

The Scene of Violence

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Alison Young

The Scene of Violence

Cinema, crime, affect

Alison Young

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The Scene of Violence

In the contemporary fascination with images of crime, violence gets under our skin and keeps us enthralled. *The Scene of Violence* explores the spectator's encounter with the cinematic scene of violence – rape and revenge, homicide and serial killing, torture and terrorism. Providing a detailed reading of both classical and contemporary films – for example, *Kill Bill*, *Blue Velvet*, *Reservoir Dogs*, *The Matrix*, *Psycho*, *The Accused*, *Elephant*, *Seven*, *Thelma & Louise*, *United 93*, *Zodiac* and *No Country for Old Men* – Alison Young returns the *affective* processes of the cinematic image to the study of law, crime and violence. Engaging with legal theory, cultural criminology and film studies, the book unfolds both our attachment to the authority of law and our identification with the illicit. Its original contribution is to bring together the cultural fascination of crime with a nuanced account of what it means to watch cinema. *The Scene of Violence* shows how the spectator is bound by the laws of film to the judgment of the crime-image.

Alison Young is Professor of Criminology in the School of Social and Political Sciences at the University of Melbourne.

List of illustrations

Image 1	
<i>Blue Velvet</i> (1986). Kyle MacLachlan. Dir: David Lynch.	
Credit: De Laurentiis/The Kobal Collection	15
Image 2	
<i>The Matrix</i> (1999). Keanu Reeves. Dir: Andy and Larry Wachowski.	
Credit: Warner Bros/The Kobal Collection/Jasin Boland	27
Image 3	
<i>Reservoir Dogs</i> (1992). Kirk Baltz. Dir: Quentin Tarantino.	
Credit: Pictorial Press	29
Image 4	
<i>Natural Born Killers</i> (1994). Woody Harrelson. Dir: Oliver Stone.	
Credit: United Archives GmbH/Alamy	32
Image 5	
<i>Elephant</i> (2003). Alex Frost. Dir: Gus Van Sant.	
Credit: Hbo/Fine Line Features/The Kobal Collection/Scott Green	36
Image 6	
<i>The Accused</i> (1988). Jodie Foster. Dir: Jonathan Kaplan.	
Credit: Paramount/The Kobal Collection	52
Image 7	
<i>Psycho</i> (1960). Martin Balsam and Anthony Perkins. Dir: Alfred Hitchcock.	
Credit: Paramount/The Kobal Collection	82
Image 8	
<i>Seven/Se7en</i> (1995). Brad Pitt, Kevin Spacey and Morgan Freeman.	
Dir: David Fincher.	
Credit: New Line/The Kobal Collection	89

Image 9	
<i>The Silence Of The Lambs</i> (1991). Anthony Hopkins and Jodie Foster. Dir: Jonathan Demme.	
Credit: Orion/The Kobal Collection/Ken Regan	94
Image 10	
<i>United 93</i> (2006). Cheyenne Jackson. Dir: Paul Greengrass.	
Credit: Universal/The Kobal Collection/Jonathan Olley	126
Image 11	
<i>United 93</i> (2006). Ben Sliney. Dir: Paul Greengrass.	
Credit: Universal/The Kobal Collection	130
Image 12	
<i>25th Hour</i> (2002). Edward Norton. Dir: Spike Lee.	
Credit: Touchstone/The Kobal Collection/David Lee	134
Image 13	
<i>Zodiac</i> (2007). Elias Koteas, Anthony Edwards, Mark Ruffalo and John Carroll Lynch. Dir: David Fincher.	
Credit: Paramount/Warner Bros/The Kobal Collection/Merrick Morton	158
Image 14	
<i>No Country For Old Men</i> (2007). Javier Bardem. Dir: Joel and Ethan Coen.	
Credit: Paramount/Miramax/The Kobal Collection	159
Image 15	
<i>No Country For Old Men</i> (2007). Tommy Lee Jones. Dir: Joel and Ethan Coen.	
Credit: Paramount/Miramax/The Kobal Collection	163
Image 16	
<i>Zodiac</i> (2007). Anthony Edwards and Mark Ruffalo. Dir: David Fincher.	
Credit: Paramount/Warner Bros/The Kobal Collection/Merrick Morton	165

