Moral discourse and action in relation to the corpse: integrative concepts for a criminology of mass violence

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Introduction: the moral–emotional ‘work’ of serious crime in peacetime and in conflict

In stable, late-modern societies, crimes are adjudicated breaches of morality formally defined in law. They are variable in content across place and time, and do not always have a readily identifiable victim or definitions that have the informal moral support of the population; however, many of the most serious offences against the person and property commonly evoke moral outrage in onlookers and deliver emotional trauma to victims.¹ Their commission requires at least one perpetrator to be not bound by the moral–emotional content of the law at the time of the offence, nor by the likely consequences of their actions on the emotional life of others. The perpetrator will nonetheless spend most time conforming to most laws and, moreover, is statistically more likely to witness and experience the types of trauma associated with the victim;² this points both to the dangers of essentializing and othering ‘the criminal’, and also to the complexities of the moral–emotional ‘work’ carried out in the service of crime. Regardless of one’s immediate status in the perpetrator–victim–onlooker nexus, immoral (criminal) action must be emotionally neutralized and/or cognitively reframed as contextually acceptable, and the emotional trauma of its consequences managed in order to minimize psychological harm.

Serious crime is definitive of contexts of mass violence, where the rule of law collapses and agents of state control are often prime perpetrators. In such contexts, organized mass perpetration creates distinct classes of the gravest offences³ and both bystanding and victimization are commensurately endemic. In any given theatre of conflict, there is, therefore, an unquantifiable amount of individual and collective moral transgression and associated emotional trauma to negotiate and manage. While it is possible that non-lethal violence is more common than lethal violence in such contexts, the latter and its prime 'product' – the corpse – create specific and ongoing sets of moral-emotional problems that demand further analysis. Not only must one explain the crimes inherent in the production of the corpse (that is, homicide), but one must also account for the morally difficult task of corpse disposal by perpetrators, onlookers and the families of victims. Furthermore, in an age when advances in forensic techniques render sites of disposal and the corpse itself increasingly 'eloquent', the post-conflict investigation of atrocity may reactivate trauma and force actors implicated in murder to revisit and modify narratives of moral denial. In contexts where some form of transitional justice is possible, corpses may be used in the service of re-moralizing post-conflict society, whether evidentially in forensic settings, or symbolically in commemorative rituals and sites. In societies that experience no or inadequate transitional justice, the absence or attentional neglect of the corpse may act as a focal point for continued and contested moral discourse, often many years after the original conflict.

This brief sketch has been intended to make two points: first, that all serious crime entails significant moral-emotional 'work', both in the foreground of the offence and in its diffuse emotional aftermath; and second, that the material human remains of lethal mass violence possess the capacity to greatly extend that 'work' in ways that have a significance well beyond the original crime(s). This chapter develops these ideas to argue that the moral discourse and action surrounding the production and treatment of corpses is, in a general sense, beneficial for an understanding of the long-term trajectory of societies affected by mass violence; and in a more specific sense, beneficial to the formulation of a nascent criminology of atrocity and transitional justice. Beginning with a contextualizing survey of the puzzlingly 'light' engagement of criminology – the study of crime – with the crimes of mass violence, the chapter describes important themes in what might be called 'moral arousal management theory': that body of interdisciplinary theory that

attempts to understand the ways in which the moral-emotional 'work' of crime is performed and managed. When applied to the production and treatment of corpses, the conceptually integrative potential of the theory – across moral actors, time and levels of analysis – is then elaborated, and key research questions derived. Before the conclusion, the chapter discusses the core methodological and ethical issues involved in establishing a criminology of the corpse and mass violence, and its place in the wider process of re-ascribing value to radically devalued human lives.

Criminology's historical engagement with the corpse and mass violence

Engaging the corpse

The corpse *qua* corpse has never been a central object of criminological study and, as such, there is no 'criminology of the corpse'. This is not to say that human remains have not featured in 140 years of criminological enquiry, as two temporally polar examples illustrate. First, in the late nineteenth century, the criminal anthropology of Cesare Lombroso⁴ and his *scuola positiva* was foundational to criminology and made intensive use of the body parts of dead criminals. The epiphanic moment that inspired Lombroso's biosocial theory of criminality came from his inspection of the skull of a 'brigand', and skeletons gathered from private collections formed both the raw data for measurement and analysis, and the pedagogical tools that aided disciplinary development. Lombroso's methods and theories quickly became discredited; however, *in vivo* anthropometry continued and survives today in 'bio-criminological' research.⁵ Second, the dying and dead body of the criminal has also featured in late-modern analyses of historical trends in western punishment. For example, several authors⁶ have followed sociologist Norbert Elias in his account of the 'civilizing process' and noted how changing sensibilities born of broader socio-cultural developments have made once-common public corporal and capital violence (including corpse defilement) unacceptable.⁷

In these examples, however, it will be seen that the corpse is not central to the intellectual project but a means to a more distant explanatory end – a useful but peripheral object from which inferences can be drawn about criminals or society. Moreover, there is no substantive criminological literature on the corpse of the *victim*;

analyses of patterns in the post-mortem treatment of homicide victims tend to be performed by forensic scientists or psychologists. This lack of substantive interest in the corpse as an object of enquiry most likely results from the central disciplinary focus on the *criminal* and the homicidal *act*, as opposed to the *product* of the act, which, in keeping with this legalistic focus, tends to be seen mainly for its evidentiary value.

