Legitimacy in Motion:

The Narrative Function of Cinematic Violence

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Declaration of Authorship

I certify that the thesis I have presented for examination for the MPhil/PhD degree of the Royal Central School of Speech and Drama is solely my own work other than where I have clearly indicated that it is the work of others.

Statement of use of third party for editorial help

I can confirm that my thesis was proofread for conventions of language, spelling and grammar by Anne Hudson of Anne Hudson Editorial. Contact details available upon request.

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This thesis is dedicated to my parents, who encouraged me to lasso the moon, and if it seemed out of reach, to take the time to try and try again. I am forever in their debt that they made me watch *The Bicycle Thief*, instead of *The Little Mermaid*. And to John, who constantly challenges me.

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Abstract

***Legitimacy in motion*: The Narrative Function of Cinematic Violence**

Since *The Great Train Robbery* (1903), which ends with the image of a bandit firing a gun straight into the camera, violence has been an intrinsic element of the filmic narrative. Violence pervades the history of cinema and yet the systematic understanding of its uses in film has not been the primary focus of film theory. To address this gap, this thesis approaches film violence in philosophical terms, asking: what function does violence play within mainstream narrative cinema? Does it serve different functions? And, above all, can one trace a dialectical movement of functions, which may at times overlap, transforming into one another?

The examination of the function of violence in film permits a consideration of not only the depiction of the act of violence, but evaluates the aims of that act in order to identify its contribution to the meaning of the filmic narrative. Although contemporary film theory addresses the meaning of violence in film, the systematic analysis of violence's function has yet to be undertaken. This approach is an extension of recent work in film theory, which analyses violence in conjunction with law, insofar as law provides a structure through which the legitimacy or illegitimacy of violence is evaluated.

However, this work departs from previous analyses as I argue that a strict interpretation of the relationship of violence and law is, more often than not, problematic: acts of violence in film are read in terms of binary categories of right, typically 'state-sanctioned' violence, versus wrong forms of violence, typically associated with 'criminal activity'. The analysis of film violence is more complex than these two distinctions allow. In pursuing this investigation, I draw on the work of philosophers who have theorized violence to derive five functions. These are explicated through five key case studies: 1) state violence; 2) criminal violence; 3) revolutionary violence; 4) divine violence; and 5) pathological violence.

Each case study demonstrates a different cinematic representation of violence and law, together resulting in the following general findings: in contemporary war films the

legitimate use of state violence is in crisis; cinematic representations of criminal violence disrupt prior ideals that violence has an ultimately normative function, and can be resolved by state authority; revolutionary violence in contemporary film hinges on the struggle for individual identity rather than the struggle for independence; divine violence is revealed through the ever-present possibility of violence, which permeates our world: that it may arise without 'reason', destroying all ties to law; and, finally, a recent turn to pathological violence in film demonstrates that the ends of violence may not only seek to destroy its object, but also turn 'desire' inward, to consume the subject itself.

Considering violence in film through these five narrative functions, this thesis shows how cinema contributes to a more complex understanding of the 'dialectics' of violence.

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The Narrative Function of Cinematic Violence

Introduction

The 1903 film *The Great Train Robbery* (dir. Porter) ends with the image of a bandit firing a gun straight into the camera. One of the first American narrative films and indeed the first Western, the final shot shocked audiences, ushering in, at the very inception of commercial cinema, the pervasive power of violence. While the final shot of the film may have disturbed its original audience, it is today a familiar device, copied in any number of films.[1] In Scorsese's *Goodfellas* (1990), for instance, the shot is invoked when Tommy DeVito (played by Joe Pesci) fires a series of bullets into the camera at the end of the film.[2] Scorsese makes explicit the connection between the two films, citing the influence of *The Great Train Robbery* in an interview: 'it's a bunch of outlaws who do this incredible robbery, and then they all kill each other and the police get them at the end' (American Film Institute, 2011). The similarities between these films, separated by almost a century, provide a vivid example of how, throughout the history of cinema, violence belongs centrally to it.

[1] Edwin S. Porter, the film's director, indicated that the final shot of the bandit firing a gun could either have gone at the beginning or the end: 'The resulting excitement is great. This section of the scene can be used either to begin the subject or to end it, as the operator may choose' (Barnes, 1903).