Acknowledgements

The areas in which we carry out research may be the product both of contingency and of desire. When I think of where my love of cinema came from, I think of the moment when I joined the Edinburgh University Film Society in the early 1980s. My membership meant that I could go to see films that I had never had the opportunity to see, thanks to my growing up in a provincial town in Scotland – films I had never even heard of until I read their names in the programme (films like *The Innocents*, *Blow Up*, *M*, *The Big Heat*, *The Cabinet of Dr Caligari* and so on). For a year I went to see a film a week, no matter what it was, and became acquainted with German expressionism, film noir, the abstractions of Warhol ... In some ways, the decision to join the Film Society represents a moment of chance: I might have joined the Photographic Society or some other group designed to create opportunities for students to make friends and pursue extra-curricular hobbies. But I would say rather that my impulse to join the Film Society was in one way the product of chance but also an expression of desire: there was something in the idea of film that I was drawn to, and in the years since then I have remained enthralled by the cinematic experience. It also seems significant to me that I joined the Film Society in the first year of my law degree: faced with the aridity of its curriculum, I was clearly seeking access to a textual form that was not nailed to the mast of doctrinal certainty.

In *The Scene of Violence*, I am writing about cinema spectatorship, with particular reference to the experience of watching film in a cinema. Although the technology of the computer or the DVD allows us to watch films in our homes, or to watch our favourite scenes from films over and over on YouTube, there remains something irreducible about the experience of spectatorship in a cinema, when we sit in a darkened room, facing a screen onto which is projected a large image. Within that irreducibility, we find ourselves watching an image that glows, flickers, halts, skips away from us, evokes memories, causes unbidden physical sensations in us. We might watch such an image in the company of hundreds of other spectators, friends or strangers, or in complete solitude (as was my experience of watching *Elephant* in the middle of the day in a suburban cinema). While the technologically facilitated spectatorship of YouTube and DVDs still

produce crime-images and are in some ways a simply contracted version of the large-scale cinema image, certainly able to be analyzed for its cinematographic and affective address to the spectator, it is at least arguable that the spectatorship which occurs in the cinema itself is an experience of unparalleled intensity. So it is in acknowledgement of the pleasure to be gained through the intensity of cinema spectatorship that I owe my primary thanks to the medium of cinema itself.

I also would like to thank those who have accompanied me in and out of the cinema over the years. Thanks, Mark Rosenthal and Katrina Zablocki, for all the times we have seen films together, from the highs of *Transformers*, *Memento* and *Sunshine* to the utter lows of *A.I.*, *Planet of the Apes* and, of course, *The Wedding Planner*. Tom Dumm, thanks for your comments during *Saving Private Ryan* in Amherst. Esther Milne, thanks for being there during *The Devil Wears Prada*, when I was wearing pretty much the same clothes that were criticized so severely in one scene in the film. Rebecca Scott Bray, your presence in the cinema is a big part of my memories of watching *11'09''01*. And, most especially, thanks to Peter Rush, who has been with me during some of the most significant viewing experiences I have had.

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Some sections of chapters in this book are revised versions of work that has been previously published. A version of Chapter 2 has been published

as 'The scene of the crime: judging the affect of screen violence' in *Social and Legal Studies* (2009) 18(1): 5–22. Chapter 3 is a much-expanded version of an argument made in 'The scene of the crime: is there such a thing as "just looking"?' in Keith Hayward and Mike Presdee (eds) *Framing Crime: Cultural Criminology and the Image* (2009, forthcoming), London: Routledge. An abridged version of Chapter 4 was published as 'Murder in the eyes of the law' in *Studies in Law, Politics and Society* (1997) 17: 31–58. Finally, I have previously written about the short film by Alejandro González Iñárritu, one of the five texts discussed in Chapter 5, in Ernst von Alphen, Mieke Bal and Carel Smith (eds) 'Documenting September 11th: trauma and the (im)possibility of sincerity' in *The Rhetoric of Sincerity* (2009), Stanford: Stanford University Press, and 'Images in the aftermath of trauma: responding to September 11', *Crime, Media, Culture* (2007) 3(1): 30–48.

I am also fortunate to have had the opportunity to present early versions of some of the ideas in this book as conference papers or seminar presentations, and, as such, I'm grateful for the comments and ideas offered by the audiences and participants on the following occasions: the meetings of the Association for the Study of Law, Culture and the Humanities held in Austin, Texas, in 2005, in Washington, D.C. in 2007, and in Berkeley in 2008; the Law and Literature Association of Australia conference held in Melbourne in 2005; the symposium on 'The Rhetoric of Sincerity' held at the University of Leiden, Holland, in 2006; and the symposium 'Seeing Justice Done: Interrogating Law at the Margins', held at Haverford College in 2007.

