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Image from Alphonse Bertillon's photographic album of his exhibition at the 1893 World's Columbian Exposition in Chicago. Courtesy National Library of Medicine.

THE SIMILITUDE OF THE WOUND

GREG SIEGEL

"We cannot conceive of a more impartial and truthful witness than the sun, as its light stamps and seals the similitude of the wound on the photograph put before the jury."[1] So declared James Jackson, chief justice of the Supreme Court of Georgia, in 1882. The esteemed justice was explaining his decision to allow a photo of a murder victim to be admitted into evidence. The victim's throat had been slashed, and "the character of the wound," in his estimation, "was important to elucidate the issue."[2] As the slain man was presently six feet under, his injured flesh unavailable to direct inspection (and rapidly decomposing in any case), the court was open to evidentiary alternatives—and to one in particular. According to Jackson, the photographic image "would be more accurate than the memory of witnesses, and, as the object of all evidence is to show the truth, why should not this dumb witness show it?"[3]

Within the United States judicial system, the epistemological status of photographic evidence remained an unsettled question for much of the second half of the nineteenth century.[4] Photographs had been employed for evidentiary purposes in American courtrooms since the 1850s, and by the 1880s two contrasting perspectives had crystallized. In their range and polarity, these judicial perspectives reflected a wider (and still familiar) cultural ambivalence about photography's nature and meaning. On the one hand, photographic realists such as Jackson emphasized the camera's ability to automatically transcribe the truth of the natural world, to faithfully render the contours of objective reality. On the other hand, photographic constructionists called attention to the medium's artificiality, its technical limitations and distortions as well as its susceptibility to unscrupulous manipulation.

By the end of the century, the photograph had, as a matter of judicial doctrine, been formally assimilated to the evidentiary category that included maps, sketches, paintings, diagrams, and other existing forms of visual representation. It was thereby deemed a mere illustration, a picture needing corroboration, analogous to—and no more probative than—witness testimony. As a practical legal matter, however, the photograph often slipped its categorical bounds and functioned as an independent means of verification. Rather than merely illustrating reality, it seemed to demonstrate it, substantiate it, *prove* it. The photograph was not a map or sketch or painting or diagram, and attorneys and juries—and many judges, too—duly appreciated the distinction.

Across the Atlantic, in the same year Jackson expounded on the sunlit veracity of wound photography, Alphonse Bertillon, a clerk in the Paris Prefecture of Police who would advance to become founder and head of its Department of Judicial Identity, introduced a groundbreaking system of criminal identification predicated on the scientization and standardization of

photographic evidence.[5] Police departments in France had been hiring professional daguerreotypists to take portraits of criminal suspects since the early 1840s, and by the next decade the practice had spread across Western Europe and to the United States. But it was Bertillon who first imposed a rigorous disciplinary order on procedures for criminal portraiture and criminal record keeping. His ingenious "signaletic" system of identification, honorifically dubbed "bertillonage," assembled on a single file card precise anthropometric measurements of a suspect's head and body, descriptions of his or her distinguishing physical features, and a pair of standardized photographs of his or her face: a front view and a profile view, a double "mug shot," or, as Bertillon termed it, a *portrait parlé*, a "speaking likeness."

Back to Chief Justice Jackson and his admissibility decision. "Usually the photograph is introduced to prove identity of person," he observed, "but why not to show the character of the wound? In either case it is evidence; it throws light on the issue."[6] Photography's extraordinary identificatory power was being demonstrated on a daily basis in police stations and prisons around the Western world. If the camera could replicate the lineaments of a face, why not those of a flesh wound? Surely, Jackson reasoned, a device capable of proving the true identity of a living person might also be used to elucidate the true essence of a dead man's injury. *Why should not this dumb witness show the truth?*

Though no record exists to say for certain, the wound photo in question was probably snapped at either the morgue or the crime scene. Together with the police station and the prison, these two localities, the place where unidentified corpses are deposited and the place where *corpora delicti* are discovered, constituted the defining institutional spaces of forensic photography in the nineteenth century. And, in a reciprocal manner, forensic photography helped to define and constitute the police station, the prison, the morgue, and the crime scene *as* institutional spaces—spaces at once marked by the signal disorders of a violent modernity and subjected to the signal disciplines of a modern rationality.