[2] In an interview with AFI, Scorsese discusses the theme of 'outlaws' in American cinema and traces its history back to *The Great Train Robbery*, declaring that *Goodfellas* is essentially the same story. He also admits that the last scene of Joe Pesci firing a gun at the audience was an homage to the final image of a bandit firing a gun into the camera in *The Great Train Robbery*. The replication is indisputable. He also cites *The Musketeers of Pig Alley* (dir. Griffith, 1912) as being influential, another early silent hit which features violence throughout the story.



Figure 1. *The Great Train Robbery* (dir. Porter, 1903)

Imagine *The Great Train Robbery* without violence employed as the motivating force behind the dramatic action of the narrative: a group of men casually stroll into a railroad telegraph office and use rhetorical speech to get their way. Is that how these bandits would obtain their loot?[3] Certainly the narrative and filmic depiction would be vastly different. The film features shootouts, explosions, and even a body thrown off a moving train, not just relying, for its effect, on one form of violence. I would suggest, rather, that it is the utility of violence that drives forward the central action of the 'robbers'.[4] The bandits' use of violence and the ends they pursue decidedly shape the film's narrative, just as their very identity as bandits hinges precisely on their use of violence.

Violence heightens the tension of a film, conveys conflict, and is frequently deployed as the driving action of the filmic story – and yet, despite its pervading influence over the history of cinema, the thesis contends that no systematic understanding of the uses of violence in film has yet been conducted within the body of existing film theory. The thesis proposes, then, to address this gap through an analysis of violence's narrative function in film, through which an understanding of the uses and aims of violence will

[3] Picture *Reservoir Dogs* (dir. Tarantino, 1992) without the sequence where Mr Blonde (Michael Madsen) cuts off the ear of a cop to the sounds of 'Stuck in the Middle with You' (Stealers Wheel).

[4] Imagine the baptism scene in *The Godfather* (dir. Coppola, 1972), cutting between scenes of the church and members of the five families being 'knocked off'. If the film merely depicted the christening, the story would fall flat in the absence of violence to depict the world of a large crime family like the Corleones. How else would Michael's conversion to Godfather, ascendance to head of the family, and descent into the criminal underworld be communicated without this juxtaposition?

be examined. What this thesis would like to emphasize in *The Great Train Robbery*, setting aside the mere fact and occurrence of violence, is the centrality of the depiction of violence to the film's narrative, or – to employ a term central to this thesis – violence's narrative function.

First, though, what is intended by the term 'function' and, generally speaking, how do I conceive of 'violence'? While it is an intention of this thesis to interrogate the meaning of the narrative function of violence in film, it is nevertheless necessary to provide a working definition of these terms so as to indicate a line of thinking.

Violence

J. David Slocum defines (2001, p.2) *violence* as: 'an action or behaviour that is harmful or injurious'. A simple illustration, although only touching the surface of things (as this thesis will go on to show), it is nevertheless useful as a starting point. Slocum immediately identifies his conceptualization of violence as an 'action' or 'behaviour'. This provides us with an obvious link to its cinematic representation, and the association of its narrative presence through the concept of dramatic action.

Function

Violence's *function* refers to the purpose and aim of an act of violence. Although the means of acts of violence may at times be similar (even in disparate circumstances), their function is distinguished depending on the context and aims of that action.

Function, in simple terms, describes the purpose behind an act; that is, the intention that shapes the use of an action in an effort to obtain an end (or set of ends). One can see that the function of violence is not reducible to the act of violence itself, but rather must be understood, not only in relation to the means employed, but also in relation to the purpose animating the act and the ends it achieves or pursues, from which it derives its immediate meaning.

There are two general ways that the term function is utilized in this thesis. First, in terms of a function's teleological[5] meaning: the aim or purpose of an act of violence. And, second, in its relation to the question of its legality: if violence in terms of its function has a purpose or aim, then an act of violence should also be evaluated, in film representation, in relation to something else that qualifies the act of violence. This qualification produces its meaning, for violence, as we shall see, is determined through a relationship with law.