Engaging mass violence

The criminological literature in relation to mass violence can be organized crudely into three broad periods. The first runs roughly from the publication of the first edition of Lombroso's *L'Uomo delinquente* in 1876 until 1942. This period is characterized by the *absence* of discourse on mass violence, with virtually all the energies of the developing discipline focused on establishing the principles and methods of biological, psychological and sociological variants of criminological positivism. While there is little to no *explicit* reference to mass violence, biological criminology, based as it was in assumptions of inherited and acquired pathology, species regression and a within-race hierarchy of physical-moral types, articulated well with the dominant racist-eugenicist colonial mind-set that violently repressed and exploited so-called 'lesser' peoples. Its methods were also taken up avidly in Weimar Germany and later National Socialist Germany,⁸ where elastic terms such 'asocial' and 'criminal type', along with the pseudo-science of racial assessment and categorization, were placed firmly in the service of peacetime terror and wartime genocide. As some late-modern criminologists have noted, criminology during this period was often *complicit* in the discourse and practices of mass violence.⁹

The second broad period of criminological literature runs from 1943 to 1989 and began with the publication of a series of works by Sheldon Glueck that emerged from his role as a US delegate involved in the planning of the Nuremburg Military Tribunal.¹⁰ This marked the first substantive – even seminal – practical engagement of a criminologist with mass violence, though it is notable that Glueck's activity was both short-lived and set apart from his main career interests, which were in delinquent development. He is now better known, ironically, for work on somatotyping¹¹ (criminal body shape), which was very much in a Lombrosian tradition that maintained peripheral credibility only in the USA

after the Second World War. The Holocaust also motivated a small number of other articles in criminology journals in the late 1940s,¹² as did the Eichmann trial in the early 1960s,¹³ but it is very clear that, unlike in history, political science and social psychology, there was an effective non-engagement of academic criminology with the subject matter. In its post-war obsession with juvenile delinquency, it is as if the discipline as a whole turned its back on the mass crimes of the previous generation, to focus on the relatively petty crimes of the next. A small number of works¹⁴ in the 1970s and 1980s applied radical (often Marxist) and rights-based critiques to the traditional concerns, methods and definitions of a perceived 'establishment' criminology, and attempted to switch the focus to crimes of power and of the powerful. This occasionally involved discussion of mass violence but it was seldom, if ever, its sole object.

The final, productive period of criminological literature runs roughly from 1990 to the present day and is characterized by a greater disciplinary reflexivity and, led by a number of notable scholars, a progressive engagement in the substance of mass violence. While the critical criminologists of the 1970s and 1980s paved the way for greater disciplinary self-awareness, a number of publications at the turn of the century dealt explicitly with criminology's non-engagement with mass violence.¹⁵ Two principal sets of factors can be identified. First, criminology, by being driven to a great extent by criminal justice policy and practice, has been accused of being too concerned historically with the 'internal' matters of the nation-state and/or its constituent federal jurisdictions. It has, then, been both inward-looking and neglectful of crime with an international dimension or in other (particularly non-western) jurisdictions, and too accepting of establishment definitions of crime. It has, in other words, been too long interested in the state-defined crimes of the powerless as opposed to the state-led crimes of the powerful; and again, one encounters accusations of disciplinary conservatism and complicity. A second, related reason for non-engagement is the suspicion that criminology may be poorly equipped to study crimes of mass violence and, in that sense, have 'little to offer'. Mass violence is argued by some to be too great in scale, too complex, too dynamic and too dangerous to study using habitual survey and interview methods, and too conceptually alien, with its notions of collective, ideologically driven intent and state-legitimized violence.

If these perceived disciplinary limitations help to explain historical non-engagement, two further factors are required to explain more recent and sustained *engagement*. The first concerns sets of

changes and developments that have been *internal* to the discipline. As criminology has expanded, diversified and become more intellectually mature, there has perhaps been a greater willingness – and institutional space – to challenge its foundational concerns and shibboleths. The US debate over the nature of and duty to realize a ‘public sociology’ has also spilled over into criminological discourse¹⁶ and – in England and Wales as elsewhere – major funding sources with smaller budgets and universities competing in an increasingly commercialized environment have all tended to demand greater public engagement and demonstration of concrete research ‘impact’. At the same time, improved communications and funding for collaboration have created and sustained a range of international networks and professional societies. Together, these trends have motivated criminologists to look beyond their traditional territorial as well as thematic boundaries, and rewarded them for novel, collaborative and progressive international research.

All of these changes have not, of course, *automatically* resulted in research interest in mass violence, and a second set of factors *external* to the discipline have arguably provided the real impetus for criminological engagement. As Hagan has noted, the context of the Cold War perhaps promoted a degree of isolationism in western criminology, which began to break down with the dismantling of state communism.¹⁷ This new order provided opportunities to study violence associated with the collapsed regimes but was also associated with the return of major international crimes to the European mainland, in Bosnia and Kosovo, and coincided with both the genocide in Rwanda and the deeply contested ‘war on terror’. At the same time, international responses to these and other contexts of mass violence, such as the International Criminal Tribunals on both the former Yugoslavia (ICTY) and Rwanda (ICTR), the Truth and Reconciliation Commission in post-apartheid South Africa, and associated major developments in international law, have occurred.

In short, the last twenty-five years have witnessed a more confident, critical, connected and outward-looking criminology, engaging with the sometimes disturbingly plentiful ‘raw materials’ of mass crime and international justice associated with profound historical events and transitions. While far from ‘mainstream’, there are now substantive works associated with conceptual variants of mass violence: state crime;¹⁸ international and supra-national crime;¹⁹ and atrocity crimes and transitional justice.²⁰ Examples of dedicated institutions,²¹ journals,²² book series²³ and international networks²⁴ can all now be described.

