doi:10.1093/bjc/azt043 BRIT. J. CRIMINOL. (2013) **53**, 1017–1032
Advance Access publication 6 August 2013

GENOCIDE FILMS, PUBLIC CRIMINOLOGY, COLLECTIVE MEMORY

Michelle Brown and Nicole Rafter*

One cannot understand or remember the genocides of the past in any direct manner. Their inaccessibility impedes us from working toward complex understandings of these events and adequate ways of responding to them. In this paper, we bring together various strands of criminological thought by examining genocide films as a form of public criminology that is engaged in the work of memory and commemoration. We identify a specific set of genocide films that, we argue, not only constitute a key (if hitherto unrecognized) branch of visual and public criminology, but also create and transmit collective memories of the 'crime of crimes', provoking public understandings of atrocity and meaningful social and political responses. These films direct us toward representational strategies and interdisciplinary perspectives that advance our theoretical and empirical understanding of genocide. Attention to such efforts not only underscores the work of images in shaping criminological discourse, but also makes for a better—because more deeply informed—criminology of genocide.

Keywords: criminology of genocide, ethics, genocide films, memory, public criminology, visual criminology

Introduction

Let the atrocious images haunt us. (Susan Sontag, regarding the pain of others)

Without memory and the representation of memory in the tangible object (which in turn stimulates memory), the currency of living exchange, the spoken word and the thought, would disappear without a trace. (Hannah Arendt, inscribed on a bridge in Berlin)

In criminology, genocide has recently been subject to a belated wave of critical attention (Hagan 2003; Hagan and Rymond-Richmond 2009; Alvarez 2010; Morrison 2010; Savelsberg 2010; Rafter and Walklate 2012); the wave is still rising but also lags far behind genocide studies in other disciplines—anthropology, history, sociology—and fields such as trauma and memory studies. Criminology has also experienced a cultural turn, with increased attention to the image by way of cultural, popular and visual criminology (Valier and Lippens 2004; Hayward and Presdee 2010; Rafter and Brown 2011; Carrabine 2012). Finally, discussions of public criminology have raised important questions about the purpose of criminology and its engagements with social and political worlds (Cohen 2001; Burawoy 2005; Loader and Sparks 2011). In this article, we bring together these strands of criminological thought by examining genocide films as a form of public criminology that is engaged in the work of memory and commemoration (Zelizer 1998; Karstedt 2009; Hirsch 2012; Madeira 2012). We identify a specific set

* Michelle Brown, Department of Sociology, University of Tennessee, 901 McClung Hall, Knoxville, TN 37996–0490, USA; mbrow121@utk.edu; Nicole Rafter, Northeastern University, Boston, MA 02113, USA; nicolerafter@yahoo.com.

of genocide films that, we argue, not only constitute a key (if hitherto unrecognized) branch of public criminology, but also create and transmit collective memories of the 'crime of crimes'.

One cannot understand or remember the genocides of the past in any direct manner. Their inaccessibility impedes us from working toward complex understandings of these events and appropriate ways of responding to them. We look to certain genocide films that provoke public understandings of atrocity and meaningful social and political responses. These films direct us toward representational strategies and interdisciplinary perspectives that advance theoretical and empirical understanding of genocide. Attention to such efforts not only underscores the work of images in shaping criminological discourse, but also makes for a better—because more deeply informed—criminology of genocide.

In the first section of this article, we lay out the relationship between visual culture and public criminology as they relate to genocide. In the second part, through an analysis of seven films, we make a case for genocide films as a form of public criminology. The third part foregrounds the ethical relationship between collective memory and public criminology that is attentive to genocide by exploring the difficult questions about witnessing, remembering and the possibility of closure that genocide films pose.

Visual Culture and Public Criminology

From the start, criminology was rooted in both the visual and the public. The first criminologist, Cesare Lombroso, integrated criminology with a visual culture that he collected from prisoners' artefacts but also generated himself as he assembled his museum of criminal anthropology (Lombroso and Ferrero 2004; Lombroso 2006). In fact, his theory of the physically stigmatized born criminal was dependent on and inseparable from visual culture (Turzio *et al.* 2005; Rafter 2006; Knepper and Ystehede 2013). And his was a very public criminology, directed at totally revamping Italy's criminal justice system. Similarly, Michel Foucault (1977) mapped the foundational shift in criminology from the public spectacle of punishment to the closed institution of the prison, through a cinematic recounting of the execution of the regicide Damiens ('the flesh will be torn from his breasts, arms, thighs and calves with red-hot pincers' (Foucault 1977: 3)), and emergence of the mundane prison timetable. His analysis of panopticism showed criminologists new ways to conceptualize the history and technologies of their field in visual terms. Arguably, criminology and its institutions have always had public and visual underpinnings. In developing a criminology of genocide, contemporary researchers often aim at changing public policies—and often rely on a set of visual exemplars. For example, in their analysis of genocide in Darfur, John Hagan and Wenona Rymond-Richmond (2009) use photographs, drawings and filmed testimony, laying out archival evidence of genocide, while, in their study of representations of massacres, Joachim Savelsberg and Ryan King (2011) rely heavily on iconic images of atrocity in American memory.

We take our conceptualization of public criminology from Ian Loader and Richard Sparks's (2011) recent work. Their concept of politics is central to the public quality of criminology. As they put it, 'Politics, in a democracy, is where we reconcile competing values and interests and determine the public good, a means of arriving at—and

recursively revising—collective self-understanding of the question "how do we want to live together?"' (Loader and Sparks 2011: 122). Politics as a kind of democratic forum takes on special significance in the case of genocide, where living together is precisely the social relationship that has been annihilated. Public criminology acknowledges genocide as a site of contest and controversy; rather than engineering specific solutions or outcomes premised upon expertise, it 'involves generating controversy, opening up and extending debate, challenging and provoking received public "opinion" and political postures' (Loader and Sparks 2011: 132).