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Crimes visited upon human bodies have always happened somewhere rather than nowhere. Assaults, murders, acts of torture, and other corporal violations have always, of necessity, *taken place*. Such assertions are little more than truisms. Yet it is not true, historically, that wherever there have been violent crimes there have been "crime scenes." On the contrary, the crime scene is a quintessentially modern invention, a product of the emergence in the nineteenth century of forensic science, with its peculiar logics and discourses, protocols and technologies. In compliance with the exacting methods of forensic investigation, the crime scene is established (and continually reestablished) through complex practices of marking, looking, calculating, interpreting, and rendering. It is actively made, not immediately given, a formation simultaneously material and symbolic. Borrowing a phrase from Georg Simmel, one might say that the crime scene embodies an attempt to "cut a portion out of the continuity and infinity of space and arrange ... this into a particular unity in accordance with a single meaning."[7] Before the birth of forensic technique, crimes occurred in particular *settings*, to be sure, but they did not routinely entail the demarcation, inspection, and representation—the staging and performance—of scientifico-legal *scenes*. Thus, in a very real sense, the crime scene appears only with the arrival of such institutional props and players as the police cordon, the police detective, the police sketchbook, and the police photographer.

No one in the nineteenth century wrote more extensively or authoritatively about the crime scene than Austrian jurist and examining magistrate Hans Gross. Indeed, his massive *Handbuch für Untersuchungsrichter als System der Kriminalistik*, originally published in 1893 and translated into English in 1907 as *Criminal Investigation: A Practical Handbook for Magistrates, Police Officers, and Lawyers*, stands as the founding text of scientific crime detection, or criminalistics. Dissatisfied (like Bertillon) with the unsystematic nature of the criminal investigations of his day and troubled (like Jackson) by the untrustworthiness of witness testimony, Gross (like Sherlock Holmes, his famous fictional contemporary) strove to put detective work on a firm scientific footing. He insisted it have both a strict rational method and an unshakable material basis. In the introduction to *Criminal Investigation*, he wrote:

The trace of a crime discovered and turned to good account, a correct sketch be it ever so simple, a microscopic slide, a deciphered correspondence, a photograph of a person or object, a tatooing, a restored piece of burnt paper, a careful survey, a thousand more material things are all examples of incorruptible, disinterested, and enduring testimony from which

opposite: How to photograph the scene of the crime. From Alphonse Bertillon and Arthur Chervin, *Anthropologie Métrique*, 1909.