Dialectics of violence

As this thesis will emphasize, it is this relationship of law and violence which determines a particular cinematic function. For example, if 'violence' is taken to be the means of an act, then a sense of ends is 'law', and the two combine to form a particular function. However, an important stipulation of this thesis is the application of the theoretical construct, a 'dialectics of violence'. The relationship of law and violence, in other words, is dialectical: law and violence are not fixed, but rather transformable – or, to use the language of dialectics, 'sublatable'. An examination of the function of violence interprets the act of violence within the cinematic narrative as in a dialectical relation to law, which, in turn, is of course shaped by this relationality. The interpretation of an act of violence, in simple terms, depends on the ends pursued, and so, in this thesis, the notion of 'ends' belongs to the dialectic of the narrative function of violence. Generally speaking, the means deployed in different films (techniques of violence) may well be similar, and yet the ends (the aims, the telos) will differ. The question that shapes this thesis, then, is not 'is the violence of the protagonist right or wrong?' but rather: how does the use of violence function within the world of the story such that violence undergoes a transformation in its narrative meaning?

While dialectics have been used before by film theorists, particularly in the analysis of the architecture and aesthetics of filmmaking,[6] the objective of this thesis is to view

[5] The term telos is used widely in philosophy, but can be initially explained by Aristotle in the *Physics* and the *Metaphysics* to mean purpose, goal or end. In this thesis, it will be used to indicate a combination of these three meanings – signifying ends, but also a desired outcome, so the unity of both a purpose, end and a goal.

[6] The theory of montage editing evidences a dialectic: two or more images come together to produce meaning. The work of Lev Kuleshov is historically considered to be the basis for this work through the term 'Kuleshov Effect', developed from a series of filmic experiments conducted to prove 'that cinematic meaning is a function of the ordering of shots' (Prince and Hensely, 1992, p. 59). One hallmark example that is often discussed is '[Kuleshov]

dialectics in terms of the film's narrative rather than poetic construction. An examination of violence's narrative function, with the emphasis on both its means (techniques employed, modes and levels of violence) and its ends (its purpose, aims, objectives), focuses attention on the dialectical tension between law and violence.

This thesis does not view law as a fixed apparatus, but as something that appears in different forms given the context of the filmic narrative. The thesis will address how the term 'dialectic' is used more fully in the chapter to follow on methodology, but for the moment the term can be understood to simply indicate tension and conflict between violence and law, and the forms of transformation and sublation operative within the play of the functions of violence. More importantly for now is that, in speaking of the dialectical nature of narrative function, we are to consider the representation of violence in relation to its underlying structure. It is this structure that accounts for the essential similarities of the different forms of violence, grasped in functional terms as a means to an end, while also enabling us to examine the different purposes to which characters within film deploy violence.

The differentiation of the telos of an act of violence both transforms and – as I shall argue – dialectically sublates that act of violence in its relationship with law. To demonstrate these claims, this thesis concentrates on five representational functions of film violence. In each case the act of violence will disrupt and challenge the normative relationship of violence and law in their cinematic representation on-screen.[7] This does not mean to suggest that these functions are exclusive; as shall be seen, they may

intercut a perfectly neutral close up of an actor with a shot of a plate of soup; then the same close up with a dead woman in a coffin; then with a little girl playing with a doll. Audiences raved about the actor's sensitive projection of hunger, grief, and paternal joy, his subtle shifts of emotion depending on what he was looking at' (Prince and Hensley, 1992, p. 59). The juxtaposition of images to render meaning is also evident in Sergei Eisenstein's masterpiece *Battleship Potemkin* (dir. Eisenstein, 1925). As Jay Leyda, in *Kino: A History of the Russian and Soviet Film* (1983) explains: '[T]he importance of cutting and editing as a creative process was perhaps the most widely recognized revelation of *Potemkin*. The sensations of fear on the quarter-deck, panic and machine-like murder on the steps, tension on the waiting ship could only have been communicated by this revolutionary cutting method … Heretofore, the movement of a film had depended largely on the "logical" progression of action within the sequence of shots. Eisenstein now created a new film rhythm by adding to this content the sharply varying lengths and free associations of the shots, a technique growing directly from his interest in psychological research' (Leyda, 1983, p. 196). Montage is also associated with other Soviet filmmakers of the time: Dziga Vertov, Esfir Shub and Vsevolod Pudovkin.