Engaging corpses of mass violence

As might be expected from the foregoing discussion, the criminological intersection of the Venn diagram of ‘corpses’ and ‘mass violence’ is small indeed, and while a stimulating recent period of the work of the penologist David Garland²⁵ deals with the dead and dying body in two large-scale ‘institutions’ of American violence – public torture lynching and capital punishment – the focus is again not on the corpse *qua* corpse, nor on phenomena that might be universally recognized as mass violence. Only Wayne Morrison’s work on historical representations of the corpse within and without criminology inhabits this liminal intellectual space.²⁶

In summary, this section has shown that while it is no longer possible to bemoan the complete neglect by criminology of mass violence in its various forms, it must also be acknowledged that this engagement has been very recent indeed, and is so far from the disciplinary ‘mainstream’ that it is still associated with a relatively small network of named academics. There is, therefore, only a nascent ‘criminology of mass violence’, with much debate over the precise nature and scope of the subject matter, as well as over its organizing frameworks, priorities and methods of study. To understand why this has been the case, and why there has been until now no attendant work on the millions of corpses resulting from mass violence, requires a return in great measure to our main interest: the moral–emotional ‘work’ of serious crime and its consequences. As we shall see in the next section, some of the most important criminological work emerging in recent years has attempted to understand the ‘management’ of this work, but it is equally clear that, to the extent that the discipline has been complicit in or has wilfully ignored historical mass violence, it has arguably employed similar sets of ‘denial’ strategies that have rendered it, at best, an academic bystander or, at worst, a ‘fellow traveller’ or even active collaborator in mass violence.

Moral transgression and moral arousal management: a master concept?

Despite the phenomenal scale and complexity of the task, a prime question arising out of every context of mass lethal violence is ‘how could this happen?’ Scholars with a wide variety of intellectual and methodological traditions have focused their explanatory lens on

one or more of the conventional triad of moral actors (perpetrators, bystanders, victims), on different levels of analysis (macro-, meso-, micro-) and on the particularity or generality of the subject matter. There is, therefore, a rich canon of theory beyond the scope of this chapter including: climate change; 'hard times'; historic group enmities; modernist objectivity; bureaucratic rationality; militarist authoritarianism; eliminationist ideology; obedience to authority; group conformity pressures, etc. This section seeks to cut across these diverse literatures to focus on the moral-emotional work carried out in the commission and aftermath of the serious crimes of mass violence. *Crimes of mass violence* are taken here to include the organized crimes of international law defined in the Rome Statute²⁷ – genocide, crimes against humanity, war crimes and the crime of aggression – in addition to the myriad individual criminal acts necessitated by them and occurring as a consequence of intra- and inter-state conflict. It is assumed here that all such offences occasion serious moral transgression, and, even if sanctioned situationally at the time, are taught to be *generally* morally reprehensible in the peacetime moral education and moral discourse of most societies. Serious moral transgression of this order is conceived to occasion strong emotions that must be overcome (or harnessed) to commit the act, or to witness the act without taking preventive action, and that are felt by all actors, including the living victim, both at the time of the offence and in its aftermath. These emotions vary in strength and nature (terror, dread, excitement, helplessness, fury) across moral actors and may best be grouped under a more neutral, technical term: *moral arousal*, that is, the physiological arousal that is cognitively interpreted as subjective emotion in moral contexts. It is to be expected that moral arousal varies significantly across persons, situations, contexts and over time (for example, through repeat exposure) but is never conceived to be trivial. This section, then, reframes the 'moral work' of the crimes of mass violence as *moral arousal management*, a term that is also used to organize a range of cognate theories with disparate roots and applications. What follows is a brief review of key ideas in this literature, leading to a discussion of their application to mass violence.²⁸

Psychoanalytic approaches: denial

Modern work on the management of troubling realities begins, of course, with Sigmund Freud and his intellectual as well as

literal descendants. The term ‘denial’ and phrase ‘to be in denial’ have escaped psychotherapy to become understood in the vernacular as an unwillingness to engage – cognitively, emotionally or behaviourally – with something one knows one should. As is typical for ‘escaped’ technical vocabulary, the original meaning is debased, and the ‘something’ one should act on is often relatively trivial (recent weight gain, a work deadline, a painful tooth). While Freud has been noted²⁹ to write inconsistently over his career on the subject, denial (*Verleugnung*, also translated as ‘disavowal’) is generally taken to be one of several psychic defence mechanisms by which the ego protects itself against emotionally harmful external realities. It can be distinguished from repression, which is a set of defences against the instinctual demands of the id, but, like repression, is conceived to be a fundamentally unconscious process. Some of Freud’s most extensive but arcane writing on the subject is in the realm of psychosexual development (‘penis envy’ and so forth³⁰), and while the details need not detain us here, the process and products of denial, like repression, could become pathological for the individual, resulting in mental distress in later life and requiring insight therapy. The concept has *not* been applied extensively within psychotherapy to crime or crimes of mass violence and is noted here primarily for its foundational historical value: it makes clear that there are external realities that can be emotionally overwhelming and that must be managed psychologically in order to avoid or minimize harm. The fact that Freud was not himself always clear on the meaning of the term and that it is difficult, if not impossible, to empirically test or refute should not detract either from its value as metaphor, or from its subsequent influence.

Socio-criminological approaches: moral neutralization

As Copes and Maruna note,³¹ psychoanalytic notions seem to have been unacknowledged influences on what might be termed the first and foremost work in the sociology/criminology of denial: Gresham Sykes and David Matza’s classic 1957 paper outlining the ‘techniques of neutralization’ employed by urban delinquents in the service of criminal conduct.³² At a time when leading subcultural theories of delinquency posited anti-establishment, pro-criminal sets of values and beliefs, the authors were interested in explaining why their research interviews indicated that most delinquents displayed pervasively conventional attitudes and behaviour most of the time.