One last word of thanks must go to Peter Rush, who showed unwavering support for this project, listened to my hesitations about its progress, and, that day in the car, made suggestions that enabled me to bring the ideas together.

And I'd like to dedicate this book to Sophie, who is learning for herself the pleasures of the cinematic image.

Contents

<i>List of illustrations</i>	vi
<i>Acknowledgements</i>	viii
1 The crime-image	1
2 Judging the affect of cinematic violence	21
3 'Don't you fucking look at me!': Rape and cinematic revenge	43
4 The serial killer's accomplice	75
5 The cinema of disaster: Screening 9/11	105
6 No end to violence?	147
<i>References</i>	173
<i>Index</i>	183

The crime-image

To understand contemporary culture and its pasts and futures, it is ... necessary to develop a camera consciousness that makes it easy to jump between layers of time as well as between the actual and the virtual.

(Pisters 2003: 2)

When I was 18, I saw the movie *Dressed to Kill*, and was so scared by it that I had to sleep with the light on for several nights afterwards. A few years later, I saw *Jagged Edge*, and the same thing happened – sleepless nights with the light on. When the shooting starts after the bank robbery in downtown Los Angeles in *Heat*, I can remember how deafening the gunfire sounded in the cinema. I could not watch *Psycho* through to the end, so terrified was I by the scene in which Lila approaches Norman Bates's house. I walked out of *Copycat*, unable to bear the way the camera was being positioned to align the spectator's point of view with that of the killer. I can vividly recall a scene in *The Insider*, in which the soon-to-be whistleblower Jeffrey Wigand enters the office of his former employer at a tobacco company: the scene's sounds were so acutely rendered that I could hear Wigand's shoes squeaking on the office floor as he enters and his employer's pen scratching on the table.

I love movies, and I love *watching* movies, for their vividness and intensity that seem to me to be unparalleled in contemporary culture. For many years, film was something that I enjoyed enormously but was separate from my working life; however, in the mid-1990s, I began teaching a course, called *Crime & Culture*, which centred on an apparent paradox: the dominant truisms of criminological research and public policy are that people fear crime, that crime is a 'bad thing', and that we should hold it at a distance: crime should be outlawed, prevented, and punished. Crime, however, constitutes a mainstay of popular culture, and we take great pleasure in its images: from television drama through news reporting and current affairs, through popular literature, to film. It is certainly not unprecedented that we should seek out that which we fear: sky diving, bungee jumping,

mountain climbing and other activities are very much about encountering and conquering that which is frightening (heights, speed, death). Thus, the saturation of popular culture with images and stories of victimization, trauma, violence and death is not necessarily surprising, since it allows the consumer a sense of control over the source of fear – through information and through narrative resolution.

But more needs to be said about the paradoxical proximity we give to images of that which we outlaw. There is much more at stake than simply pointing out that popular culture helps people deal with a common fear through storytelling. It must be asked what kinds of stories are told about crime, and what shape we allow them to take; within these representations we must investigate common or recurrent symbolic devices and narrative patterns. These issues have been debated by many other scholars, and I do not propose to repeat them, for my enterprise lies elsewhere: my interest is in conjoining the cultural fascination with crime to an account of what it means to watch cinema (including the emotional, corporeal and memorial investments of the type described in the opening paragraph of this chapter). To that end, *The Scene of Violence* thinks through the spectator's relation to the cinematic image in the context of representations of crime, and specifically crimes of violence. In what follows, I will focus upon the question of how we watch what I call the *crime-image*, and what this means for an understanding of judgment and justice after the encounter with visual violence. In offering a term such as 'crime-image', I am obviously indebted to the works of Gilles Deleuze on cinema (1986, 1989). Following Deleuze's theory of cinema, in *The Scene of Violence* I emphasize the *cinematic* nature of cinema and its effects both on our interpretation of each cinematic representation and on the ways in which the spectator engages with this particular kind of image (as distinct from an artwork, or a newspaper report, or a short story). In short, my reading constructs the cinematic scene as an 'encountered sign', so that we might ask not so much 'what does it mean' or 'how is violence depicted' but rather, borrowing from Bennett, 'how does it work?' and 'how do we watch?' (2005: 45). Such an approach helps us to understand the implications of our pleasure in a medium (cinema) and an image (violence), when that pleasure depends upon our investment in an experience which is both distant (we look at an image of violence; we do not undergo the violence ourselves) and proximate (the cinematic crime-image registers sensation in our bodies and memories as we watch).