A certain kind of genocide cinema has this capacity as well. Public criminology in the form of some genocide films serves as a space from which to work through the meanings that will enter collective memory and historical consciousness. In this way, the intersection of public criminology and visual culture, both of which assume responsibility in the representation of violence to the world, constitute a key site of political and ethical encounter (Guerin and Hallas 2007; Polchin 2007; Hinton and O'Neill 2009; Carrabine 2012; Gronstad and Gustafsson 2012). As media scholar Leschu Torchin (2012) writes of genocide:

> Throughout the twentieth century and into the twenty-first, film and video have been burdened with transformative expectations: revelation contributes to recognition, recognition demands action, and representations throughout transform audiences into witnesses and publics. But while these media have certainly contributed to the development of popular, political, and legal understandings of genocide, the process is hardly straightforward or inevitable. (Torchin 2012: 5)

The interpretive work of genocide films projects imagined publics, aims at establishing communities of action and is thereby embedded in the idea of public criminology. Interpretation is, in this regard, always a means of transforming, reconfiguring and reimagining the world. Visual culture and public criminology converge in ethics.

Genocide Films as Public Criminology

For this study, we chose six genocide films and a seventh, almost-genocide film that illuminates the criminological implications of the other six. The six are *Night and Fog* (1955), *Shoah* (1985), *The Battle of Algiers* (1966), *Ghosts of Rwanda* (2004), *Katyn* (2007) and *Enemies of the People* (2009); and the seventh is *Nostalgia for the Light* (2011). The process by which we chose them throws light on what we mean by 'public criminology' and the ethical work of visual culture.

We began by distinguishing two kinds of genocide films. One—the most prevalent—is a commercial, Western (largely, Hollywood) cinema that invokes genocidal background contexts to create sweeping, often melodramatic linear narratives with conclusions that neatly rework the past into a more comforting present. These films are sometimes critically acclaimed and often labelled 'inspirational' (e.g. *Schindler's List* (1993), *The Pianist* (2002) and *Hotel Rwanda* (2004)). The second kind of genocide film—the type we focus on here—is usually less commercially successful. These movies often adopt a documentary format and help establish key themes in the representation of genocide. For example, *Night and Fog*, in its reliance upon archival footage of the concentration camps, establishes an iconography of the Holocaust. *Shoah* unleashes the power of testimony in the narratives of survivors and perpetrators. These films generate the imagery we (the

public) use when we think of specific genocides or genocide in general, and they shape the kinds of questions we (the public) pose about these atrocities. Both types of genocide film—we might label them *the commercial* and *the critical*—raise political and ethical issues, but the first often derive their iconography from the second, and the first pose less complex ethical questions. In short, commercial genocide films contribute less to the public criminology of genocide.

We also sorted through our distinction between the two types of genocide films in another way, in terms of *an acting out* and *a working through*.

Films that 'work through' genocide struggle with representational issues; they are often open-ended and ambivalent about the possibility of justice. In contrast, films that 'act out' employ genocidal contexts to putatively recreate experiences of genocide; they tend to have unambiguous heroes and absolute villains; and their strong narrative lines rely on harmonious plots, reconcilability, recuperation and a sense of closure. Films that 'act out' genocide risk voyeuristic engagements that lead to a politics of forgetting, assigning atrocities to memory and history. They use the very tools that seem to help us remember, to in fact help us 'remember to forget' (Zelizer 1998: 239; Hesford 2011). They anesthetize audiences, offering spectacles of violence and telling us at the end that all is now all right. (In *Schindler's List*, for instance, we find that characters played by the actors not only survived the Holocaust; they are introduced to us at the film's end!) Commercial genocide films tend to stifle public criminology, leaving it with little new to say.

What might public criminology ask of genocide films? Such films must give us, first, access to the genocide in question and help us understand it, empirically and theoretically. All six of our films, even though their views are partial and fragmented, indicate the dimensions of the genocide on which they focus. These views do not spare us, empirically, from the means of killing, identification of those responsible and, in some cases, aftermaths for victims and survivors. Theoretically, the films raise novel issues about responsibility (in *The Battle for Algiers*, for instance, we strongly identify with terrorists; in *Enemies of the People*, we become household familiars with an old man who turns out to have been Pol Pot's second-in-command). The films also raise new, and difficult, questions about witnessing, remembering and the possibility of closure. They are mostly documentaries in keeping with the priority that truth-telling genres—archival, testimonial, photojournalistic, ethnographic—assume in human rights discourse.

Second, public criminology might ask genocide films to raise issues about human rights—their nature, their evanescence, their protection and the possibility of compensation for their violation. Third, we should expect genocide films to critique state power, exploring its ideal limits and constraints. These three demands—and we might add others to the list—necessitate a good deal of careful reflexivity and analytical work on the part of critical genocide films, including a complex recognition and acknowledgment of the past in a now-different present, and the kind of probing questions that urge a reinvestment in social and civic life. Rather than striving for normalization, critical genocide films seek to challenge, change and even radically disorient their viewers. In keeping with public criminology, this complex treatment calls for an active response akin to witnessing, not just passive, 'feel good' spectatorship.

What follows is perhaps best thought of as a genealogy of sorts. These films satisfy the requirements just outlined for critical genocide movies while innovatively challenging and transforming conventions of representation of genocide.

