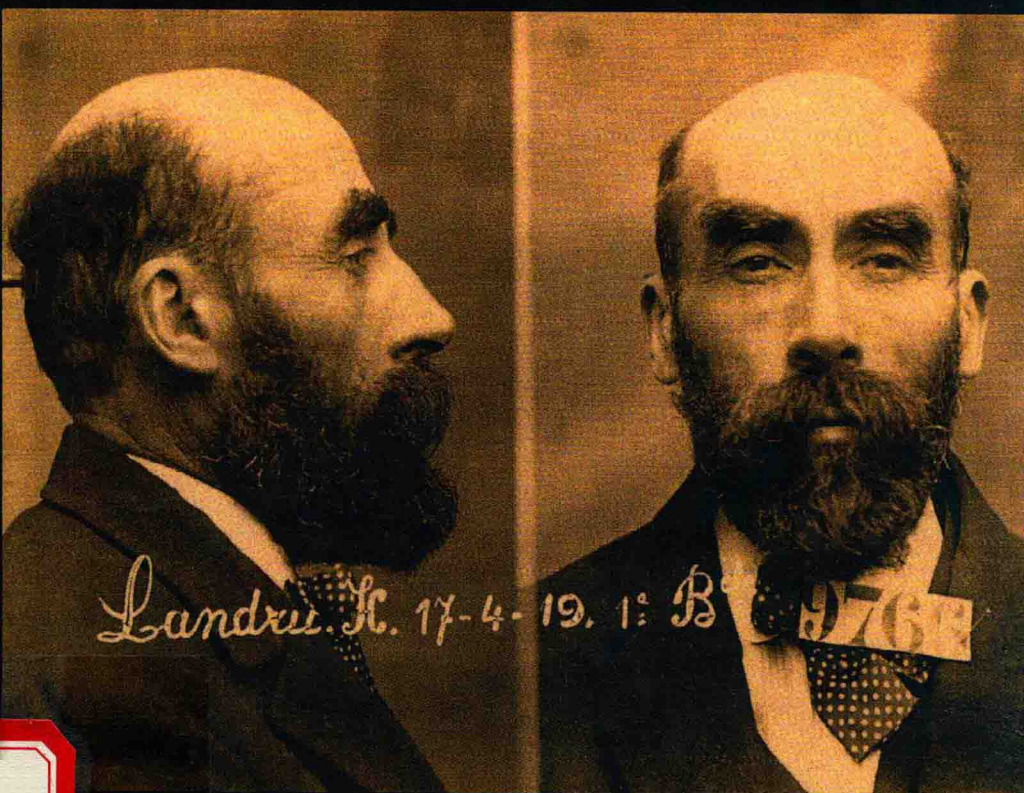


# Serial Killers

Psychiatry, Criminology, Responsibility

Francesca Biagi-Chai



Introduction by Véronique Voruz and Suzanne Yang

Foreword by Jacques-Alain Miller

a GlassHouse book

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Psychiatry, Criminology, Responsibility

Francesca Biagi-Chai

With a Foreword by Jacques-Alain Miller and an introduction  
by Véronique Voruz and Suzanne Yang

Translated by Véronique Voruz with Philip Dravers

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# Serial Killers

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Francesca Biagi-Chai's book – a translation from the French of *Le cas Landru* – tackles the issue of criminal responsibility in the case of serial killers and other 'mad' people, who are nonetheless deemed to be answerable before the law. The author, a Lacanian psychoanalyst and senior psychiatrist in France, with extensive experience working in institutional settings, analyses the logic informing the crimes of famous serial killers. Addressing the Landru case (which was the inspiration for Chaplin's *Monsieur Verdoux*), as well as those of Pierre Rivière and Donato Bilancia, Biagi-Chai casts light on the confusion that pervades forensic psychiatry and criminal law as to the distinction between mental illness and 'madness'. She then elaborates the consequences of her argument in a sustained critique of the insanity defence. The book includes a foreword by the renowned psychoanalyst, Jacques-Alain Miller. It also includes an introduction by the editors on the question of insanity before the law in the United States and in the United Kingdom, which considers the pertinence of Biagi-Chai's argument for forensic psychiatry, criminal law, and the increasing contemporary focus on the assessment of dangerousness and risk-management strategies in crime control practices.