Sykes and Matza posited that, instead of understanding morals as absolutes, delinquents rationalized their behaviour *situationally*, such that the moral problems of offending were 'neutralized' in specific settings in predictable ways: denial of responsibility; denial of injury; denial of victim; condemning the condemners; appeal to higher loyalties. The techniques are perpetrator-focused and are conceived to be both preparatory and subsequent to the offence; that is, they 'free up' the otherwise conventional young person to offend, and are systematized as rationalizations after the offence. The ability of suggestible and fatalistic working-class youths to tread the line between deviance and conformity Matza later described as 'drift'.³³

A full conceptual-empirical review is beyond the scope of this chapter; however, there is modest to good support for the theory across a range of studies examining a range of offences, and it has also been extended by Agnew to victimization as a set of internal coping dimensions.³⁴ For our purposes, however, it is important to note the techniques as means by which moral arousal, albeit for relatively petty offences in heavily contextualized settings, can be managed and minimized.

Social cognitive approaches: moral disengagement and cognitive transformation

Social psychology offers a wide range of theories that can be seen to be relevant to the management of moral arousal, so much so that we are here able to give only an outline of selected concepts.

Albert Bandura's work on 'moral disengagement' may be seen to be a synthetic approach that combines the author's own sociocognitive theory with insights from a range of other social psychological concepts, and that arrives at some similar conclusions to Sykes and Matza.³⁵ The theory describes the internal mental processes by which individuals disengage from the self-censure associated with the commission of immoral ('inhumane') acts. Four broad sets of processes are described: reframing of immoral acts as morally worthy; disavowal of personal moral agency; minimizing the consequences of the act; and denigrating the victim. The commission of a range of criminal and immoral acts has been empirically demonstrated to be strongly associated with the tendency to disengage from the moral content of behaviour in these ways.³⁶

One other, distinctively sociocognitive criminological contribution in recent years has been Shadd Maruna's work³⁷ on narrative accounts of criminal persistence (the long-term maintenance of a criminal lifestyle) and criminal desistance (the permanent cessation of offending). Maruna shifts focus from the synchronic employment of cognitive techniques that sidestep the moral problems of offending, to the diachronic employment of cognitive techniques that help make sense of a criminal past and distance it in such a way that the offender is able to 'make good' and extinguish a previous criminal identity. In an in-depth qualitative longitudinal study³⁸ of repeat adult offenders in Liverpool, England, Maruna found that men who persisted in a life of crime created and pursued 'condemnation scripts': systematized understandings of themselves and the world around them based in anger, futility and resignation. This was in contrast to men who did not deny their past behaviour but who creatively reinterpreted it as not being reflective of the core, 'real them', who was, and remained, capable of reform. These men – in Maruna's parlance, those following 'redemption scripts' – were much more likely to desist from offending. This draws attention to some of the temporal *dynamics* of moral reasoning and describes a paradox whereby strategies of cognitive distortion that have been used in the past to successfully manage the moral problems of offending may, in modified form, also be harnessed to achieve permanent desistance from offending.

One seemingly obvious limitation of this literature in relation to the concept of moral arousal management is that it is predominantly – some might say excessively – cognitive, and there is little overt reference to the emotional content of the immoral act. Cognition and emotion have long been seen to be intimately coupled, however, and although the former is afforded primacy, it is clear that the modes of thought described above have the effect of licensing feelings of righteousness and revenge, and minimizing or deflecting self-censure and its associated feelings of guilt, blame and personal failure. These are, to quote Bollas in Cohen, 'troubling emotional recognitions, of which one needs to be innocent'.³⁹

Applications to mass violence

Thus far, the survey of moral arousal management in relation to crime has been restricted to relatively petty peacetime offending, but it is also a key theme in more recent accounts of mass violence.

Here, we discuss some important contributions of just two authors, in roughly chronological order. First, the magisterial work of the late sociological criminologist Stan Cohen must be recognized. In a series of articles culminating in the 2001 book *States of Denial*, Cohen, reflecting on his upbringing in apartheid South Africa and later residence in Israel at the time of the first Palestinian Intifada, analysed diverse 'denial' literatures and applied them to massive human rights abuses. He found such literatures important for understanding and confronting these abuses and made at least three distinctive contributions.⁴⁰

First, the focus of the book is not primarily on the perpetrator, but on the *bystander* at various levels of analysis, including those proximate to and with demonstrable knowledge of an atrocity, but also more distal state-level observers in the international community. Cohen developed and extended Matza's concept of 'subterranean values' – the coincidence of the moral neutralization techniques of delinquents with the reasoning of juvenile justice actors and the content of substantive legal defences – to posit *cultures of denial*: routinized and immersive habits of moral non-engagement with the suffering of often distant (non-western) peoples and nations.

Second, Cohen refined the modes of bystander denial to three basic types and gave instances of transitions between them in contexts of mass violence: literal denial ('it could not have happened'); interpretative denial (euphemistic relabelling of acknowledged acts); and implicatory denial (minimization or indifference to the moral consequences of an acknowledged act).

Finally, Cohen focused on modes of *acknowledgement* designed to combat and reverse these denial strategies (for example, those employed by campaigning humanitarian agencies) and called for more systematic efforts at prevention via education, whistleblowing, and enforceable regulatory strategies. By drawing examples from numerous illustrative instances of verbal and written evidence from contexts of mass violence, Cohen convincingly extended the originally modest reach of much of the moral arousal management literature reviewed above.