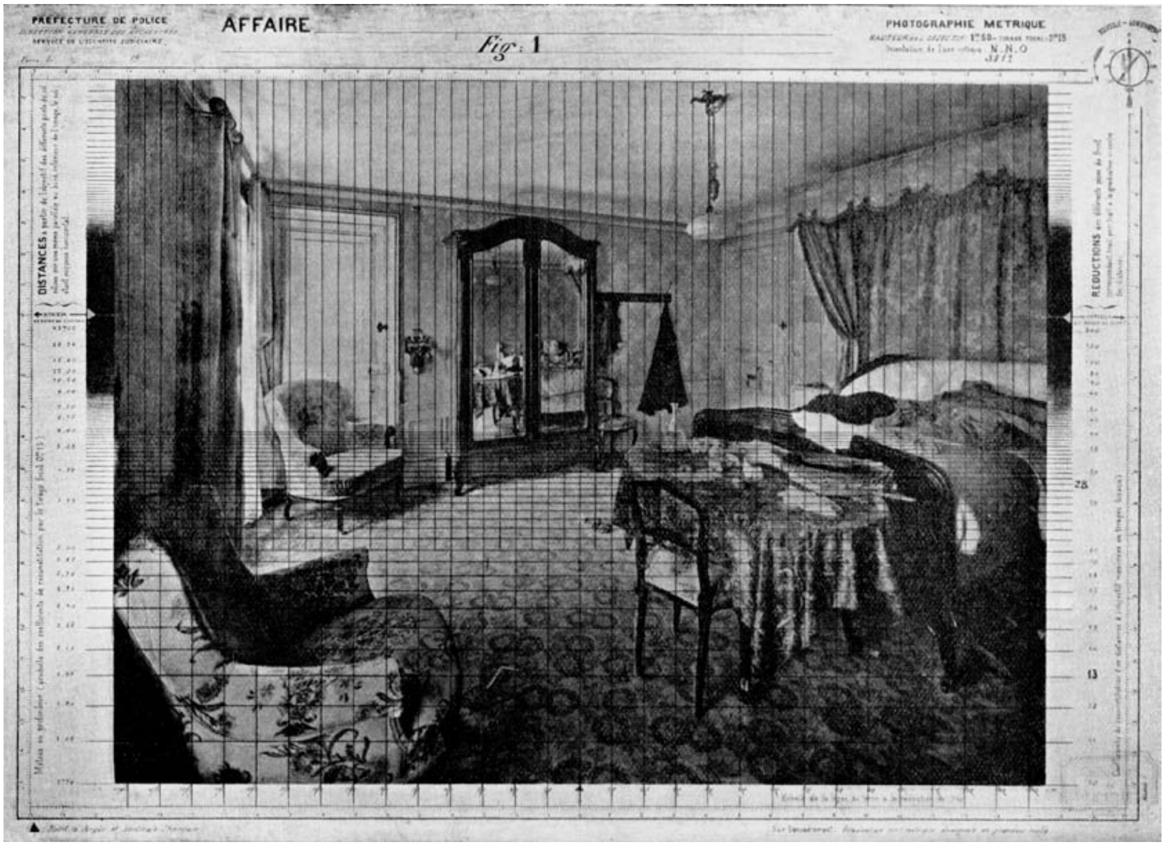
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Fig: 1
PHOTOGRAPHIE METRIQUE
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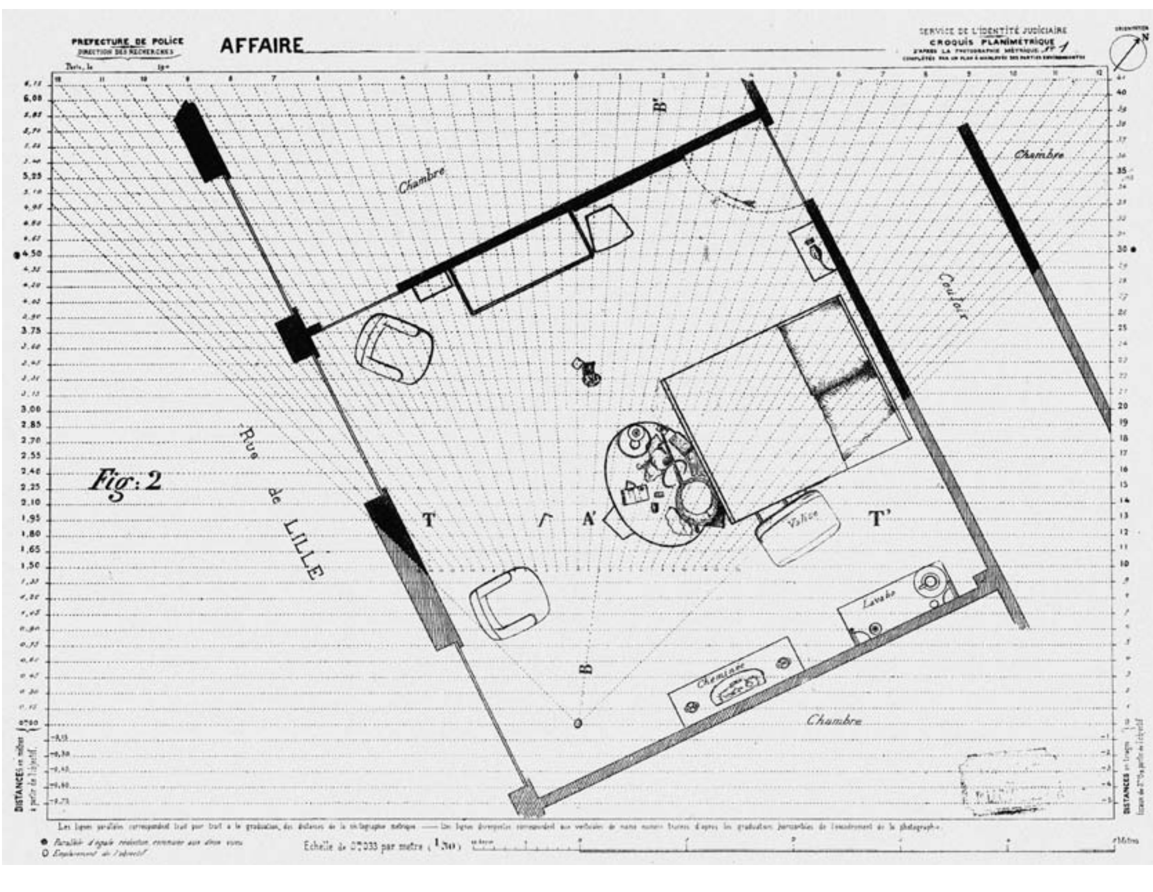
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SERVICE DE L'IDENTITÉ JUDICIAIRE
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Valise
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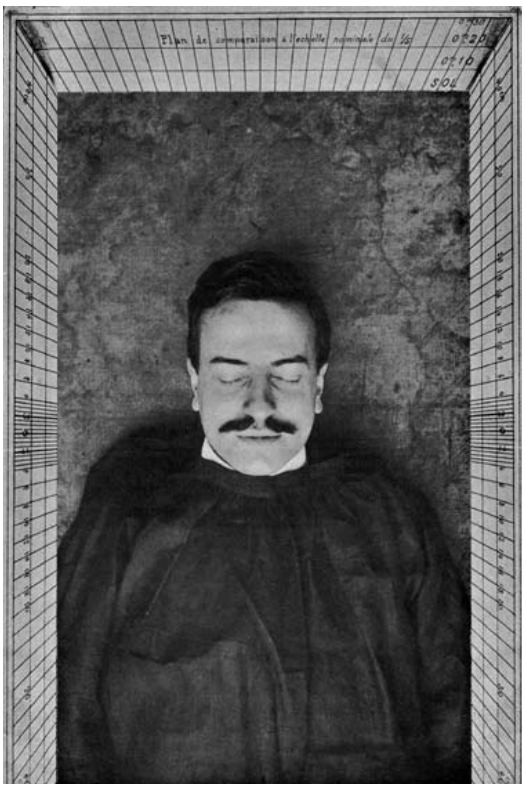
Cheminée
Chambre
DISTANCES