**Francesca Biagi-Chai** is a Psychiatrist in charge of a day care unit at the Paul Guiraud Hospital (Paris), psychoanalyst member of the École de la Cause Freudienne and World Association of Psychoanalysis, lecturer at the Clinical Section of the Psychoanalysis Department (Paris 8) and the Istituto Freudiano di Roma.

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# Foreword

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*Serial killer*: this term is new. It dates from the end of the 1970s, and is American, which stands to reason given that the United States has proven to be, by far, the country where serial killers are most prolific. Its origin is contested (between two Roberts: Ressler, an FBI agent, and Keppel, a medical doctor). It was introduced into language in the context of the considerable media attention and popular interest provoked by the crimes of Ted Bundy.<sup>1</sup>

He was a smooth talker with charming manners and it is said that he was capable of changing physiognomy like a chameleon. He held degrees in psychology and law, probably started killing at 14 and was arrested at 29. He confessed to 30 victims: all were women, all were white, all middle class, most between 15 and 20 years old, high-school girls in many cases, with long dark hair. He lay for hours beside their corpses, applied makeup to their faces when he had not chopped off their heads and engaged in sexual intercourse with them until they decomposed.

An immense literature has since been devoted to serial killers, in which morbid interest has its share, but also the public interest: what relevant traits should be considered when trying to hone in on the identity of an UNSUB (unknown subject of an investigation)? What indicators show that isolated crimes belong to an ongoing series? How do we detect a serial killer before he commits the act? Can one predict that a child will be a serial killer? These are a few of the questions that scientific research has been led to ask over the past decade or so. The experts attempting to answer these questions are law enforcement officers and mental health professionals. More recently, biochemistry, neuroscience and magnetic resonance imaging have also been drawn in.

The field of investigation is in rapid development. Without being conclusive, the results are far from being negligible and criminologists are attempting syntheses.

Law enforcement officers contribute their knowledge about crime scenes: a serial killer has a *modus operandi*, an MO which is proper to him, but which evolves over time, and a 'signature', a 'visiting card', which is fixed.

The theories constructed by mental health professionals on the basis of their interviews with criminals expose the contradictions between the different agendas and multiple trends in the field. Their findings are often controversial: thus the work of Helen Morrison, forensic expert and psychiatrist, *My Life Among the*

*Serial Killers: Inside the Minds of the World's Most Notorious Murderers*,<sup>2</sup> based on interviews with 84 such individuals, has been contested ever since its publication in 2004. In contrast, an older discovery, the 'MacDonald triad',<sup>3</sup> has withstood the test of time: the budding serial killer is supposed to show three associated symptomatic markers in early childhood: bed-wetting, fire-raising and cruelty to animals, especially pets. Hellman and Blackman<sup>4</sup> ventured to recommend that any child in whom the notorious triad was present be placed under close monitoring, but they were not heeded. Interviews with a number of cooperative serial killers apprehended since then have nonetheless allowed another element to be brought to light, namely the recurrence of disturbances in the relationship with the mother: a relationship that is often incestuous, marked by sadism, a mother who often deserves to be called monstrous.

Biochemical studies in the 1980s emphasised the abnormally low concentration of 5-hydroxyindoleacetic acid (5-HIAA) in the cerebrospinal fluid of males considered to be persistently aggressive and antisocial, without being able to clarify a causal link.<sup>5</sup>

Lastly, the most recent neurological studies identify two faulty cerebral zones: the amygdaloidal complex, implicated in the recognition of emotions – in particular empathy, fear and aggression; and, in a circuit with it, the prefrontal cortex, seat of several higher cognitive functions. The weakening of the former has an effect on the socialisation of behaviour; a reduction of 22.3 per cent of the grey matter in the latter affects criminals considered to be *unsuccessful* psychopaths, i.e. behind bars,<sup>6</sup> and yet the presence of this reduction nevertheless does not allow psychopathy to be confirmed.

In fact, the most certain thing that can be said about serial killing is definitional and typological. The assembled knowledge comes above all from law enforcement. It is judicial, descriptive and classificatory, in accordance with the norms of the FBI Academy at Quantico in the State of Virginia, of the NCAVC which it houses (National Center for the Analysis of Violent Crime) and of the US Bureau of Justice Statistics.