The second author to make a distinctive sociocriminological contribution in this area is John Hagan. In a body of work spanning the mid to late 2000s, Hagan and colleagues employed innovative methods to the study of mass violence in Darfur, which employed elements of moral arousal management theory to substantiate allegations of state-led genocide.⁴¹ Conceptually, the author specified a 'collective framing process' by which macro-level state propaganda

consisting of Arab–Islamic supremacist and dehumanizing rhetoric conditioned and mobilized government-backed militia groups, and provided a vocabulary of motive that was employed in conflict with black African victims to commit and amplify genocidal violence. Methodologically, Hagan employed sophisticated multi-level statistics to analyse the results of a unique mixed-methods survey⁴² of victimization in Chadian refugee camps – the Atrocities Documentation Survey of 1,136 survivors. Among a number of important findings, Hagan substantiated his macro–meso–micro conceptual model, and showed how the highest levels of recorded lethal and sexual violence occurred when government forces and militia attacked in tandem, and where a dehumanizing racial discourse (‘We will kill all the men and rape all the women. We want to change the colour...’) was most often heard. These findings helped to demonstrate, variously, both direct and indirect government involvement, an endemic ideological mass denial of victimhood, and the racialized both *mens rea* and *actus reus* of crime. The latter point is theoretically important as it demonstrates that moral neutralization/denial/arousal management is *preparatory* to serious crime, in addition to being a post hoc rationalization of it.

In summary, this section has outlined a rich and multi-disciplinary set of theories that all tend towards the explanation of how the moral arousal attendant on the commission and witnessing of crimes of varying severity can be actively managed, minimized, evaded or cognitively reframed as righteous. Such techniques are contended to be causally important at the time of the offence, but also in retrospect, in the service of the management of self-identity and moral agency. By extending the source theory to contexts of mass violence, criminologists have begun to challenge the disciplinary neglect of mass violence and to extend its conceptual and empirical boundaries. Moral arousal management may now be taken as a *sine qua non* for the occurrence of mass violence.

Integrative potential of moral arousal management in relation to the corpse

This section returns to the main conceptual task outlined in the introduction, namely, the extension of a moral arousal management perspective to the study of human remains produced as a consequence of mass violence. It is argued that moral discourse in relation to the corpse has the potential to integrate several

important dimensions of conflict and, in so doing, to provide a novel and holistic framework for understanding organized atrocity. Three possibilities for integration are identified: across moral actors, levels of analysis and time.

Integration across moral actors

In contrast to the traditional concern of explaining the perpetration of mass violence, it is argued that a focus on its corporeal product temporally extends the moral arousal of killing beyond the original act and distributes it among all affected moral actors. To be sure, the same suite of moral arousal management techniques used to produce the corpse can also be applied to its disposal by perpetrators; the self-protective dehumanizing language/denial of victimhood used in torture and murder has also been used to process human remains, for example the common description of victims of extermination camps in Nazi-occupied Poland as ‘rags’, ‘pieces’ and ‘dolls’.⁴³ This euphemistic labelling, combined with the use of living victims as intermediaries (the *Sonderkommando*) charged with the actual business of touching, transporting and destroying bodies via cremation, is argued to help relieve the moral problem of corpse disposal for the perpetrator. Knowledge of the production and destruction of corpses is also an important source of moral arousal for onlookers – those who are direct witnesses, who live in close proximity to the violence or who are charged officially or prudentially – for example in the context of very rapid mass killing such as the Rwandan genocide – with the task of burying abandoned corpses. Onlookers who benefit in some sense from the killing, for example the local residents who appropriated the houses of murdered Jews in Lanzmann’s *Shoah*,⁴⁴ are likely to manage/neutralize a different range of moral problems to those negotiating the trauma of burying members of their own community or primary group. Finally, while the dead cannot, of course, engage with their murdered selves, the presence or indeed *absence* of the corpse produces secondary victimization and trauma among family members that must be managed as grief and a sense of profound injustice. As campaigning organizations such as the Mothers and Grandmothers of the Plaza Mayo illustrate in the context of the Argentinian ‘Dirty War’, family members may harness their grief for progressive purposes and, in so doing, become a force for acknowledgement in wider society.

Integration across levels of analysis

Moral discourse in relation to the corpse can also be seen at all three principal levels of analysis. At the macro (societal) level, the human remains of victims of mass violence can have an important evidentiary and symbolic role in transitional justice arrangements and in the related construction of official commemorative narratives. Bodies, for example those buried and reburied in mass graves after the fall of Srebrenica, may be used positively to challenge the denial narratives of perpetrators; in that example, bound and blindfolded corpses were in fact enemy combatants returning fire, and so forth. Human remains have also been employed variably but widely in sites of memory in Rwanda and Cambodia, and, in a different sense, Argentina, where an official sculpture park in Buenos Aires⁴⁵ offers meditation on the theme of absence, and former clandestine detention centres such as the Navy School of Mechanics (Escuela Superior de Mecánica de la Armada, or ESMA) have been converted to the headquarters of humanitarian and investigative agencies.

Moral arousal management in relation to the corpse can also be an important consideration at the meso (group, institutional) level. Staying with the Argentinian example, it is notable that the methods of corpse disposal outlined in *Nunca más*, the 1984 report from the National Commission on the Disappearance of Persons (Comisión Nacional sobre la Desaparición de Personas, or CONADEP),⁴⁶ seem closely related to the institutional habits and practices of the perpetrators. For example, staged shootings can be seen as extensions of the corrupt police practices of faking evidence, and the ‘death flights’ a relatively routine extension of the Navy’s normal habits of transporting cargo over water. While such practices no doubt also reflect simple opportunity, it is possible that the reliance on peacetime operational routines and habits makes the moral problem of corpse handling and disposal cognitively and emotionally easier.