Night and Fog (1955)

Overwhelming, extreme historical events without adequate representational precedents often enter culture, like trauma, belatedly; like traumas, they initially paralyse those who experience them, slowing the entry of genocides into cultural representation (Pollock and Silverman 2011). *Night and Fog* (*Nuit et Brouillard*, directed by Alain Resnais, 1955), made a decade after the end of the Second World War, is among the first films to address what would come to be known as the Holocaust.[1] By way of archival footage, it carries us, in a brief half hour, to the epicentre of totalitarianism: the death camp. Its focus upon photographs, moving images, material objects, clothing, personal effects and bodily remains lend the film a tactility that brings us visually into the physical realm of the threshold between life and death. Its images of emaciated, barely recognizable human forms against the backdrop of train cars, striped uniforms, razor wire, gas chambers, ovens, mass graves and the architecture of Auschwitz produce the primary iconography of the Holocaust and genocide. *Night and Fog*'s images are now visual markers embedded in cultural memories of the event. The film's engagement with history suggests the impossibility of regarding the pain of others (Sontag 2003). *Night and Fog* provides us with a succinct but brutal moral and visual economy through which to see the Holocaust—one that focuses upon the systematic operations of Nazi camps. It is a montage of atrocity photos—indexical, evidential—alongside humanizing images that persistently point to an alternating (and alternative) logic: 'present' filming at the then-abandoned sites of Auschwitz and Majdanek, bathed in dim sunlight, intercut with black-and-white images of the incomprehensible past.

Night and Fog, cultural historians Griselda Pollock and Max Silverman (2011: 2) explain in their book on this film, is the exemplar of 'concentrationary cinema'. Concentrationary cinema speaks to the political novelty of the Holocaust—a form of totalitarian domination that marked a new kind of assault on humanity.[2] To represent this historical event required innovative filmmaking, including 'radical techniques of montage and disorientation, camera movements and counterpointed commentary to expose invisible knowledge' that captured what must necessarily be 'a cinema of hauntings, "in-betweens" and warnings' (Pollock and Silverman 2011: 1–2). Genocide scholar Sylvie Lindeperg (2011) sees the film as a 'gesture of cinema' that has come to epitomize the Holocaust, although the central sites of extermination at Auschwitz are barely shown. Relying upon archival footage produced by the Allies as they entered the concentration camps, *Night and Fog* also omits the problem of race and ethnicity at the heart of many genocides. It never mentions Jews by name (although they do appear in the film wearing the yellow star); even in the early 1950s, when Resnais was making the film, Nazi killings were not yet synonymous with the Jewish Holocaust. The film became a model in its depiction of the 'logic of the camp', where an everyday normalcy exists alongside mass violence and total degradation of the human. It directs us toward a peculiarly troubling quality of existence, in which individuals found themselves 'living in the permanent anxiety ... and anguishing terror that changed the very meaning

[1] *Ostatni Etap* (*The Last Stage*, Poland, 1948) is widely considered to be the first Holocaust film. The fictional narrative carefully recreates the experiences of women at Auschwitz, building upon director Wanda Jakubowska's memories as a survivor of Auschwitz.

[2] In fact, the Nazi concentration camps had forerunners in South-West Africa, after the Herero genocide, and in temporary camps during the Armenian genocide.

of living and dying' (Pollock and Silverman 2011: 9; see also Levi 1989; Agamben 1998, 1999). For criminologists, the question of the relationship between these conditions of existence and categories of crime, law and punishment remains under-theorized.

Ominously, *Night and Fog* ends with a series of admonitions:

> Who amongst us is still watching in this strange observatory to warn us of the coming of new executioners? Are their faces really so different from our own?
> Somewhere, amongst us, live on the lucky kapos, the reinstated leaders, the unknown informers.
> And there are some of us who sincerely gaze upon these ruins as if the concentrationary monster lay dead beneath its rubble, who pretend to take up hope again as the image recedes into the past, as if we could be cured once and for all from the concentrationary plague, we who want to believe that all this belongs to one time and one country, and are failing to look around ourselves and hear the unending cry.

Night and Fog's profound questions lay out the problems essential to a public criminology focused upon genocide.

Shoah (1985)

> Yes. It was terrible. No one can describe it. No one can recreate what happened here. Impossible? And no one can understand it. Even I, here, now ... I can't believe I'm here. No, I just can't believe it. It was always this peaceful here. Always. When they burned two thousand people—Jews, every day, it was just as peaceful. No one shouted. Everyone went about his work. It was silent. Peaceful. Just as it is now. (Simon Srebnik, survivor of Chelmno)

Claude Lanzmann's *Shoah* begins with an echo of *Night and Fog*—the traces of an extermination camp in a sunlit countryside. A survivor of Chelmno, Simon Srebnik, is shown singing a song as he boats down the Ner River. As a child, Srebnik had collected and then dumped the bones of the camp's dead in the river, often singing Prussian military songs for the Nazi SS guards as he performed his task. Lanzmann asked Srebnik to return to this very site to be filmed as he recounts his experience, now as an old man. Villagers gather and tell Lanzmann their memories of Srebnick's singing. From these narratives, the viewer begins to realize the insidious proximity of ordinary townspeople to the death camp. Using such real-time strategies, *Shoah* defies many of the conventions of *Night and Fog* and social documentary. Lanzmann's refusal to use original footage from the Holocaust, his commitment to prolonged and painful interviews, and the sheer depth and length of the nine-and-a-half hour film introduce a new set of conventions to genocide cinema. Lanzmann incorporates the accounts of bystanders—railway engineers, the wife of an SS guard, farmers, residents of the Polish villages surrounding the camps—and a handful of survivor-witnesses and perpetrators from the extermination camps of Poland, Lithuania and Auschwitz.

Lanzmann's decision to omit all archival material flowed from his conviction that one must accept the limits of representation in any treatment of the Holocaust. As an event that exceeded any previous event, experience or crime, and that stands alone in history, Lanzmann argues, there are no ordinary film techniques through which the Holocaust can be comprehended and represented. Instead, he develops:

> ... a different cinematic process involving duration, repetition, rhythm and the intensive, affecting, phenomenological encounter with the places, the faces and the voices of survivors, bystanders and

perpetrators who are all encouraged to put into words experiences that still have the traumatic capacity to undo the speaker in the vividness with which the unprocessed event still 'happens' in the present moment before the relentless camera. (Pollock and Silverman 2011: 39)

Lanzmann returned survivors to the scenes of the crime, transporting them to the camps and surrounding communities, as in the case of Simon Srebnik and Chelmno, in order to create this experience. Many commentators have objected to the retraumatizing potential of this strategy, even though it gives an authenticity to the accounts of mass killing.