According to the FBI, in order to be recognised as a serial killer, you would have to have killed at least three people in at least three distinct periods of time. The emphasis is on the time lapse that must separate one event from the next. It is clear that the concept of a series requires that the criminal actions in question each constitute what one could call a unit of action, i.e. it must be possible to isolate discrete actantial elements, in the linguistic sense of the term. The temporal interval is supposed to serve as a cooling-off period interrupting the emotional continuum of the act.<sup>7</sup>

When there is no temporal and emotional discontinuity, there is no serial killing, but a spree killing or mass murder. The difference is spatial here: the spree killer kills in at least two places with hardly any time-break between the murders. The mass murderer properly speaking kills at least four people in the same place, at the same moment, or within a short amount of time, so that the slaughter constitutes one and the same event. Throughout the world, the frequency of these mass murders

has been constantly on the increase since the 1980s, especially in the United States.<sup>8</sup> We can add that the spree killer kills in an indiscriminate and random manner, without any selection criteria, whereas the object-choice of the serial killer, on the other hand, is very determined, as shown by the case of Ted Bundy. As for mass murder, by definition, it relates to a determined zone within which the victims remain indeterminate, except in the case of executions organised by the mafia.

The classifications proposed for serial killers are multiple:<sup>9</sup> are they organised or disorganised? Are they geographically stable within a given area, or mobile, or then again strictly attached to a given place, their home for example, or their workplace? Is their motive delusional and hallucinatory (visionary), do they want to eliminate a given set of people, prostitutes for example (missionary), do they seek pleasure (hedonistic), or rather power and control over their victims? Are they professional killers or hardened criminals occasionally resorting to murder to accomplish their ends, like drug dealers, or are they rather true amateurs? Only the amateur is, strictly speaking, a serial killer.

These classifications are not theoretical constructs: they are meant to be immediately operational. The police use them for profiling a serial killer who has yet to be captured. The idea is to hone in on his or her 'psychological profile' as rapidly as possible on the basis of the relevant facts collected about his or her criminal behaviour. The task is entrusted to psychologists or psychiatrists.<sup>10</sup>

The method was introduced in the mid-1950s thanks to the Sherlock-Holmes-like deductions of a psychiatrist who established a profile that, because of its extreme precision, made it possible to arrest a criminal known by the nickname of the Mad Bomber of New York.<sup>11</sup> During a period of approximately eight years, the Mad Bomber had left no fewer than 32 packages of explosives throughout the city, particularly in movie theatres. After studying the file, photographs and letters sent by the individual between 1940 and 1956, Dr James Brussels was in a position to give the following indications to the investigators: 'Corpulent Man. Middle-aged. Born abroad. Roman Catholic. Single person. Lives with his brother or sister', and to specify that he was paranoid, hated his father, had been the object of his mother's obsessive love and lived in Connecticut. He added: '... when you find him, chances are he will be wearing a double-breasted suit. Buttoned.' All of this turned out to be correct. Dr Brussels distinguished himself again in the case of the Boston Strangler in the 1960s.

Starting in 1970, the method was formalised and perfected at the Behavioral Sciences Unit (BSU) of the FBI Academy, and is the most frequently taught in the world.

There is, however, an English criminologist by the name of David Canter,<sup>12</sup> who has been developing Investigative Psychology since the 1980s, but the role played by the use of statistics therein would restrict its application to the United Kingdom. Finally, a Californian expert, Brent Turvey,<sup>13</sup> invented Behavioural Evidence Analysis (BEA), undoubtedly too sophisticated for law enforcement practice.

Criminological studies of serial killers remain rather unconvincing. To speculate about the social and cultural circumstances that foster the emergence of the

phenomenon (ambient violence, its historical tradition, its literary and media representation) is undoubtedly to cast too wide a net. When an 'integrated model' is put forward, as is the case with the aetiological approach of Edward W. Mitchell<sup>14</sup> from the Institute of Criminology at the University of Cambridge, it does not get beyond mere compilation. The latest contribution that came to my attention, an article by Rebecca Taylor<sup>15</sup> of Boston College in the journal *Brief Treatment and Crisis Intervention* in May 2007, promises an account of the aetiology of the psychopathic serial killer. What does this amount to?