[7] The classification of films according to violence's function has its roots in genre theory and also in the work of James Kendrick (2009) as he examines film violence through history, genre and ideology (which I examine later in this chapter). The ideological underpinnings can contribute to the determination of a particular function of violence.

overlap with one another and undergo transformations in doing so within the particular case study – that is, they will be analysed 'dialectically'.

This investigation is grounded therefore in the coincidence of the two terms: narrative and function. In the cinematic representation of violence, violence is a central narrative action. The use of the term function (in the sense of narrative function) identifies both the meanings and aims of an act of violence within a particular story. To develop a deeper understanding of those meanings, the thesis employs various philosophies of violence that are applied to derive the categories of function as well as to interrogate how similar means of violence can be used to different ends, thus changing the function of a particular act of violence.

The philosophies of violence selected for consideration enable the thesis to identify the different meanings that violence takes on, depending on different socio-political situations described by the films I consider. In terms of film, it is these different socio-political situations that provide a context for violence, and that indicate how different narrative functions emerge within film. The philosophers whose theories are discussed more thoroughly in the methodological chapter that follows do not, of course, develop their theories of violence specifically in terms of a 'filmic narrative function'. Their work nevertheless provides a philosophical basis for uncovering the different functions of violence found within film.

The narrative function of violence, then, draws attention to the way violence takes on a variety of forms and uses – violence serves different functions depending on the kind of film or genre it occurs within. In terms of a narrative function of violence, it is the use of violence that provides the dramatic action of the film, driving forward the central action of the protagonist. In the initial example of *The Great Train Robbery*, there is the violence of the outlaws, which provides the overwhelming action of the narrative, but there is also the violence of the group of men (equipped with weapons) who combat the threat of the bandits. Evidently, the violence employed by the representatives of law enforcement is distinct from the violence of the bandit, just as a gangster protagonist may pursue different ends to that of a soldier engaged in combat. Equally, different wars render the depiction of violence in cinema in distinct ways: the violence of the soldier in the Vietnam War film is often portrayed in an utterly different way to that of

the soldier who appears in the World War II film. The relationship between the means (violence) and the ends which are pursued determine the function of an act of violence.

Recent examination of film violence (Young, 2009) tends to portray it through a bifurcation of functions: violence is used by an individual who is corrupt or in conflict with the law, or violence is depicted as legitimately operating through the sanction of the state.[8] Take, for example, the character of Tony Montana in Brian De Palma's *Scarface* (1983): his use of violence is in conflict with the law and is presented as aberrant, illegitimate, even pathological, whereas, traditionally speaking, the use of violence by cops or soldiers, as extensions of the state, is more acceptable. This opposition of illegitimate versus legitimate violence is something I intend to complicate, through the analysis of narrative functions of violence in film.

This thesis eschews the binary of whether the violence of the protagonist is right or wrong. Forgoing this distinction to examine its function, which probes the use of violence within the world of the story and the limits imposed on its use through the relationship with law. It is through an analysis of various functions of violence that we can account for the multifaceted depictions of violence in different types of film – where violence is used to uphold the law in the case of the police force, and yet also used to break a form of law that is deemed corrupt (in the case of forcible regime change, for example). Violence's purpose, as wielded by the protagonist, distinguishes violence through the determination of ends. The means of violence are shaped through its functionality.

And so, a central tenet of this thesis is that there are many functions of violence at play within one narrative. An act of violence can be evaluated in film in simple terms through the basic set-up of an act (the means chosen by the protagonist, for example) that is used in pursuit of a certain end. However, in the case of my research, the relationship of means and ends, which determines an act's function, is derived from the relationship of law and violence, which I term a 'dialectics of violence'. Therefore, each *function* of

[8] Alison Young's book *The Scene of Violence* analyses film violence in the context of her term, the *crime-image*, which evidences a tendency in film theory to render violence as criminal. This reveals an essential opposition (which corresponds to functions of violence, as I will argue) where there are two kinds of violence: the illegitimate (*crime-image*) of the individual who uses violence versus the legitimate state that intervenes to restore order.

violence takes on a particular form with law – which further identifies its function. This thesis proposes a consideration of film violence unfolding at two levels – through a purpose, associated with the equation of means (x) and ends (y): (x:y), where means are qualified by ends, where law somehow mediates the use of violence. However, this thesis also stipulates that the relationship of law and violence is inherently unstable, and so any notion of teleology – of a purpose of violence – is already somehow ensnared between the relationship of law and violence. A relationship that is not fixed, of course, but inscribed in a dialectical tension between its two opposing terms.