Finally, as detailed above, the micro level of analysis is also fundamental to understanding how individual moral actors participate – or decline to participate – in the process of corpse destruction and disposal.

Integration across time

One limitation of moral arousal management theories, with the exception of Maruna’s aforementioned work on identity and criminal

desistance, is that they tend to be synchronic and situational in focus, while, of course, mass violence necessitates complex multi-level process that have a historical context, a pathological present and a future legacy. Moral arousal management in relation to the corpse can speak to this temporal component in two ways.

First, the theories and principles described above can be applied to the structural and cultural *background*, the situational *foreground* and the varied *consequences* of mass violence. Thus, knowledge of the cultural and religious background of a given society can help us understand the value ascribed to the corpse in peacetime, together with the normal but variable practices of corpse handling and disposal; this, in turn, helps us to understand the extent to which these are employed or violated in times of conflict. We have discussed at length the primary importance of moral arousal management for handling the acute emotional demands of the production and disposal of the corpse in the phenomenological foreground of mass violence, and also indicated how that legacy can be extended and challenged by moral discourse in its aftermath.

The second relevant temporal aspect is perhaps more compelling, however, and relates to the different phases of the trajectory of the corpse itself: from *destruction*, through *identification*, to *commemoration* of the victims. If the production and destruction of the corpse can be seen as a radical devaluation of human life requiring moral arousal management, the search and identification phase represents an important counter-movement, and the beginning of the process of re-ascribing value. Agencies such as the International Commission on Missing Persons (ICMP⁴⁷) in Sarajevo and the Argentine Forensic Anthropology Team (Equipo Argentino de Antropología Forense, or EAAF⁴⁸) employ technologically sophisticated methods to locate, excavate and identify the human contents of mass graves. While the handling of these remains surely itself involves moral arousal management techniques, for example the development of technical objectivity and ‘detachment’, the work of such agencies is key, both to the evidentiary confrontation of perpetrator denial, and to the process of grieving for family members. Finally, the commemoration phase of the corpse’s journey, for example via burial, collective ritual or monuments, can be seen to be approaching the full re-ascription of value to the deceased; however, the extent to which the psychotherapeutic analogue of ‘closure’ is experienced by families, communities and society as a whole is perhaps questionable. While a conventional view of

commemoration might favour full acknowledgement of the past (an 'insight' model), examples of Holocaust survivors remaining silent about their experiences, or the controversies attendant on re-opening uninvestigated mass graves in Spain eight decades on from the killing, suggest that the further deployment of moral arousal management (a 'denial' model) may be considered preferable by those wishing to 'move on' from the violence.⁴⁹

In summary, this section has described something of the integrative potential of moral discourse in relation to the human remains of mass violence. While necessarily speculative given the novelty of the subject matter, a range of empirical questions suggest themselves, and it is to the methodology required to explore these questions that we now turn.

Methodological and ethical issues in the study of moral arousal management and the corpse

Methodology

Criminology has been described as a 'rendezvous' discipline in that it had, until the recent advent of dedicated undergraduate degree programmes, been traditionally practised by academics with training in a related 'home' discipline such as sociology, law or psychology, and who imported the range of theories, perspectives and methods of that training to research common criminological concerns. As such, the phrase 'criminological research methods' tends to be something of a misnomer and, in practice, researchers use an eclectic range of quantitative, qualitative and mixed methods drawn from across the social sciences and humanities. Naturally, methods do not exist in the abstract but only in relation to concrete research questions. For the purposes of this section, then, it is proposed that a broad, two-part question suggests itself from the foregoing discussion: (1) Which accounts of moral arousal management best fit the treatment of corpses in a given context of mass violence, that is, across moral actors, levels of analysis and over time, and (2) to what extent are these accounts generalizable across contexts?

From first principles, two broad sets of empirical strategies suggest themselves, each, inevitably, with attendant limitations magnified by the very considerable general difficulties of researching mass violence.

The first and most obvious strategy is *retrospective* in nature and can be applied to any past or, perhaps more accurately, currently inactive theatre of violence. To the extent that moral arousal management is encoded and communicated in language, there are several forms of qualitative data that can be collected and analysed using standard deductive and inductive techniques. These include written texts in the form of archived bureaucratic documents (policies, orders, committee minutes, email threads, etc.), but also the proceedings and transcripts of trials and other arenas of transitional justice, for example the Argentinian *Nunca más*, or South African Truth and Reconciliation process.⁵⁰ Where documents and archives are very extensive, careful consideration of sampling procedures is needed in order to render the exercise both manageable and valid. Another option is to proactively collect retrospective interview data from a range of actors affected by lethal violence. One option here may be to attempt semi-structured or narrative professional interviews with actors involved in the investigation or commemoration processes, or to locate surviving family members involved in campaigning organizations. In theory, perpetrators may also be approached if they have been identified and are locatable, but here the central limitations of researching moral arousal management assert themselves: the painful nature of recollection, together with any tacitly agreed 'pact of silence', are likely to entail great difficulties in gaining access and, even if this could be arranged, tact and sensitivity would be required to elicit high-quality data.

If interviews do indeed prove difficult, the range and quality of secondary perpetrator datasets can sometimes be surprising, as Neitzel and Welzer's recent analysis of thousands of surveillance transcripts from Nazi prisoners of war has demonstrated;⁵¹ these are *in vivo* conversations, often among fellow combatants, stripped of a layer of artifice and defence associated with interrogation.