Such an approach is also necessary because questions of law, legitimacy and violence get under our skins and keep us enthralled. A crucial question, then, in the analysis of the crime-image concerns how we identify *with*, *in* and *as* the illicit and the legitimate. This is not so much a question of whether law arrives at its destination, but rather the means by which justice achieves its ends. The approach taken in this book to such a question opens up and gives access to the *affective* processes of the crime-image.

The affective character of the crime-image arises in large part because crime compels as much as it repels. Crime is not simply something that the community censures. Bound up with disapprobation and distaste for crime is an intense interest in its forms, its motivations and impacts. This doubled relation, oscillating between censure and desire, can be called *fascination*. Over the last two to three decades, there has been an increasing interest in the cultural representation of crime and justice. Much of this initially centred on the news media (due, no doubt, to an implicit hierarchy in which 'factual' representations were privileged over the lower order that is fiction), and news stories were examined for what they could reveal of the ways in which the media 'distort' events or 'package' stories (for example, see Soothill 1991) or as suspected causes of widespread fear about crime (see Schlesinger and Tumber 1994). The privileging of fact over fiction declined as scholars discovered the capacity of crime narratives to offer 'a set of stories which address certain social anxieties in its audience', stories which 'render the messy and troubling complexities of law enforcement pleasurable by assigning them to the ancient simplicities of crime and punishment' (Sparks 1990: 123).¹

Early interest in fictional images of law and justice was often tied to the questions of whether those images accurately portrayed reality. Suspicion of an image/reality mismatch animated many analyses of films and television programmes.² These concerns derived from the emphasis placed on the cultural text relative to legal practice or to social reality: law was seen as feeding popular culture by providing a source of stories and a range of colourful characters and scenarios, so that popular culture could contribute to public awareness of legal issues.³ However, more recently there has developed a burgeoning interest in the texts themselves (see for example Hayward 2009; Hayward and Presdee 2009); an interest shared by *The Scene of Violence*, which investigates the implications of the encounter between law and violence in film.

Such an encounter could be staged in a number of ways. First, film can be read for its narrative, in much the same way as a novel, newspaper article,

1 Scholarly analyses have now been carried out on, for example, television crime drama (see Sparks 1990; Brown 2003) and literature ranging from detective fiction to the novels of Jane Austen (MacNeil 1998; Young 1996). The law and literature movement in particular has a long history that must be acknowledged. However, interestingly, law and literature scholars for a long time cordoned off the study of literary forms, maintaining a sphere of analysis that was quite separate from the developing interest in cultural forms more generally.

2 See especially the work of Macaulay (1987, 1989) and Friedman (1989). To a certain extent, the same suspicion can be found today: see, for example, Thomas (2006) on whether *CSI: Crime Scene Investigation* correctly represents forensic practices.

3 A version of this perspective can be found in the more recent work of Silbey, who writes of the trial film as 'an instrument and conduit of popular legal consciousness' (2001: 116).

short story, or, indeed, a case report.⁴ In the context of cinematic representations, the demands of recounting and critiquing complex plot scenarios (what happened, who did it, what was the consequence and so on) can lead to lengthy narrative exegesis, leaving little space in which to consider other aspects of the text. Although a sense of the symbolic reality of film is retained in this approach, what is lost is the specificity of the medium of film, the cinematographic dimension which distinguishes a film from other cultural texts, such as a short story or novel.

The cinematic encounter between law and violence could also be analyzed for its relation to an empirical sociological reality, an approach less concerned with narrative and character than with assessing filmic images in terms of their relation to social realities.⁵ In this approach, film can be typologized, with a view to revealing patterns and shifts in its dominant representations that might correspond to empirical social changes.⁶ Once again, the specificity of the medium, its cinematographic nature, is lost. This approach also tends to regard film as containing within itself a window on to alternate realities. Thus, Sarat, Douglas and Umphrey write:

The moving image attunes us to the 'might-have-beens' that have shaped our worlds and the 'might-bes' against which these worlds can be judged and towards which they might be pointed. In so doing film contributes to both greater analytic clarity and political sensitivity in our judgments of law.