mistaken, inaccurate, and biased perceptions, as well as evil intention, perjury, and unlawful co-operation, are excluded.[8]

And then, anticipating the "evidence never lies" mantra of today's forensic popular culture: "'circumstances cannot lie,' witnesses can and do."[9]

Intended as an instruction manual rather than as a lofty criminological treatise, Gross's handbook taught investigators precisely what to do—and precisely what not to do—when inspecting the crime scene. "The first duty is to preserve an absolute calm," it advised. "With it everything is won, without it everything is compromised."[10] The successful detective was the self-composed detective, the one who, no matter how emotionally distressing the surroundings, managed to display "perfect confidence with no trace of excitement."[11] To this prohibition on emotionalism Gross added an injunction against tactile interference. "There is one golden and inviolable rule," he proclaimed. "Never alter the position of, pick up, or even touch any object before it has been minutely described in the report."[12] Only by conscientiously preserving the "existing vestiges of the crime"[13]—all the trace evidence together with its material conditions—could the investigator hope to write a report that included an accurate description of the scene.

Criminal Investigation demanded that the written report be accompanied by a set of freehand drawings. For while even the most carefully worded description might be misconstrued, "a sketch makes an exact impression on the mind."[14] The ideal investigator, therefore, possessed not only "a keen eye" but also "a quick hand."[15] So convinced was Gross of the fundamental forensic import of crime-scene sketches that he considered competent draftsmanship a *sine qua non* of detective fieldwork: "The Investigating Officer must be able to make a sketch plan of the room of a house, an entire dwelling, the environs of a house, a piece of land of moderate extent, and the like."[16] Three mandatory procedures were enumerated in connection with the creation of such plans. First, the detective-draftsman had to "obtain a general impression of the place to [be] sketched before actually starting work," mentally "delimiting the space in question" and noting "well what is essential and what may be of less importance."[17] Second, he had to "ascertain the precise moment at which the sketch should be made."[18] Third, and above all, he had to dedicate himself to the principle of "punctilious accuracy of measurement,"[19] as the contents of the crime scene needed to be known with mathematical exactitude. Forbidden from exhibiting so much as a *trace* of bodily excitement, forbidden as well from moving or handling or otherwise improperly contacting the *traces* of the crime, the investigator was nevertheless required, as if in compensation, to put to paper conventionalized *tracings* of the crime scene.



Caught in the grid. A victim photographed according to Bertillon's principles. From Louis Tomellini, *Metric Photography, Bertillon System: New Apparatus for the Criminal Department*, 1908.