Once datasets have been obtained, standard approaches⁵² to analysis can be performed, including content analysis, which systematically derives codes from the definitive aspects of a given theory (for example the techniques of neutralization, or predicted elements of a condemnation script) and seeks confirmatory and disconfirmatory evidence across cases. A more inductive, grounded approach could, conversely, be used in order to evolve explanatory accounts of moral arousal management in relation to the corpse directly from the data.

Once a method is established, it would be of great interest to compare discourse relating to the same event from the perspective

of different moral actors, at different levels of analysis (individual, near group, state) and for the same moral actors over time. A further step would be to take the findings from one context and see if they apply in another (part 2 of our over-arching research question).

The second fundamental research strategy is *prospective*, that is, to collect longitudinal data as some part of the process of recovery from mass violence proceeds. The most suitable methodological approach for this is ethnographic, where immersion can promote a deeper understanding of the context under study and help establish the networks of trust and rapport that facilitate the collection of valid observational and interview data. Work-shadowing of forensic science professionals is an example of the kinds of activity that could be undertaken. Short of full ethnography, attending a transitional justice arena as an observer in the manner of Hagan's work⁵³ on the functioning of the ICTY could also be beneficial. Similar options with regard to qualitative analysis of observational field notes are available.

Ethical issues

Most university research ethics committees and those of the principal national and international funding councils require a robust ethical engagement with standard issues when research examines human beings. These include: informed consent, considerations of researcher and participant safety, anonymity, data confidentiality and data security. These issues are rarely insurmountable; however, careful consideration would need to be given when researching the human remains of mass violence, given the emotional weight of the subject matter and the moral arousal experienced by the researcher and by the participant(s) reliving trauma. Careful thought would also need to be given to the safety of both researcher and participant, depending on the nature of the context and its proximity to active violence.

Conclusion

This chapter has made the case that after a long history of complicity and indifference, criminology has at last begun to see beyond its traditionally narrow concerns and engage substantively with mass violence. It has argued that contexts of mass violence

are saturated with the heavy moral–emotional ‘work’ associated with overcoming the peacetime taboos attendant on committing serious crime, ‘work’ that must also be performed by the unresponsive bystander, and is experienced most directly as trauma by the victim at the time of the offence and in its aftermath. We have made the point that lethal violence produces a corpse and that the dynamic fate of this material fact has the potential to greatly extend the moral–emotional work of serious crime well beyond the original act.

After reviewing the suite of cognate theories that were deemed to assist in the management of moral arousal, we argued that their application to the corpse in contexts of mass violence had the potential to act as an integrative motif across moral actors, levels of analysis and over time. The moral–emotional work of a society coming to terms with a legacy of mass violence may be done, in other words, through the corpse. Finally, we offered some tentative suggestions for the textual analysis of documents and speech likely to contain evidence of moral arousal management, and posited both retrospective and prospective strategies for the ethical, competitive and comparative refinement of theory. There are profound but exciting challenges involved in taking this research agenda forward.

Notes

- 1 For an empirical confirmation across a range of countries, see J. van Kesteren, J. van Dijk & P. Mayhew, ‘The international crime victim surveys’, *International Review of Victimology*, 20 (2014), pp. 49–69.
- 2 See W. G. Jennings, A. R. Piquero & J. M. Reingle, ‘On the overlap between victimization and offending: a review of the literature’, *Aggression and Violent Behavior*, 17 (2012), pp. 16–26.
- 3 Genocide, crimes against humanity.
- 4 C. Lombroso, *Criminal Man* (London: Duke University Press, 2006 – original edition 1876).
- 5 See N. Rafter, *The Criminal Brain: Understanding Biological Theories of Crime* (New York: New York University Press, 2008).
- 6 For example, P. Spierenburg, *Violence and Punishment: Civilising the Body* (Cambridge: Polity Press, 2013).
- 7 N. Elias, *The Civilising Process* (Oxford: Blackwell, 2000 – original edition 1939).
- 8 R. Wetzell, *Inventing the Criminal: A History of German Criminology 1880–1945* (Chapel Hill: University of North Carolina Press, 2000).
- 9 W. Morrison, *Criminology, Civilisation and the New World Order* (Abingdon: Routledge, 2006).