(2005: 2)

4 For examples within this narrative-focused approach, see Berkowitz (2004) on cinematic images of prosecutors; Chase (2004) on the cinematic depiction of due process; Christie (2004) on the courtroom drama; Clover (2000) on juries and the jury-like role of the audience; Greenfield, Osborn and Robson (2001) on films about lawyers, judges, private eyes and so on; Kamir (2005) on atrocity and the legal process in *Death and the Maiden*, and (2006) on issues concerning women and law as represented in various films; Rafter (2007) on films about sex crime, and (2000, 2006) on films about policing; Sherwin (2000) on public disenchantment with the legal process as manifested in *Cape Fear*.

5 Such an approach often explicitly counterposes itself against the textual analysis of film. Macaulay warned against what he called 'armchair self-analysis of our own reaction' (1989: 1545); while Gies has criticized the textual analysis of popular cultural narratives as 'verging] on hubris' (2005: 170), claiming that it proffers only one authentic meaning despite the heterogeneity of the cinematic audience.

6 Taxonomies have been drawn up by, for example, Kellner and Ryan (1988); Hale (1998); Rafter (2000, 2006). See also Tzanelli et al (2004), who emphasize the different readings that can be generated in response to a filmic text. For these authors, the fact that different readings are possible becomes the central teleological point of their filmic analysis, in order to argue that the meaning of the category 'crime' gets articulated and negotiated within film in a manner which reflects the ambivalences about crime in society in general. For more on this, see Yar (2009, forthcoming).

While offering a useful analytical frame in which a film's narrative scenario can be, as it were, *adjudicated*, we must acknowledge the consequences of viewing a film as something to be measured against absent past, present and future possibilities. In this approach, film is being treated as a metaphorical plaintiff – its narrative bringing issues to be judged through the camera of film in order to better inform the *camera* (the closed courtrooms) of the law. The risk here is that film becomes a mere resource – whether that be a resource for the assessment of law or of social realities. When film is viewed as a resource, it is constructed as something that exists to be utilized: mined for its allegories of justice, or condemned for its repetition of dominant stereotypes and associations.

In this book, my analysis is situated in the vicinity of these two approaches, and draws at times on ideas both about cinematic narrative and about the relation of the cinematic image to the social world, but I am more particularly interested in the spectator's 'registration' of the crime-image; that is, how the crime-image depends for its meaning and value upon the address of cinema to the viewer. In that spirit, then, I approach film *as a spectator* and this book concentrates upon the spectatorial relation engendered by film, unique among cultural forms in its deployment of an image which is always more than visual: a medium which is always image, sound, affect, memory, plot, episode, character, story and event. Let me elaborate upon what is involved in such an approach.

The Scene of Violence is located within a way of thinking of representation and crime which I have elsewhere termed *criminological aesthetics* (Young 2008) and which engages with the ways in which our ambivalence about crime manifests itself in the images we produce of it.⁷ The starting-point of criminological aesthetics is that 'crime's images are structured according to a binary logic of representation. Oppositional terms (man/woman, white/black, rational/irrational, mind/body and so on) are constructed in a system of value which makes one visible and the other invisible' (Young 1996: 1). In *Difference and Repetition*, Deleuze characterizes representation as requiring 'a conceived identity, a judged analogy, an imagined opposition or a perceived similitude' (1994: 138), so that any idea has meaning only in its difference from or similarity to another idea ('young' is 'not-old'; 'woman' is 'not-man' and so on).

The notion of a system of value, structured through the logic of binary oppositions and subject to varying shifts in the social economy of representation, moves the theorizing of culture away from a framework which constructs acts as having symbolic meaning (in an epiphenomenal relation to

7 For examples of scholarship which adopts this way of thinking about crime and the image, see Biber 2007; Hutchings 2001; Lippens 2004; Phillips and Strobi 2006; Valier 2003; and Young 1996, 2007.

their literal effects) and individuals as actors arrayed around the social field at a greater or lesser distance from the dominant centre. Criminological aesthetics emphasizes practices of interpretation over the generation of meaning (which tacitly relies on a conception of truth, authenticity or actuality), processes of signification rather than symbolization (which posits a zero sum relation between meaning and image), and affect instead of emotion. The imagination of crime is an affective process, which does things to the bodies of individuals (whether criminals, the agents of criminal justice, victims, judges, or the cinema audience) as much as it has effects in the evolution of practices of criminal justice or paradigms of criminological thought.