In addition to the older media of writing and drawing, *Criminal Investigation* treated of the newer medium of photography. Indeed, with some twenty-five pages devoted to the subject, it was among the very first publications to describe and assess the possibilities of the camera as a forensic device. Questions as to a medium's "possibilities" (their nature, their number, and so on) are ultimately bound up with questions of media ontology and media epistemology, and though the latent constructionist in him wondered "why photographs frequently create a wholly wrong impression,"[20] Gross was manifestly a photographic realist. Photography, he averred, "should always be employed when it is desired to obtain absolutely objective, permanent, and easily controlled proofs capable of bringing about a conviction."[21]

Even more than photographic realism, Gross championed photographic scientism. If "the sensitized plate

[was] the new retina of the man of science,"[22] then the science of crime detection had much to gain from the efforts and expertise of "the scientific photographer or rather the photographic scientist."[23] Photography's claim to scientificity was said to rest on a specular paradox intrinsic to the technical apparatus: "The photograph is the image reflected by a mirror but it is a fixed image; this definition itself proves that photography, however paradoxical the assertion may appear, shows us more than the eye, even when it shows us no more than the eye can see."[24] A curious analogy was offered to illustrate this contention:

A painter, … after having worked for a certain time, places his portrait before a mirror and considers the image which the latter reflects; he often discovers great faults which he was incapable of seeing upon the portrait itself. The reason is that when one looks for a long time at an object, … one always sees it under the same aspect, which prevents certain defects being noticed; but when the image is reflected by the mirror one sees the object under lateral inversion and in consequence under another aspect; details may then perhaps be discovered which have formerly escaped notice. In photography exactly the same may be said; an object has been observed with great minuteness and application; a whole series of observations have been made regarding it; nothing striking has been noticed about it because one has become accustomed to its appearance; but if it be photographed, the new colour, the new situation, and the new aspect enable us to see it from another point of view and reveal fresh details which have not yet been discovered.[25]

Reflection and inversion: *Criminal Investigation* avowed that these twin opto-technical properties, because they subtly defamiliarized and strikingly disclosed objects in the photographic field of vision, were as scientifically useful to the crime-scene investigator as they were artistically useful to the portrait painter.

Gross's criminalistics handbook issued one final photography-related guarantee: *besides revealing scientific evidence visually*, the photographic image could be trusted to *scientifically preserve visual evidence*. Accordingly, the investigator was instructed to take pictures of the crime scene's mutable and ephemeral phenomena, to mechanically archive its "perishable objects and those likely to change their appearance."[26] Four evidentiary objects in particular, each liable to disappear or decompose or suffer damage, each with a similitude, a speaking likeness, deemed important enough to produce and preserve through photographic means, came in for discussion: footprints, fingerprints, corpses—and wounds.

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For Gross, the camera may have been blessed with a supersensitive retina and an imperishable memory, but apparently it lacked even the most rudimentary yardstick. For nowhere in *Criminal Investigation*'s nine-hundred-plus pages did he suggest that photography could or should be employed to actually *measure* the crime scene. The task of ascertaining and accurately recording the spatial dimensions of the crime scene, and those of the material things it encompassed, was left solely to the detective and his sketchbook. Signaletic methods were explained and appraised in the text, but no mention was made of Bertillon's "other" groundbreaking system of forensic photography: "metric photography."

Metric photography's key innovation was the inclusion of measuring scales on the borders of the printed photograph, which permitted the geometries of objects and distances in the image to be precisely calculated.[27] The metric shooting process was quite complicated, as it necessitated an array of special equipment (nonstandard square-box cameras, extra-tall tripods, decimal-calibrated wide-angle lenses, oversize photographic plates) and imposed severe restrictions on camera placement and angle (the bird's-eye view of the corpse being the iconic instance). Armed with this battery of technology, Bertillon applied to the crime scene the same kinds of scientific principles and standardized procedures he had originally developed for his *portraits parlés*. This time, however, it was not living criminal faces but "dead" criminal traces (residues, remains) and "wounded" criminal spaces (ruins) that were to be positively identified through rational techniques of photographic capture and mathematical measure.

The crime scene is a place of disarray and of lingering danger. It is a place, as Gross noted, rife with "horrible and sorrowful sights."[28] Doubtless, in more senses than one, the crime scene is a deeply *offensive* place. A prior order has been unsettled; a transgression, perhaps a violent one, has occurred there; remnants of chaos, shards of destruction lay scattered; an eerie apprehension hangs in the air. Thus, *the first duty is to preserve an absolute calm*. The second duty is to preserve the criminal vestiges, the visible marks and imprints, the evidence.