By way of these testimonials, Lanzmann anatomizes the Holocaust: the deportations, extermination camps, organizational logic behind mass killing and complicity of nearby communities. In the film, historian Raul Hilberg explains that:

... what transpired when the 'final solution' was adopted—or, to be more precise, bureaucracy moved into it—was a turning point in history. Even here I would suggest a logical progression. The missionaries of Christianity had said in effect to the Jews: 'You may not live among us as Jews.' The secular rulers who followed them from the late Middle Ages then decided: 'You may not live among us,' and the Nazis finally decreed: 'You may not live.'

Shoah maps the progression from ghettoization to expulsion to death through the graphic testimonies of survivors and often unrepentant perpetrators and bystanders. In all of this, there is a movement of populations beyond the protection of the law—an ordinariness to the annihilation of the Jews that is systematically recounted by all in the film. One problem that *Shoah* poses for criminologists is the manner in which mass killing became something less than a crime. Even as the Holocaust precipitated dialogues about international justice and categories of state crime, criminology turned away (Hagan and Greer 2002; Hagan and Rymond-Richmond 2009).

Shoah ends in Israel at the Ghetto Fighters' Kibbutz, where a resistance fighter recounts his experience of a failed rescue operation in the Warsaw Ghetto. Upon his arrival, all were gone or dead: 'In that moment, I said to myself: "I'm the last Jew. I'll wait for morning, and for the Germans".' The film ends on this note of ethical loneliness, as the resistance fighter meditates on the rupture in discourse that the Holocaust poses—a break that at once points to the abyss of the unrepresentable yet nonetheless speaks to the historical specificity of the Jewish Shoah. Lanzmann's work has been subject to extensive commentary and many critiques—it is attacked as too long, non-filmic, sexist (women are all but missing) and racist (anti-Polish)—but, by any account, it remains a provocative benchmark for critical analysis of the Holocaust in film.

Night and Fog and *Shoah*, exhibited widely in schools, universities and museums, have served pedagogical functions, acting as key historical repositories for iconic imagery and methods of representing the Holocaust. The techniques and motifs of both films carry forward into contemporary films that are themselves marked by the freight of anxiety of these earlier representations. Nonetheless, subsequent genocide films also introduced new rhetorical strategies as they searched for other ways to lend credibility, meaning and urgency to testimony.

The Battle of Algiers (1966)

Gillo Pontecorvo's *Battle of Algiers*, situated chronologically between *Night and Fog* and *Shoah*, stands out as one of the central revolutionary, post-colonial performances of

modernity. The film chronicles the resistance and insurgent movement among Algerians living in the casbah during the Algerian War of Independence against France. It begins with a dramatic torture scene where the French attempt to gain information from an Algerian member of the National Liberation Front. It ends even more dramatically with a systematic effort by the French state to wipe out the guerrilla movement, which has grown to include women and children. Although the film ends tragically, Pontecorvo points in an epilogue to the eventual end of French colonial rule. The urban warfare strategies and resistance tactics employed by Algerians in the film are so realistic that *The Battle of Algiers* has been used by contemporary insurgent groups as a pedagogical device—an instruction manual of sorts.

Unlike *Night and Fog* or *Shoah*, *The Battle of Algiers* has a clear set of heroes and a more conventional narrative framework, although it borrows heavily from a documentary style. Filmed on location (in black-and-white 'newsreel' footage) just after the war and incorporating local, untrained actors, *The Battle of Algiers* shows how sympathy can be built for colonized actors engaged in violent acts against the state. Concentrationary motifs develop as state violence materializes in the forms of torture, enclosure, checkpoints, militarization and annihilation. Acts of atrocity occur on both sides, but, by the end of the film, the audience is very much on the side of the Algerian protagonists. The film leaves us with troubling questions about the necessity of political violence. For criminology, the blurring of the line between victim and perpetrator against the backdrop of state violence raises critical questions about the social construction of political criminals and terrorists. It reminds us of the important role of post-colonialism in the production of mass violence (Agozino 2003; Cuneen 2011).

Ghosts of Rwanda (2004)

Whereas *Night and Fog* shocked viewers, subsequent genocide films have had to address the problem of representing genocide in contexts where it is not so shocking. Barbie Zelizer, quoting the *Washington Post*, writes that although 'at first the world was riveted to scenes of carnage' in Rwanda, 'at a certain point, the eyes of the world closed, the cameras clicked off' and 'the capacity to absorb such a living nightmare shut down' (Zelizer 1998: 219). What used to be considered impossible, existentially and visually, is now simply repetitive. The PBS Frontline documentary *Ghosts of Rwanda* speaks graphically to this predicament. As with the former Yugoslavia and Darfur, Rwanda is one of the contemporary places where images were readily available during a genocide. The film, depicting frenzied killing up close, poses the excruciating problems of witnessing and spectatorship while genocide played out on the world stage.