The article's sole contribution resides in denouncing the frequent use of ASPD and psychopathy as synonyms in the relevant literature. ASPD (Antisocial Personality Disorder, curiously translated by the World Health Organization as Dyssocial Personality Disorder), is a category introduced by the American Psychiatric Association in the fourth edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM) that targets subjects who are irresponsible, impulsive, unable to tolerate any frustration, devoid of empathy, emotionless, manipulators, contemptuous and who transgress the rules of communal life, social norms, cultural codes, the rights and feelings of others. Nearly all psychopaths corresponding to the criteria of Hare's Psychopathy Checklist-Revised<sup>16</sup> satisfy criteria for ASPD. Nevertheless, Ms Taylor insists that most people with ASPD are not psychopaths. The promised account of aetiology remains far away.

As for treatment, the assessment by Harris, Rice and Cormier<sup>17</sup> in 1994 seems to have marked a date of no return: out of 292 violent male offenders, the half who were treated for two years, with an average presence in the programme of five years, presented a rate of violent recidivism higher by one-third in comparison with the half who were not treated, but imprisoned. This disappointing result explains why research subsequently came to pin its hopes on prevention and screening for serial killers in childhood or adolescence.<sup>18</sup> But what do we then find? Essentially, the MacDonald triad, which we may recall was recognised 43 years ago. It is true that, more recently, Moffitt<sup>19</sup> has established that if the antisocial behaviour is of early onset and persists beyond adolescence the prognosis is poor. We will agree that Monsieur de la Palice, if not Alphonse Allais,<sup>20</sup> are not far behind!

With regard to offender profiling, referred to above, some heartbroken researchers lament that 'current methods rely on a naïve and outdated understanding of personality'.<sup>21</sup>

Serial killing, like spree killing and mass murder, is as yet insufficiently developed in our country for French research to carry much weight here. It is not out of the question that the planned dismantling of the 'French social model' and the concomitant adoption of values from the American Way of Life will soon put us in a position to catch up.

Already, hate crimes (these 'crimes of hatred' targeting members of ethnic, religious, sexual, national or social communities as such, which the sociologist Denis Duclos<sup>22</sup> viewed 10 years ago as the 'symptoms of an American society fragmented' by the rolling back of the state) are no longer exceptional.

With the Landru case, we leave the present day, turn our back on the future and climb into the time machine. Forget about America and its monsters.<sup>23</sup> You will find yourself in the *Belle Époque*, during the Great War and the *années folles*. This was the time of Arsène Lupin (Landru was born in 1869, Lupin in 1875).

There is no profiling, no FBI, BSU, DSM, ASPD or MRI. We have the excellent Inspector Belin of the *Sûreté Nationale* (National Police), who wavers on 'the signification of the gaze' of 'this mystery man'. We have the writer Colette who, observing Landru during his trial, did not mince her words: '... when he half-lowers his eyelids', she writes, 'his gaze takes on this languor, that unfathomable disdain we see in caged beasts'. We have Jules Romains, another writer, who in 1913, before the beginning of that deadly series, met him in his small, red-painted garage at the Porte de Châtillon and later said of him that he was 'a gentleman', well groomed, well dressed and courteous, who instead of looking like a mechanic 'resembled ... a qualified pharmacist, a doctor, a lawyer': he called him (this says it all) 'the *gentleman-mechanic*'. There is Charles Trenet, who sang cheerfully: 'Landru, Landru, Landru, a bearded brute / You scare little toddlers / You seduce the mothers / Landru, Landru, your skull and thick hair / Brought down the price of more than one virtue / Landru, Landru, what fire burns inside you?'

Landru inspired Chaplin's *Monsieur Verdoux*. He invented a motorcycle, the *Landru*: he had hoped that it would make him rich. His mistress kept his framed picture alongside one of her own mother until the day she died. As for the cooking stove, the humorist Laurent Ruquier is convinced that it is in his possession,<sup>24</sup> but nothing is less certain.

In order to situate the case, let us leave the classification of killer-hunters aside, let us keep it simple, and distinguish crimes of utility and crimes of enjoyment (*jouissance*).