Bertillon's system of metric photography constituted a strange and rather spectacular example of a distinctly modern practice—namely, the use of

technical media to turn ostensibly disorganized places into perfectly geometrical spaces, thereby rendering them available to inspection and amenable to rational understanding. Key to this practice, of course, is the mathematical grid, that centuries-old visual technology and complement of Cartesian ontology whose projective plane arranges as fixed points on a coordinate system otherwise unruly optical impressions.

Deployed as a forensic device, the metric camera was part of the nineteenth century's attempt to demarcate and discipline a law-broken terrain, to transform a socially *abject* setting into a logically abstract *scene*: the scene of the crime. Like the methods prescribed in Gross's handbook, Bertillon's gridded photographs were designed to order and manage—to literally coordinate—haphazardly distributed traces, so as to invest the crime scene with an absolute calm. Both metric photography and the police cordon operated as institutional *framing* technologies for the crime scene. But while the latter, as something erected and removed in real time and space, suggested the crime scene's transient artifactuality, the former, as something that promised permanent archivability, suggested the crime scene's virtual immortality.

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"An individual suspected of a crime has just been arrested, and we find upon his person some contusions, some abrasions, some black-and-blue spots, which appear to have been produced during the perpetration of a crime," Bertillon wrote in 1890. "A photograph of these peculiarities will furnish to the prosecution, as well as to the defense, an impartial document which ultimately may be submitted to experts if a necessity for it should arise."[29] As in the Supreme Court of Georgia in 1882, so again in the Paris Prefecture of Police eight years later: the wound photo was pronounced impartial and potentially incriminating. Only the fleshes of victim and suspect had been exchanged.

1 *Franklin v. The State of Georgia*, 69 Ga. 36 (1882).
2 Ibid.
3 Ibid.
4 See Jennifer L. Mnookin, "The Image of Truth: Photographic Evidence and the Power of Analogy," *Yale Journal of Law and the Humanities*, vol. 10, no. 1 (1998), pp. 1–74.
5 See Allan Sekula, "The Body and the Archive," *October*, no. 39 (Winter 1986), pp. 3–64; and Ronald R. Thomas, *Detective Fiction and the Rise of Forensic Science* (Cambridge: Cambridge University Press, 1999).
6 *Franklin v. The State of Georgia*, op. cit.
7 Georg Simmel, "Bridge and Door," in *Simmel on Culture: Selected Writings*, eds. David Frisby and Mike Featherstone (London: Sage, 1997), p. 172 (emphasis omitted).
8 Hans Gross, *Criminal Investigation: A Practical Handbook for Magistrates, Police Officers, and Lawyers*, trans. John Adam and J. Collyer Adam (London: Specialist Press, 1907), p. xxvi.
9 Ibid.
10 Ibid., p. 126.
11 Ibid.
12 Ibid., p. 130 (emphasis omitted).
13 Ibid., p. 128.
14 Ibid., p. 448.
15 Ibid., p. 449.
16 Ibid., p. 450.
17 Ibid., p. 451 (emphasis omitted). I have reordered Gross's list of procedures here for rhetorical purposes.
18 Ibid., (emphasis omitted).
19 Ibid., p. 450 (emphasis omitted).
20 Ibid., p. 249, in footnote.
21 Ibid., p. 251.
22 Ibid.
23 Ibid., p. 250.
24 Ibid., pp. 251–252.
25 Ibid., p. 252.
26 Ibid., p. 255.
27 See Alphonse Bertillon and Arthur Chervin, *Anthropologie Métrique* (Paris: Imprimerie Nationale, 1909); Henry T. F. Rhodes, *Alphonse Bertillon: Father of Scientific Detection* (New York: Abelard-Schuman, 1956), pp. 107–108; Harry Söderman and John J. O'Connell, *Modern Criminal Investigation* (New York: Funk & Wagnalls, 1935), pp. 97–99; and Louis Tomellini, *Metric Photography, Bertillon System: New Apparatus for the Criminal Department* (Lyon, France: A. Rey & Cie, 1908).
28 Hans Gross, *Criminal Investigation*, op. cit., p. 123.
29 Alphonse Bertillon, *Legal Photography*, trans. Paul R. Brown (New York: n.p., 1897), p. 39.