bit in shock. It's not somewhere that you want to inhabit."[35] This forced heteropathic identification with a subject position he abhorred was no doubt made all the more difficult by knowing it was likely occupied by one of his own relatives. Rather than imagine he could "go back in time" and feel what "it felt like then" in some empathic fantasy, this reenactor articulated a more painful truth, discovered by both white and black reenactors: the traumatic past "is not somewhere that you

want to inhabit." Unlike popular and exclusionary reenactments that romanticize the past and reassert a racist order, the reenactment of the Moore's Ford lynching makes visible a buried past that its perpetrators and many of their descendants fervently hoped had been safely historicized and forgotten.

There is another possibility for the trauma produced by those involved in the reenactment, another reason that this troubled past "is not somewhere that you want to inhabit." Perhaps the traumatic response of the reenactors, especially the African Americans playing lynching victims but also those playing Klansmen, is related not only to the horror of those decades-old events but also to larger implications in the present. The reenactments are powerful and wrenching emotional experiences, not because they return to the past, but, on the contrary, because they bring the past into the present. Rather than a period rush, the past rushes forward. As one black female reenactor said, "When I'm lying down there in the mud by the bridge, it's like no time has passed. This could happen to anyone, my brother, my son, my grandchildren. This thing, it happened then, but it's still happening."[36] The reenactment resonates with the disturbing facts of contemporary life, though it was produced in the wake of a number of prosecutions for Civil Rights era crimes. On one hand, those who came before are made to live on through memory and a kind of ritualized reenactment; on the other hand, to participate in the reenactment of a lynching is to reenact "bare life" in the "zone of exception" theorized by Giorgio Agamben, to vicariously embody *homo sacer*, the figure, taken from Roman history, who is stripped of citizenship and placed outside the law, a figure who loses all rights and may be killed without consequence.[37]

The reenacted lynching thus becomes emblematic of all lynchings, evoking the infamous judgment of the 1857 Dred Scott decision in which the Supreme Court ruled that blacks, slave or free, were not citizens according to the Constitution and had "no rights which the white man was bound to respect," thus legally construing blacks as less than human. The reenactment of the Moore's Ford lynching brings into dramatic presence the continuing and permanent vulnerability of African Americans to the sudden loss of rights, with no protection from the state; indeed, it brings into focus the susceptibility of all of us to the same catastrophe.

As we have seen, Civil War reenactments reinforce racist mythologies, glorifying the archetype of the white soldier-male. By emphasizing personal experience over critical engagement with history, the

role of African Americans and the issues of slavery and race violence are obscured. Yet it is possible for some forms of reenactment to play a progressive role. Counter-memory reenactments that value the political over the personal, such as the Moore's Ford lynching reenactments, lift the veil on a troubled past to reveal what many prefer not to see and give voice to those who have been silenced. Such reenactments disturb a complacent present to make visible long buried forms of injustice and through that shared experience of seeing, help pave the way for further social struggle. Yet it must be understood that the horror and violence such reenactments make palpable can never be entirely reproduced but only gestured toward. Ultimately, such oppositional reenactment practices make visible the liminal political spaces where what we think of as "human rights" are seen to be precarious, unenforceable, or nonexistent. Perhaps what is made most visible by the ritualized violence and traumatized response to the Moore's Ford lynching reenactments is the fact that the Civil War in America is not yet finished, the rights of all citizens not yet equal, and even the right to citizenship itself not yet extended to all.

NOTES

This chapter is excerpted and revised from Chapter 2 in Dora Apel's *War Culture and the Contest of Images* (New Brunswick, NJ: Rutgers University Press, 2012).