Criminological aesthetics thus bespeaks a concern with the image, its sense and sensations, and since my particular concern here is the cinematic image, this book will investigate how law, violence and justice appear (and disappear) in the image on screen. To that extent, *The Scene of Violence* builds from themes threaded through my previous work on our entanglement in and with the image (Young 1996, 2005). Once again, I engage with the practice of looking – *spectatorship* – and its construction of a relation between the image and its addressee (the spectator). The object here, however, is different: the relationship between the spectator and the cinematic image.

Spectatorship names a specific mode of organizing the relation of subject to image.⁸ This is often understood as a relation operating by means of the gaze, and there is consequently a wealth of literature that deals both with the gaze in general and with the cinematic gaze in particular.⁹ *The Scene of Violence* seeks to think through spectatorship of the cinematic crime-image by means of an approach which posits that cinematic spectatorship is about more than the gaze and which engages with the affective relation engendered by the cinematic representation of violence. It is in the cinematic scene of violence that the crime-image is largely constituted (images of the minor offences which make up the bulk of criminal behaviour being less frequently found on screen). This book traces the spectatorial relation

8 My interest in spectatorship should not be confused with the concerns of 'reception studies', which advocate the audience as object of analysis. Sarat, Douglas and Umphrey write of the need for research which can describe 'patterns of reception over time and among different groups' (2005: 6–7) and Gies has also argued against textual analysis and in favour of audience research, in order to 'recogniz[e] the interpretive work done by audiences as co-producers of meaning' (2005: 170). This approach once again constitutes film as both mechanism (a device which delivers images to a social group, prompting them to form attitudes) and as resource (the means by which the attitudes of the group can be determined).

9 On the gaze and its fetishizing of the female body, see Rose (1986). On the gaze in relation to film, see variously Creed (1993); de Lauretis (1984); Modleski (1988); Mulvey (1975); and Stacey (1994).

to certain kinds of violence (rape, murder, terrorism) which capture the attention of the spectator around the question of the body and its limits. The spectator's encounter with the scene of violence has implications for theories of law, judgment and justice, since, as will emerge through the subsequent analyses in this book, spectatorship is not a distanced or impersonal activity, but rather works through processes of identification in and through the crime-image.

THE CINEMATOGRAPHIC CRIME-IMAGE

In this book, my analysis of the crime-image takes as its starting-point the cinematic nature of the medium of film, its eloquent harnessing of image, sound, affect, memory, plot, episode, character, story and event. In so doing, I wish to emphasize the *cinematographic* dimension of film, since it is through this dimension that cinema is able to elaborate the affective relation between spectator and crime-image which is crucial for the spectator's incorporation into the scene of violence and identification in and through the crime-image. Since 'cinematography' is often understood as a technical term referring to aspects of a film's visual appearance, in using the term I do not wish to imply that my reading is confined to an assessment of the impact of visual devices such as lighting, filters, camera angles and so on. Rather, I use the term 'cinematographic' in both its literal and metaphorical senses: literally, 'cinematography' means 'the writing of movement' (*kinema*, from Greek, movement; *graphein*, from Greek, to write) and my interest in the cinematographic dimension of cinema lies partly in the difficulty of analyzing a form which is in continual flight, each moment of meaning succeeded by another. In its metaphorical sense, 'cinematographic' describes the processes by which a moving *image* is created, and the enterprise of *The Scene of Violence* is to think through the ways in which the cinematic image is written in time, in the body, in sound, tactility and memory. The result is an analytical approach that allows us to think of the crime-image as something that is watched, heard, felt, lived, and remembered.

We need, then, to be able to account for how cinema can communicate so much so economically. Take, for example, the image of a man, hidden, looking through a gap, looking at a woman who does not know he is there (as occurs in a scene in *Blue Velvet*). It is over in a few short frames. In narrative terms, it can be described thus: 'Jeffrey hides in the closet and watches Dorothy'. Yet the viewer is able to read in it all of the following things: an activity (looking), which is gendered (a man looking at a woman); judgment (it is voyeurism and voyeurism is 'wrong'); suspense (it is a risky position for the watcher, but it is also a powerful position for the watcher compared to the oblivious object of the look, with these two opposing sources of suspense flowing into a general anxiety about 'what will happen next'); a plot