The aim of this thesis, then, is to examine the function of violence in film, by interrogating the representational uses of violence that belong essentially to the narrative action of certain kinds of film, and where the narrative function of violence thus operates 'representationally' at a level internal to the world of the story. No doubt, a number of questions emerge in relation to this approach, which this thesis seeks to address: what is the function of violence in film? Does violence have different functions? In what way does the act of violence change its narrative meaning depending on the context that frames the actions of the characters? Or, more simply put, does the function of violence undergo certain transformations within the movement of the film's narrative?

Rationale for the selection of films

Now that I have indicated the direction of this thesis's enquiry, providing a brief overview of some of the key terminology, I would like to further establish some of the parameters of this thesis. To interrogate the narrative function of violence, I will examine five functions of violence through a selection of films – with each narrative exploring a particular function of violence, and at times a transformation between functions of violence. Philosophies of violence will be used as a methodological tool to probe the meaning of a particular function of violence within a filmic narrative. As mentioned from the outset, it is argued in this thesis that violence is intrinsic to film – that, in fact, the history of film is a history of film violence. While it is not the aim of this thesis to delineate film violence along specific geographical or cultural lines, it is nevertheless necessary to clarify the historical and geographical parameters of this investigation. The thesis predominantly draws on films in the mainstream Hollywood

context, within a broader argument of the uses of film violence. There are two general points which support situating this thesis primarily within the American film tradition: 1) American cinema is a cinema that is more often than not predicated on violence; 2) the American context is useful because of its long preoccupation with the relationship of violence and legality. I provide a survey of this tendency in the following section through a historical overview of the evolution of the depiction of violence on-screen in relation to the regulatory bodies presiding over the film industry in the United States.

Notwithstanding these factors, as the emphasis of this investigation is on the narrative function of cinematic violence, the rationale for the selection of films is developed primarily out of an interest in a film's narrative content and an examination of the internal workings of violence within the film itself, over a specific geographical or cultural context.[9] Therefore, it is not of immediate concern to analyse the investigation of film violence according to issues of cultural specificity, but rather to examine what purpose an act of violence serves within the narrative of a film and for particular characters – what this thesis will refer to conceptually as violence's narrative function. This thesis wishes first to establish an understanding of how systems of violence are constructed within the world of the story. While certain ideals are, of course, dependent on film genre, and this thesis will not ignore those classifications, this is not the central focus – several major studies of violence, according to film genre, have already been undertaken.[10] Typologies of violence, in this thesis, will be determined – as already noted – according to particular constructions of the relationship of violence and law, which occur within the narrative of the films under investigation. I will now provide an overview of how I approach the interrogation of these five functions of violence through a delineation of the films selected for analysis in the case studies.

The first case study examines the narrative function of state violence with two 'Hollywood' war films: *Saving Private Ryan* (dir. Spielberg, 1998) and *Zero Dark Thirty* (dir. Bigelow, 2013). The Hollywood war film facilitates an environment to examine state violence, as state violence obtains its purest legal form in the context of

[9] Although it is possible and of course interesting to survey these narrative tendencies along global lines, that would be the work of another investigation.

[10] See, for example, the book *Film Violence: History, Ideology, Genre* (Kendrick, 2009). Kendrick's approach is discussed in greater depth in the section of the Introduction on 'Contemporary Debates'.

war. The relationship of law and violence is one where law intervenes to mediate the use of violence. What I will explore, however, in both films, is how these theoretical presuppositions about the state's use of violence are problematic in the actual situation of war. Throughout the narratives of these two films, insights are drawn in relation to a classic binary of cinematic violence, where certain groups are endowed with the power to exercise violence with 'legitimacy' through the construction of a binary opposition between country and enemy.