1. Jenny Thompson, *War Games: Inside the World of 20th-Century War Reenactment* (Washington, DC: Smithsonian Books, 2004), 79, 82.
2. Wapedia, Wiki: Historic Reenactment, available online at wapedia. mobi/en/Historical_reenactment.
3. James O. Farmer, "Playing Rebels: Reenactment as Nostalgia and Defense of the Confederacy in the Battle of Aiken," *Southern Cultures* 11:1 (2005), 65–67.
4. Thompson, *War Games*, 71–72, 200–02.
5. Rory Turner, "Bloodless Battles: The Civil War Reenacted," *TDR* 34:4 (1990), 124.
6. Farmer, "Playing Rebels," 71.
7. Robert Blackson, "Once More…With Feeling: Reenactment in Contemporary Art and Culture," *Art Journal* 66:1 (2007), 30.
8. The phrase belongs to First World War German militarist Ernst Jünger, whose memoir *Storm of Steel* (1920) inspired, according to Thompson, the formation of the first First World War reenactment group.
9. Thompson, *War Games*, 134.
10. Kevin Walsh, *The Representation of the Past: Museums and Heritage in the Post-Modern World* (London: Routledge, 1992), 1, 102–103.

11. Jenny Thompson, "Playing Wars Whose Wounds Are Fresh," *New York Times*, June 5, 2004.

12. Thompson, *War Games*, 85.

13. Thompson, *War Games*, 156.

14. Thompson, *War Games*, 161–62, 281.

15. Quoted in Matthew Eddy, "*Nations Have the Right to Kill: Hitler, the Holocaust, and War* by Richard A. Koenigsberg," *Journal for the Scientific Study of Religion* 48:4 (2009), 840.

16. Tony Horwitz, *Confederates in the Attic. Dispatches from the Unfinished Civil War* (New York: Pantheon, 1998).

17. Shawn Martin, "NAACP Chapter Opposes Civil War Reenactment," February 16, 2003, available online at www.freerepublic.com.

18. Farmer, "Playing Rebels,"48.

19. Martin, "NAACP Chapter."

20. Thompson, *War Games*, 226.

21. Ibid.; Vanessa Agnew, "Introduction: What Is Reenactment?" *Criticism* 46:3 (2004), 327–339.

22. Quoted in Richard Handler, "Overpowered by Realism: Living History and the Simulation of the Past," *The Journal of American Folklore* 100:397 (1987), 340.

23. Alexander Cook, "The Use and Abuse of Reenactment: Thoughts on Recent Trends in Public History," *Criticism* 46:3 (2004), 490.

24. Cook, "The Use and Abuse," 489–493.

25. Handler, "Overpowered by Realism," 337.

26. Sven Lütticken, "An Arena in Which to Reenact," in *Life, Once More: Forms of Reenactment in Contemporary Art*, ed. Sven Lütticken (Rotterdam: Witte de With, Center for Contemporary Art, 2005), 55.

27. See "Lynching Reenactment in Georgia Dramatizes Call for Indictments in 59-year-old Case," July 28, 2005, available at www.democracynow.org; AP report "Georgia Lynchings Reenacted," July 25, 2005, available at www.msnbc.msn.com. For a detailed history of the lynching see Laura Wexler, *Fire in a Canebrake: The Last Mass Lynching in America* (New York: Scribner, 2003). Videos of the later reenactments are available on YouTube.

28. AP, "Georgia Lynchings Reenacted."

29. See Wexler, *Fire in a Canebrake*; also my *Imagery of Lynching: Black Men, White Women, and the Mob* (New Brunswick: Rutgers University Press, 2004), 166–171.

30. Shaila Dewan, "Group Lynching is Recreated in a 'Call for Justice,'" *New York Times*, July 26, 2005.

31. Eric Lott, *Love and Theft: Blackface Minstrelsy and the American Working Class* (New York: Oxford University Press, 1995).

32. In 1991, Clinton Adams, who claimed to be a witness to the original events, told reporters that Loy Harrison had been one of the gunmen.

33. Mark Auslander, "'Holding on to Those Who Can't Be Held': Reenacting a Lynching in Moore's Ford, Georgia," *Southern Spaces*, November 8, 2010, available at southernspaces.org.
34. Ibid.
35. Ibid.
36. Ibid.
37. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press, 1998).

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Index