The 1994 Rwandan genocide defied many post-Holocaust understandings of genocide—in its rapidity (the majority of deaths occurred in 100 days), brutality (most victims were killed with machetes or nail-studded clubs), scale (estimates of between 500,000 and 1,000,000 dead),[3] and political and media coverage. The film gives us a few survivor accounts, including the narrative of a young woman who survived a massacre in a church sanctuary, living alone among the dead, seriously injured, for over 40 days. But, overwhelmingly, the film focuses upon accounts of Western actors who were close

[3] For work on scales of violence, see Braithwaite (2012).

to the carnage, including US officials, UN peacekeepers, diplomats, journalists and international aid workers whose actions illustrate the contingencies of intervention and determined the ultimate abandonment of Rwanda. The only American who stayed behind, Carl Wilkens (director of the Adventist Development and Relief Agency), states of the day of the evacuation: 'This sadness just came over me .... If people in Rwanda ever needed help, now was the time. And everybody's leaving.' *Ghosts of Rwanda*, by chronicling a genocide that happened while the world chose to look away, documents the contradictions of contemporary human rights discourses, including the hierarchies of recognition that structure international justice and policies of intervention, particularly in the context of Africa. In chilling scenes, we watch as international officials, journalists and foreign nationals flee the country, abandoning people who tell departing journalists 'If you leave, we will die!'. Later, we learn of their deaths.

Ghosts of Rwanda exposes the emptiness of post-Holocaust genocide commentary, particularly that of the memory slogan 'Never again'. It demonstrates that responsibility is constituted by visual economies—ideological hierarchies and contests—that value the lives of others, depending on larger contexts of race and place. Looking, we now know, does not automatically imply obligation, responsibility or action. But it does constitute a site of analytical and criminological inquiry precisely for that reason. And, as our films demonstrate, looking itself is constructed; thus, it requires various kinds and degrees of interpretation. Part of the contribution of *Ghosts of Rwanda* is its depiction of visual economies rendering certain identities and scenes of suffering more legitimate than others. The film pushes us to ask what kind of visions might open up engagement with these troubling hierarchies. What kinds of social and political relations might be enabled by different ways of seeing?

Katyn (2007)

Andrzej Wajda's *Katyn* (pronounced Ka-TEEN) at first glance offers a more conventional narrative. The massacre in Russia's Katyn Forest was a secret genocide, committed in spring 1940 by Russians on Polish officers and civilians who were captured en masse even before they knew that Stalin had decided to start a war with their country. Stalin had the prisoners shot by professional executioners in soundproofed basement rooms and in the Katyn Forest, in Northwest Russia, near the German border. The graves were purposely concealed. Later in the Second World War, when Germany invaded Russia, it discovered some of the corpses—and noisily proclaimed Russia as the assassin. When Russia recaptured the area, it generated propaganda blaming Germany. Meanwhile, the families of the missing, and gradually all of Poland and even Poles living abroad, became obsessed with the case, finding it impossible to begin the work of closure until they learned the true story. Finally, in 1990, Gorbachev admitted Russia's guilt and definitively identified the bodies as those of the captured Poles; public mourning and commemoration could begin.

Katyn is thus a story of the politics of memory as Poles try to live with uncertainty and solve a hidden crime. It asks why remembering genocide is important on the individual, group and national levels; how genocides are reconstructed through last-minute scribblings in the diaries of those executed and other artefacts discovered on their corpses; and how memories are constructed from old photographs and other memorabilia. The film itself becomes part of the historical stream of memory, serving as both record and commemoration.

The film is particularly innovative in depicting events through the eyes of women—mothers, wives, sisters and daughters of the victims; they carry the memory of the dead forward and ultimately learn what truly happened. Like our other films, *Katyn* engages in a 'truth-telling', biographical format—one that is especially appropriate here because Wajda, Poland's premier director, lost his father in the massacre. Thus, *Katyn* speaks to many of the omissions of previous films—the role of gender, the power of biography as testimony, and the devastating role of historical lies and denial in the experience of survivors, some of whom are imprisoned, die or allow themselves to be killed in their efforts to deal with and endure the past. At the end, the seemingly straightforward narrative breaks violently with its chronology to show the executions themselves, as prisoners are shot on the edges of burial pits in the forest. Thus, the film reminds viewers of the pain and brutality of genocide, as well as the need to come to terms with it.

Enemies of the People (2009)

Our two final films, *Enemies of the People* and *Nostalgia for the Light*, offer alternative ways of viewing and thinking about mass murder in film. One approach to unsettle passive spectatorship and speak directly to the privileged outsider-spectator is to turn to witnesses and testimony. This approach, as feminist scholar Wendy Hesford (2011) argues, constitutes a different kind of politics of recognition 'than the politics typified in human rights and humanitarian representations of distant others targeted at Western audiences'; rather, personal testimonies are 'representations of the local as a locality, foregrounding the relationality of contexts and subjectivities' (Hesford 2011: loc 2441). Films made by actors who themselves are dramatically affected by mass killing is one way in which to better speak to the historical specificities of genocide. Both films do remarkable work in this way.

Thet Sambath's *Enemies of the People* is a British/Cambodian documentary centred upon the Cambodian genocide (1975–79) under the Khmer Rouge. Among the victims were Sambath's mother, father and brother. *Enemies of the People* is an autobiographical account of Sambath's efforts to understand the killings and come to terms with his—and his country's—loss.

A senior reporter for the *Phnom Penh Post*, Sambath sometimes leaves his wife even without enough money to feed their children in order to journey into the Cambodian countryside to befriend former Khmer Rouge cadres and film accounts of their experiences in the killing fields. (In this respect, *Enemies of the People* recalls the patient, prolonged interviews of *Shoah*.) They give graphic accounts of their murders as well as of their own trauma, guilt and remorse. Sambath also befriends Nuon Chea, Pol Pot's deputy—known as Brother Number Two—who eventually describes to Sambath, albeit in guarded terms, his role in the killings. Sambath later tells Nuon Chea of his family's fate, apologizing for having deceived Nuon Chea about his purpose in filming. Nuon Chea apologizes in turn, saying he is sorry for the deaths in Sambath's family.

A remarkable feat and exemplar of alternative justice, Sambath's story is set against the backdrop of international justice[4] as the United Nations establishes the Khmer

[4] In one stunning scene, we see Sambath watch Nuon Chea watching the hanging of Saddam Hussein on television. Nuon Chea is perhaps imagining a memory of his own future.