The former have an attributable goal outside of the crime: here, the elimination of others is only ever a means for accomplishing this goal, one that serves a purpose, whether this be private (we always find in these a rational motive, one that is commonly understandable) or public (an authority kills in order to discourage crime). If the crime of enjoyment is at one and the same time disconcerting and enthralling, it is because it carries its goal in itself, delivering the *actant* a satisfaction that is so singular to him that it cannot be shared: it is unfathomable to anyone else, resisting the universal, definitely silent – no mental health interview could make it speak, no statistics reduce its originality.

Crimes for the sake of a public purpose rely upon calculation: this is as true of Beccaria, Bentham, Badinter and reformers as of Joseph de Maistre, whose calculation is conservative. A crime for private purposes mobilises understanding, the relationship between cause and effect, deduction – so many pleasures that play no small role in the lasting success of Sherlock Holmes, Rouletabille, Hercule Poirot and Maigret. But crime for crime's sake, in other words crime committed for enjoyment, strikes another chord. Rather than the free play of the faculty of reason common to a thinking humanity, it represents the more secretive theatre of

the drive, 'of cruelty', as Antonin Artaud put it, which isolates in each speaking being his or her irreducible share of inhumanity.

Here we will not seek to consider murder as one of the Fine Arts, according to Thomas de Quincey's immortal phrase. It is immortal, but designed to throw one off the scent: in the order of aesthetics isn't the crime of enjoyment, this *murder of pure voluptuousness*, rather to be situated on the side of the sublime in Kant's sense? Here the imagination gives proof of its impotence.<sup>25</sup> This is never encountered in products of art, Kant says, but only in nature in its crude state. In fact, his axioms prevented him from perceiving that the sublime is to be encountered in the formlessness of the inhuman constitutive of the speaking being and without which there is no such thing as humanity.

Kant was nonetheless able to grasp that amazement here borders 'on terror, horror and sacred thrill'.<sup>26</sup> But how much more insightful was Sade in evoking 'crimes of nature'?

As a general rule, the true serial killer, who is, as we have seen, 'the amateur' (not the professional paid by a criminal organisation), only commits crimes for enjoyment. If the exact nature of this enjoyment remains opaque, its serial repetition clearly betrays its presence, which confessions always confirm.

It is here that the originality of the Landru case erupts. Here, there is no confession and there are no victims – that is to say no corpses. There is undoubtedly a series. There is an object-choice as well: lonely women, craving love. The profile reminds us of ASPD – why not? We have a small and charming chameleon-like con artist, of a type well identified since Ted Bundy. The crime is *organised* and *place-specific* (the country house, in Vernouillet first, then in Gambais).

And yet, there are no indices of enjoyment. There is no perceptible perversion in this rough lover, who drew himself puny but with an enormous penis.<sup>27</sup>

Landru is a paradoxical killer. His serial murders look like highly utilitarian crimes. They would appear to have a rational motive, the most rational and understandable of all, the forced hand par excellence: to provide for the needs of his family.

Between the systematic seduction of the feminine object (283 women were contacted), which is suggestive of Don Juan, and the disappearance of the victims, which makes him a small-time precursor of the men of Wannsee rather than another Bluebeard, there is nothing – nothing other than what he himself alleges – which was taken at face value: the family, the well-being of his own kin, the concern of a *paterfamilias* assuming his mission to the end, be it against the social body.

Must we believe this? Must we believe him? The answer is in this book.

Francesca Biagi-Chai is a psychiatrist, a psychoanalyst in the Lacanian orientation and a renowned clinician; she was unable to converse with Landru, but she was curious enough to open his court file, kept at the prefecture of police, to consult the departmental archives of the Yvelines and to peruse a good portion of the popular literature devoted to the character. Without ever forgetting that the distance we have from the case unfortunately does not allow us to come to any

Figure 0.1

Self-portrait by Landru dedicated to the investigating judge M Bonin: *To M. Bonin, friendly regards, Landru*



definitive conclusions on the topic, she relates his story with verve, drawing out with the greatest delicacy ‘the small true facts’ that will allow the reader to see him in an unprecedented light. We will henceforth hear his remarks with an ‘accent of singularity’ (Paul Guiraud) not previously detected that casts light upon their true content.

Once upon a time there was a gentleman who used to take the ladies on a trip to the country. At the train station, he always bought two *one-way tickets*, and one *return* . . .