- 10 For example, S. Glueck, 'By what tribunal shall war offenders be tried?', *Harvard Law Review*, 56:7 (1943), pp. 1059–89; S. Glueck, *The Nuremberg Trial and Aggressive War* (New York: Knop, 1946).
- 11 E. Glueck & S. Glueck, *Physique and Delinquency* (New York: Harper, 1956).
- 12 For example, R. M. W. Kempner, 'Murder by government', *Journal of Criminal Law and Criminology*, 38:3 (1948), pp. 235–8; L. Alexander, 'Destructive and self-destructive trends in criminalised society: a study of totalitarianism', *Journal of Criminal Law and Criminology*, 39:5 (1949), pp. 553–64.
- 13 N. N. Kittrie, 'A post mortem of the Eichmann case – the lessons for international law', *Journal of Criminal Law and Criminology*, 55:2 (1964), pp. 16–28.
- 14 For example, T. Platt, 'Prospects for a radical criminology in the United States', *Crime and Social Justice*, 1 (1974), pp. 2–10.
- 15 For example, W. S. Laufer, 'The forgotten crime of genocide', in W. S. Laufer & A. Adler (eds), *Advances in Criminological Theory, Volume 8: The Criminology of Criminal Law* (New Brunswick: Transaction Publishers, 1999), pp. 71–82; L. E. Day & M. Vandiver, 'Criminology and genocide studies: notes on what might have been and what still could be', *Crime, Law and Social Change*, 34 (2000), pp. 43–59; G. S. Yacoubian, 'The (in)significance of genocidal behaviour to the discipline of criminology', *Crime, Law and Social Change*, 34 (2000), pp. 7–19.
- 16 I. Loader & R. Sparks, *Public Criminology?* (London: Routledge, 2011).
- 17 J. Hagan & W. Rymond-Richmond, *Darfur and the Crime of Genocide* (New York: Cambridge University Press, 2008).
- 18 P. Green & T. Ward, *State Crime: Government Violence and Corruption* (London: Pluto Press, 2004).
- 19 See A. Alvarez, *Governments, Citizens, and Genocide* (Bloomington: Indiana University Press, 2001); A. Smeulers & R. Haveman (eds), *Supranational Criminology: Towards a Criminology of International Crimes* (Oxford: Intersentia, 2008); J. J. Savelsberg, *Crime and Human Rights: Criminology of Genocide and Atrocities* (London: Sage, 2010).
- 20 S. Karstedt & S. Parmentier 'Introduction to the special issue', *European Journal of Criminology*, 9:5 (2012) (special issue, *Atrocity Crimes and Transitional Justice*), pp. 465–7.
- 21 See the International State Crime Initiative at <http://statecrime.org/> (accessed 29 January 2014).
- 22 See <http://statecrime.org/journal> (accessed 29 January 2014).
- 23 See for example, Intersentia's series on transitional justice, at www.intersentia.co.uk/Serie.aspx?serieCode=STJ&langId=2 (accessed 29 January 2014).
- 24 See www.esc-eurocrim.org/workgroups.shtml#atrocity (accessed 29 January 2014).
- 25 D. Garland, *Peculiar Institution: America's Death Penalty in an Age of Abolition* (New York: Oxford University Press, 2010).
- 26 Morrison, *Criminology*.

- 27 The 1998 Rome Statute of the International Criminal Court, available at www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be940a655eb30e16/0/rome_statute_english.pdf (accessed 29 January 2014).
- 28 This review draws on S. Cohen, *States of Denial: Knowing About Atrocities and Suffering* (Cambridge: Polity Press, 2001); and S. Copes & S. Maruna, 'Excuses, excuses: what have we learned from five decades of neutralisation research?', in M. Tonry (ed.), *Crime and Justice: A Review of Research* (Chicago: University of Chicago Press, 2005), vol. 32, pp. 221–320.
- 29 See Cohen, *States of Denial*, p. 25.
- 30 S. Freud, 'Some psychical consequences of the anatomical distinction between the sexes', in *Standard Edition* (London: Hogarth Press, 1925), vol. 19, pp. 248–58.
- 31 Copes & Maruna, 'Excuses, excuses'.
- 32 G. M. Sykes & D. Matza, 'Techniques of neutralization: a theory of delinquency', *American Sociological Review*, 2:6 (1957), pp. 664–70.
- 33 D. Matza, *Delinquency and Drift* (New York: Transaction Publishers, 1990 – original edition 1964).
- 34 R. S. Agnew, 'Neutralising the impact of crime', *Criminal Justice and Behavior*, 12 (1985), pp. 221–39.
- 35 For example A. Bandura, 'Selective moral disengagement in the exercise of moral agency', *Journal of Moral Education*, 31:2 (2002), pp. 101–19.
- 36 Ibid. See also A. Bandura, 'Moral disengagement in the perpetration of inhumanities', *Personality and Social Psychology Review*, 3:3 (1999), pp. 193–209.
- 37 S. Maruna, *Making Good: How Ex-convicts Reform and Rebuild Their Lives* (Cambridge: American Psychological Association, 2001).
- 38 Ibid.
- 39 C. Bollas, *Being a Character: Psychoanalysis and Self-Experience* (London: Routledge, 1993), cited in Cohen, *States of Denial*, p. 26.
- 40 Cohen, *States of Denial*.
- 41 For example, J. Hagan, W. Rymond-Richmond & P. Parker, 'The criminology of genocide: the death and rape of Darfur', *Criminology*, 43:3 (2005), pp. 525–62; J. Hagan & W. Rymond-Richmond, 'The collective dynamics of racial dehumanisation and genocidal victimisation in Darfur', *American Sociological Review*, 73 (2008), pp. 875–902.
- 42 Ibid.
- 43 C. Lanzmann, *Shoah: The Complete Text of the Acclaimed Holocaust Film* (New York: Da Capo Press, 1995).
- 44 Ibid.
- 45 See www.parquedelamemoria.org.ar (accessed 29 January 2014).
- 46 National Commission on Disappeared People, *Nunca Más: A Report by Argentina's National Commission on Disappeared People* (London: Faber & Faber, 1986).
- 47 See www.ic-mp.org (accessed 29 January 2014).
- 48 See www.eaaf.org (accessed 29 January 2014).
- 49 J. M. Tamarit Summalla, *Historical Memory and Criminal Justice in Spain* (Antwerp: Intersentia, 2013).

- 50 See www.justice.gov.za/trc (accessed 29 January 2014).
- 51 S. Neitzel & H. Welzer, *Soldate: On Fighting, Killing and Dying* (London: Simon & Schuster, 2013).
- 52 See U. Flick, *The SAGE Handbook of Qualitative Data Analysis* (London: Sage, 2013).
- 53 J. Hagan, *Justice in the Balkans: Prosecuting War Crimes in the Hague Tribunal* (Chicago: University of Chicago Press, 2004).

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