Rouge Tribunal in Cambodia and Nuon Chea is taken into custody. At the end of the film, as a helicopter lifts Nuon Chea away to the tribunal, Sambath watches nearby, expressing sadness at this outcome. The complexity and ambiguity of justice sit centre stage with him. What Sambath achieves in Nuon Chea's jungle abode overshadows much of what may be accomplished at the international level.[5] *Enemies of the People* discusses at many levels the problem of achieving justice. It is no accident that the film also accuses itself of injustice—through the scene in which Sambath leaves his family without money for food in order to make the movie. Justice sometimes requires injustice, Sambath seems to be telling us, but justice brings the possibility of closure and even renewal at the end.

Nostalgia for the Light (2011)

> I am convinced that memory has a gravitational force. It is constantly attracting us. Those who have a memory are able to live in the fragile present moment. Those who have none don't live anywhere. Each night, slowly, impassively, the centre of the galaxy passes over Santiago. (Patricio Guzman)

Patricio Guzman's *Nostalgia for the Light* focuses not on genocide per se, but on the disappearance of thousands in Chile during the Pinochet dictatorship (1973–90). Many of these political prisoners were executed and buried in the Atacama Desert, a natural oddity that, at 10,000 feet above sea level, provides incredible views of the night sky and whose arid soil preserves human remains. A beautiful and desolate site, itself a seabed millennia ago, the Atacama is host to a strange community: archaeologists who dig for ancient remains, astronomers who use massive telescopes to scan the skies and local women (as in *Katyn*, widows and sisters) who sift the desert sand for evidence of their loved ones.

Guzman's film is a cinematic essay on the meaning of time, disappearance and political history against the backdrop of a common, binding mystery—the meaning of life in a vast universe. He relies upon the testimonies of survivors, their loved ones and scientists to explore, as Sambath does in *Enemies of the People*, the present and future after a violent past. There is the architect who can remember the exact dimensions of the desert prison where he and other political dissidents were confined. There is the daughter, raised by grandparents after the disappearance of her parents, who cradles her child while speaking of the necessity of hope for the future. She speaks to the 'double responsibility' that follows the lives of survivors:

> My grandparents are the happiness in my life. Thanks to them, I've been able to write my own story—not merely from a painful perspective but also a joyous one, optimistic ..., driven by this strength and the desire to progress. My grandparents were wise realizing they had a double responsibility. They found a way to make my parents important reference points for me. They passed on my parents' values and their strength. What is more, my grandparents were able to overcome their pain so that I could have a happy and healthy childhood.

And there are the tireless women who walk the desert, bent downward, looking to the sand for the past. One woman recounts the moment when she found the bony

[5] When requested as evidence for the tribunal, the filmmakers, Thet Sambath and Rob Lemkin, declined to let the film be put into evidence until it entered the public domain.

remains of her brother's foot and how she sat with it through the night in an effort to be close to him. *Nostalgia* is a meditation on how to live with the violent, undisclosed past, and yet keep an eye on the future. It reminds us of this 'double responsibility' to examine crimes of the past and search for clarity about mass executions, even as we strive to understand resilience and visions of futurity among victims and survivors.

Across these films, we find that there are central metaphors for representing the unrepresentable.[6] In *Night and Fog* and *Shoah*, the metaphor is the empty buildings of the concentration camps, now ruins amid sun-bathed forests and meadows. Similarly, in *Katyn*, it is the graves hidden in the forests, truth buried in them. *Enemies of the People* uses the muddy water of rice fields as a metaphor for secrets of the dead below. In *Nostalgia for the Light*, the central metaphor is the wide swaths of the Atacama Desert with their shards of bone. Pontecorvo, in *The Battle of Algiers*, turns the casbah itself, being blown to bits, into a sign of resistance to the destructiveness of French colonialism. These metaphors are equivalents to what cultural studies scholar Mark Seltzer calls 'woundscapes': spaces for 'the destruction and remaking of the modern scene of the crime—a matter at once of memorializing and forgetting, reconstructing and erasing' (Seltzer 2007: 140).

In each of these films, justice is bound up with documenting the past, and history is a contest. Their catalogues of testimonies, oral histories, archival footage, photojournalism and autobiographies seek to help us understand the genocide in question. They speak to the dimensions of genocide, the means of killing, the identification of those responsible and, in some cases, the lives of victims and survivors. For criminology, they raise issues of responsibility—as in the relationship between Sambath and Nuon Chea, and as in the final questions we are asked in *Night and Fog*. Such questions pose the possibilities and limits of witnessing, remembering and achieving closure. It is this ethical relationship to collective memory that figures most prominently in a public criminology that is attentive to genocide.

Genocide Films, Memory and Public Criminology

> Collective memory is not an inert and passive thing, but a field of activity in which past events are selected, reconstructed, maintained, modified, and endowed with political meaning. (Said 2000: 185)

The concept of collective memory was first formulated by Maurice Halbwachs (1950/1992), the French philosopher who died at Buchenwald a few weeks before Liberation. Collective memory is shared memory, a parallel on the group level to individual memory. Unlike most individuals, groups can create vehicles to perpetuate their commonly-held memories—memorials and other forms of commemoration. Collective memories are essential to the vitality of a group; they are the way the group understands its own history and are central to social thinking. Genocide films offer widely accessible and enduring collective memories of events that otherwise may be repressed or forgotten. Today, genocide films—and the iconography they generate—may constitute primary source materials of collective memory about past attempts to eradicate

[6] *Ghosts of Rwanda* is an exception in that the killing is foregrounded—no metaphors necessary.

particular groups.[7] They help set the optics (Hartouni 2012) by which we see, understand and respond to genocide.