Jacques-Alain Miller

1 October 2007

## Notes

- 1 Wikipédia, *Serial killer, Spree killer, Ted Bundy*, accessed 1 October 2007, <http://fr.wikipedia.org/wiki/>. Author’s note: In the limited time I had to write this foreword I was not able to gain first-hand access to all the references mentioned. I nonetheless chose to list them all here, in the interest of further research.
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- 20 M de La Police was a French historical figure whose name is now synonymous with the enunciation of truisms. Alphonse Allais was a journalist and humorist specialised in the absurd (*translation note*).
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- 23 Ressler, RK and Shachtman, T, *Whoever Fights Monsters*, 1992, London: Pocket Books.
  - 24 Wikipédia, *Landru*, accessed 1 October 2007, <http://fr.wikipedia.org/wiki/Landru>.
  - 25 My sense of taste leads me to prefer, in terms of literature, the humoristic treatment of this impotence, that practiced by de Quincey over that of one Jonathan Littel: the latter thinks to remedy impotence by showing an undeniable narrative power, the former assumes the impossible, and turns the short form into currency. I place in between these Truman Capote and his memorable *In Cold Blood*.
  - 26 Kant, I, *Critique of Judgement*, 2008 Oxford: Oxford University Press World Classics, § 29.
  - 27 See p. xiii for a reproduction of the image.

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# Introduction: revisiting the question of madness

Véronique Voruz and Suzanne Yang

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Serial killers: are they mad – are they monsters? Is there a difference? Is it a difference that matters? Are we of the same species – are they even human? And since they are, of course, human, what can they teach us, precisely, about humanity?

## Labels as diagnoses

The way in which we construct and answer these questions has far-reaching implications. Today, both forensic psychiatry and popular culture represent the enigma of serial killers through a series of clinical categories that are presumed to serve as explanations for their acts. To say that serial killers are psychopaths, for instance, portrays them as belonging to a class of individuals who get off on harming others, on deceiving the world around them, on feeling superior, preying upon their unsuspecting victims . . . Labels such as Dangerous and Severe Personality Disorder imply in their name that the diagnosis should explain the behaviour.<sup>1</sup> Although the psychopathy construct correlates with and is often used to assess criminality or the risk of future violence towards others,<sup>2</sup> its explanatory power is limited. There is still considerable controversy regarding the extent to which the construct provides an adequate theoretical model of the relationship between personality and the criminal behaviour of the offender.<sup>3</sup>

Descriptive categories provide limited insight as to the *why* and the *how* of criminal acts – as a result, they provide little guidance for clinical interventions that may prevent future crime in any way other than through incapacitation.<sup>4</sup> Critics of the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders* (DSM) have observed that the very notion of the harmfulness of symptoms and impairment in function are notably difficult to pin down when describing a disorder.<sup>5</sup> Are normative judgments to be viewed in society's terms, or in terms of the individual's subjectivity?<sup>6</sup> In the current, fourth edition of the DSM, the dividing line that defines pathology differs according to the nature of the disorder.<sup>7</sup> Initiatives to revise the DSM have sought to include empirical findings about the causes of disorders, but this effort is acknowledged to be limited given the current state of science.<sup>8</sup> Even where neurophysiological, neuroanatomical and genetic correlates provide an estimation of tendencies and

predispositions, they do not explain the specific manifestations of symptoms in a particular case.

This is all the more so in very low base-rate behavioural phenomena such as serial homicide, which involve discrete events, an act. Labelling a serial killer a psychopath bypasses the question of aetiology by using a formulation that is tautological: they kill because they are psychopaths (or dangerous persons/perverts). This belies the fact that individuals who meet criteria for psychopathy do not all become serial killers, and psychopathy alone cannot be used as a predictor of serial homicide.<sup>9</sup> Many people who would meet criteria for psychopathy using existing rating instruments may be law-abiding, creating turmoil and chaos without transgressing laws or societal norms.<sup>10</sup> Psychopathy may even be highly adaptive when viewed from an evolutionary perspective,<sup>11</sup> and violence or serial homicide, although associated with psychopathy, may have other intervening causes. Objectifying offenders with the label of psychopathy may ostensibly be reassuring, but it stops short of advancing our knowledge of how the person came to be an offender in the first place, and what can be done to prevent this from happening in other cases with similar features.