As cultural historian Dominick LaCapra writes, traumatic events always constitute problems for memory because actors may not be able to 'viably come to terms with (without ever fully healing or overcoming) the divided legacies, open wounds, and unspeakable losses of a dire past' (LaCapra 1999: 697–8). Each of our films engages these problems of memory, demonstrating how a collective memory that is attentive to justice is inevitably a struggle and kind of intellectual and analytical labour. Complex truths, subject to contest, denial and amnesia, operate in fields of recovery, where a perpetual sorting and sifting-through of contextual knowledge occurs, including the mining and unpacking of all sorts of questions about what actually occurred, the motives of perpetrators, the outcomes for victims, degrees of involvement and what is possible now for individuals and groups. These kinds of 'clarification' processes, sociologist Stanley Cohen writes, 'are and should be open to dispute' (Cohen 2009: 33).

The concept of closure reveals a good deal about how such memory work has been foreclosed in criminology. In fact, there are two types of closure, one of which might be called formal or *legal closure* and occurs through criminal justice processes. The other is an *ongoing closure*, the kind that relates to memory. In the criminal justice system, closure is configured through the figure of the victim. In prosecutorial contexts, closure is invoked not as a process of memory work, but as justification for punishment—and finality. Ongoing closure is more open-ended. This is the kind of closure that legal scholar Jody Madeira addresses in her recent volume *Killing McVeigh*, where she writes that closure is not 'a state of consummate finality', but rather a strategic, sense-making 'process' without term limits (Madeira 2012: 48). These two kinds of closure interact, as Madeira writes, with memory being very 'dependent upon institutions and events in the outside world' (Madeira 2012: 48). Ongoing closure does not end, however, with an arrest (as in the case of Nuon Chea) or even an execution. Rather, ongoing closure is communicative, an ever-developing narrative of how actors 'wrench *lived* meaning from horrifying experiences' (Madeira 2012: 50, emphasis in original.), such as the testimonies of death camp survivors in *Shoah*, Thet Sambath's work in *Enemies of the People* and the women who spend their days searching the Atacama Desert in *Nostalgia for the Light*. In these cases, closure is a memory process.

Each film has a message about memory that constitutes a kind of public criminology. *Night and Fog* shows we must find ways to protect human groups against one another, the victim against the 'lucky kapo' and 'unknown informer'. In a field that claims to understand victims and perpetrators and the murky lines in between, criminology lags in its understanding of the empathic divides (Brown 2012) that drive violence at the level of genocide. *Night and Fog* urges us to focus on genocide, analyse it, recognize its horrors and ubiquity. It demands a public criminology. *Shoah*'s message is far more devastating: memory does not necessarily lead to responsibility, and it is the responsibility of public criminology to document these ethical failures through the histories of the Holocaust.

[7] Marianne Hirsch (2012) introduces the term 'postmemory' to identify memories that are passed to the generation that learns of a genocide from its survivors. Although she thus limits postmemory to a single generation, the term is useful in distinguishing between the memories of those who have directly experienced genocide and all later generations that wish to remember.

The Battle of Algiers shows how history can alter memory, including our ideas about who constitutes terrorists, heroes, victims and perpetrators. By exposing the roots of violence in historical processes of inequality, the film shows us the memory work central to ongoing closure. The primary project of *Ghosts of Rwanda*, like *The Battle of Algiers*, is to memorialize a particular genocide. Both films also expose the racial politics of seeing that grow out of and feed into ideas about who is worthy and who is not. This kind of public criminology recognizes the radical inequalities that underlie genocide.

Katyn shows that repressed memories can become toxic for individuals, groups and even nations. Memories of genocide are always constructed and contested; criminology can recognize the ways in which claims about memory develop. Moreover, without memorialization, memories can be entirely lost; but, if we lose them, we also lose history, and we fail ethically to acknowledge vast suffering. *Enemies of the People* shows what acknowledgment, memorialization and closure look like up close. It also shows us how the meanings of 'justice' operate on many levels. It is possible, indeed necessary, to get to know genocidists on some level, not in order to forgive, but to see their faces, as *Night and Fog* puts it, as 'not really so different from our own'. In addition, Thet Sambath insists, as does Lanzmann in *Shoah*, that we look at genocide from the viewpoint of those who commit it and try to understand why they decided that atrocity would be a solution.

Genocide films are *already* part of public criminology, empirically and theoretically. They keep memories alive and transmit them. They seek to represent realities that exceed the pale of most human experience—an overwhelming sentience of violence. They allow us to explore a history of violence that is embodied and expressive—defined by grief, rage, denial and fear as well as resilience and even mercy. Films like *Nostalgia for the Light* show survivors continuing this work of memory across lifetimes. It tells us that memory enables us to live and that criminology, working with history, can help victims recover memories. These films point to the study of pain and social suffering as importance provinces of criminology. Genocide—and genocide films—push criminology to become an ethical project (Cohen 2001).

In their work on public criminology, Ian Loader and Richard Sparks ask 'how criminology might today help to foster ... a better politics of crime' and, ultimately, stronger 'democratic publics' (Loader and Sparks 2011: 5). They are not at all interested in how criminology might make the public more aware of its findings; rather, they 'want to make the question of criminology's purposes the object of ... sociological reflection' (Loader and Sparks 2011: 7). Until recently, criminology has played almost no role in shaping how genocide is understood; however, critical genocide films have. They have served the political functions that, according to Loader and Sparks, a public criminology ought to serve, by offering a forum where competing values may be debated, along with collective self-understanding of the question 'how do we want to live together?' (Loader and Sparks 2011: 122).

References

Agamben, G. (1998), *Homo Sacer: Sovereign Power and Bare Life*. Stanford University Press.

——(1999), *Remnants of Auschwitz: The Witness and the Archive*. Zone Books.

Agozino, B. (2003), *Counter-Colonial Criminology: A Critique of Imperialist Reason*. Pluto.

Alvarez, A. (2010), *Genocidal Crimes*. Routledge.

Braithwaite, J. (2012), 'Cascades of Violence and a Global Criminology of Place', *Australian and New Zealand Journal of Criminology*, 45: 299–315.
Brown, M. (2012), 'Empathy and Punishment', *Punishment & Society*, 14: 383–401.
Burawoy, M. (2005), '2004 Presidential Address', *American Sociological Review*, 70: 4–28.
Carrabine, E. (2012), 'Just Images: Aesthetics, Ethics and Visual Criminology', *British Journal of Criminology*, 52: 463–89.
Cohen, S. (2009), 'Unspeakable Memories and Commensurable Laws', in S. Karstedt, ed., *Legal Institutions and Collective Memories*, 27–38. Hart Publishing.
——(2001), *States of Denial: Knowing about Atrocities and Suffering*. Policy.
Cuneen, C. (2011), 'Postcolonial Perspectives for Criminology', in M. Bosworth and C. Hoyle, eds, *What Is Criminology?*, 249–66. Oxford University Press.
Foucault, M. (1977), *Discipline and Punish: The Birth of the Prison*. Random House.
Gronstad, A. and Gustafsson, H., eds (2012), *Ethics and Images of Pain*. Routledge.
Guerin, F. and Hallas, R., eds (2007), *The Image and the Witness: Trauma, Memory and Visual Culture*. Wallflower Press.
Hagan, J. (2003), *Justice in the Balkans: Prosecuting War Crimes in the Hague Tribunal*. University of Chicago Press.
Hagan, J. and Greer, S. (2002), 'Making War Criminal', *Criminology*, 40: 231–64.
Hagan, J. and Rymond-Richmond, W. (2009), *Darfur and the Crime of Genocide*. Cambridge University Press.
Hartouni, V. (2012), *Visualizing Atrocity: Arendt, Evil, and the Optics of Thoughtlessness*. New York University Press.
Hayward, K. J. and Presdee, M. (2010), *Framing Crime: Cultural Criminology and the Image*. Routledge/GlassHouse.
Hesford, W. S. (2011), *Spectacular Rhetorics: Human Rights Visions, Recognitions, Feminisms*. Duke University Press.
Hinton, A. L. and O'Neill, K. L., eds (2009), *Genocide: Truth, Memory, and Representation*. Duke University Press Books.
Hirsch, M. (2012), *The Generation of Postmemory: Writing and Visual Culture after the Holocaust*. Columbia University Press.
Karstedt, S., ed. (2009), *Legal Institutions and Collective Memories*. Hart Publishing.
Knepper, P. and Ystehede, P. J., eds (2013), *The Cesare Lombroso Handbook*. Routledge.
LaCapra, D. (1999), 'Trauma, Absence, Loss', *Critical Inquiry*, 25: 696–727.
Levi, P. (1989), *The Drowned and the Saved*. Vintage.
Lindeperg, S. (2011) 'Night and Fog: A History of Gazes', in G. Pollock and M. Silverman, eds, *Concentrationary Cinema: Aesthetics as Political Resistance in Alain Resnais's 'Night and Fog'*, 55–70. Berghahn Books.
Loader, I. and Sparks, R. (2011), *Public Criminology*. Routledge.
Lombroso, C. (2006), *Criminal Man*, translated and with a new introduction by Mary Gibson and Nicole Hahn Rafter. Duke University Press.
Lombroso, C. and Ferrero, G. (2004), *Criminal Woman, the Prostitute, and the Normal Woman*, translated and with a new introduction by Nicole Hahn Rafter and Mary Gibson. Duke University Press.
Madeira, J. L. (2012), *Killing McVeigh: The Death Penalty and the Myth of Closure*. NYU Press.
Morrison, W. (2010), 'A Reflected Gaze of Humanity: Cultural Criminology and Images of Genocide', in M. Hayward and M. Presdee, eds, *Cultural Criminology and the Image*, 189–207. Routledge.

Polchin, J. (2007), 'Not Looking at Lynching Photographs', in F. Guerin and R. Hallas, eds, *The Image and the Witness: Trauma, Memory and Visual Culture*, 207–22. Wallflower Press.

Pollock, G. and Silverman, M., eds (2011), *Concentrationary Cinema: Aesthetics as Political Resistance in Alain Resnais's 'Night and Fog'*. Berghahn Books.

Rafter, N. (2006), 'Criminal Anthropology: Its Reception in the United States and the Nature of Its Appeal', in P. Becker and R. F. Wetzell, eds, *Criminals and Their Scientists*, 159–82. Cambridge University Press.

Rafter, N. and Brown, M. (2011), *Criminology Goes to the Movies*. New York University Press.

Rafter, N. and Walklate, S. (2012), 'Genocide and the Dynamics of Victimization: Some Observations on Armenia', *European Journal of Criminology*, 9: 514–26.

Said, E. W. (2000), 'Invention, Memory, and Place', *Critical Inquiry*, 26: 175–92.

Savelsberg, J. (2010), *Crime and Human Rights: Criminology of Genocide and Atrocities*. Sage.

Savelsberg, J. and King, R. (2011), *American Memories: Atrocities and the Law*. Russell Sage Foundation.

Seltzer, M. (2007), *True Crime: Observations on Violence and Modernity*. Routledge.

Sontag, S. (2003), *Regarding the Pain of Others*. Picador/Farrar, Straus and Giroux.

Torchin, L. (2012), *Creating the Witness: Documenting Genocide on Film, Video, and the Internet*. University of Minnesota Press.

Turzio, S., Villa, R. and Violi, A. (2005), *Locus Solus: Lombroso e la fotografia*. Bruno Mondadori.

Valier, C. and Lippens, R. (2004), 'Moving Images, Ethics and Justice', *Punishment and Society*, 6: 319–33.

Zelizer, B. (1998), *Remembering to Forget: Holocaust Memory through the Camera's Eye*. University of Chicago Press.