Once inscribed within the criminal justice system, the offender tends to behave like an object with a label: the diagnosis provides him with an identity that side-steps the question of his personal story. Diagnostic labels may reinforce avoidance of the enigma at the core of all subjectivity, whether criminal or law-abiding. Thus, to be told that one suffers from anorexia, compulsive shopping or obsessive compulsive disorder (OCD) does not elucidate the 'choice' of a symptom within which to express one's singularity. In the context of criminal behaviour, labelling may also foreclose responsibility. Effective responsibility, in the sense of a responsibility that produces subjective effects within the individual, is first and foremost a *response-ability*: an ability to account for one's actions in terms of a personal, specific causality, rather than a generic one.

Current research seeks more cogent theoretical tools to get beyond the mask of psychopathy and related constructs, partly to undo the complicity of these labels with the offender's self-made enigma which premature simplifications tend to reinforce, but also to use prevention and punishment to better effect. Serial killers disturb us. The phenomenology of their madness blinds us to the underlying logic of their acts, a logic which they keep secret. This is the challenge that this book attempts to meet. The author, Francesca Biagi-Chai, is a psychiatrist and psychoanalyst in France with extensive experience working in institutional settings, and more recently as a court expert. On the basis of her clinical practice she asserts that there is always a logic at play, however senseless the act may seem, and that this logic can be reconstructed and thus possibly modified if detected early. Her work holds out the promise that, in deciphering this logic, violent enactments may be prevented.<sup>12</sup> In contrast, when we defer to the opacity of serial killers, our prospects for intervention are confined to strategies of profiling, detection and modes of incapacitation. These are undoubtedly necessary, but unfortunately they are of use only after the commission of a crime or series of crimes.

## The criminal responsibility of serial killers

*Serial Killers: Psychiatry, Criminology, Responsibility* also addresses the legal issues at stake in findings of criminal responsibility. Serial homicide offenders are often what most people would intuitively consider to be ‘mad’, but they are nonetheless deemed to be answerable before the law in most jurisdictions. This is Biagi-Chai’s starting point for her analysis of the logic informing the crimes of serial killers. Her case studies aim to demonstrate that there are forms of madness not recognised by the law as such. The central problem is that ‘mad’ people who come to the attention of the law tend to pose a risk to others, and addressing their madness is therefore not granted first priority in our justice systems. Madness thus tends to be discursively reconfigured in terms of dangerousness.

Foucault historicised the practice of treating criminals in terms of their risk of future crime in his 1978 landmark text ‘About the Concept of the “Dangerous Individual” in 19th Century Legal Psychiatry’.<sup>13</sup> He returned to the question at length in his 1981 Louvain lecture series, in which he articulated the criminal responsibility/dangerousness nexus with his observation of the increasing centrality of confession in nineteenth century, European judicial practices. According to Foucault, no sooner was the question of the *purpose* of punishment asked than the subjectivity of the criminal came to centre stage – the mere *imputability* of criminal acts no longer satisfied the criminal justice system. An illustration of this evolution can be found in the idea of ‘extenuating circumstances’, a judicial mechanism introduced into most Western penal codes during the nineteenth century, and more generally the introduction of measures for the individualisation of sentences.<sup>14</sup> From the moment extenuating or mitigating circumstances are introduced, it is the criminal *person* who is judged as such, and no longer solely his actions. From then on it becomes crucial to extract a confession from the subject, not only to know the factual truth or vindicate the procedure, but so that *he* may be judged. And if the criminal cannot confess (auto-veridiction), disciplines such as psychiatry and criminology may take over to produce a truth regarding the subject (hetero-veridiction).

Foucault formulated the following hypothesis: ‘The veridiction of the subject introduced a crisis in nineteenth century criminal law from which we have yet to emerge.’<sup>15</sup> This crisis was produced by the introduction of the defendant’s subjectivity into the determination of criminal responsibility. Crimes without confession such as those of Landru (i.e. where the criminal has nothing to say about his crime, even regarding the material confirmation of the facts) are problematic for the judicial system, because the subject does not attest to his own subjective state. A crime without confession is thus at the intersection between the factual truth of an act, produced through police investigation, and the subjective truth of the criminal mind, which remains unknown because his motives are unspoken. In order to remedy the absence of a confession, criminal justice must resort to disciplines such as psychiatry, criminology and psychology. However, the development of these forms of knowledge has historically generated a tension