In this sense, the Hollywood war film not only provides a wholly appropriate setting to investigate the state's function of violence, but also shows how the background and choice of military campaign transforms the way cinematic functions of violence are deployed. These two war films portray a cinematic narrative, each depicting quite different military engagements. This inaugurates one of the findings of the thesis: that we are in the midst of a third paradigmatic shift in the use of violence on-screen. Up to this point, I suggest, there have been two paradigmatic shifts regarding the function of state violence in the war film: the 'good' war film (World War II), and the 'bad' war film (typified by Vietnam). However, as I will demonstrate in the case study, the War on Terror film represents a possible third paradigmatic shift in the use of state violence as represented in the Hollywood war film. Instead of a depiction of a 'good' or 'bad' war, where the state either succeeds or fails to mediate the use of violence, the War on Terror film depicts a war which has no end – a military engagement in the condition of anomie. Where once the use of violence during wartime was considered an exception and still retained a relationship to the juridical order through the creation of a category of the 'wartime exception', now the exception has become the rule – the use of violence on the part of the state has reached a point where no law can justify its use.

In the second case study I draw on American gangster films to explore the criminal function of violence. At a superficial level, this specifically American tradition of filmmaking represents the classic binary of violence versus the law, where the violence of gangsters is (from the point of view of the state) illegitimate, and the violence on the part of the state is intended to curb that violence – that is to say, through 'legitimate' uses of violence.

However, this chapter will go beyond the traditional opposition of the anti-state violence of the criminal enterprise – revealing that there is a dialectic between the subjective violence the criminal characters use to support the systemic (objective) violence of the criminal enterprise. This demonstrates that the violence inherent in the criminal system adheres to its own profound structure – that law is not absent in the world of the gangsters, but, rather, is structured and administered according to the use of violence. This violence is deployed by members of the criminal enterprise – and so, as I will demonstrate in this case study, there is a dialectic between the objective violence of the criminal enterprise and the subjective violence of the criminal syndicate, which relies on the individual violence of its members to support its objective system. However, this dialectic threatens to disrupt the criminal enterprise, as the very subjective violence that sustains the objective violence of the criminal enterprise possesses a tendency for transgression which threatens, through acts of disobedience or excessiveness, to undermine the very system it is intended to support.

In this chapter I am able to draw conclusions based on a range of films, which portray similar narrative patterns. I posit that the theory of capitalism and the problem of the individual within the capitalist system are especially prominent in American history (and recent film theory supports the connection of the gangster film to the issues raised by capitalism, in particular, primitive accumulation). The urban capitalist system provides a similar geographical framework for the construction of an urban criminal enterprise.

In the third case study, I examine the narrative function of revolutionary violence. Here I have considered films that fall outside American cinema in order to analyse two narratives that interrogate the function of revolutionary violence. While there are American films which do examine acts of revolutionary violence – such as *The Patriot* (dir. Emmerich, 2000) – these films depict a type of revolutionary violence that is considered part of the continuing narrative of American political promise. Additionally, embedded within American history past and present is the idea of dissent – which is why a film like *Malcolm X* (dir. Lee, 1992), while a film which definitively portrays revolutionary action, nevertheless eschews the overt representation of total societal and political revolution. Revolutionary violence – in the sense of an overthrow of a

government, or the relationship of law and violence – is something which occurred at the outset of the American narrative (with the American Revolution of 1765–83).

In the case study on revolutionary violence, the motivation for the selection of these films stemmed from the philosophies of violence used to probe this particular function of violence: Frantz Fanon's *The Wretched of the Earth*. In this text Fanon draws on the anti-colonial Algerian struggle for independence against the French. *The Battle of Algiers* (dir. Pontecorvo, 1966) is overtly concerned with the issues raised by Fanon's critique – how violence may be directed towards an explicit telos of liberation and emancipation. The film's narrative follows events during the war of independence in Algeria in the late 1950s and early 1960s and specifically the insurgency of the FLN (Front de Liberation Nationale) in Algiers against the colonial French occupation. In this film the 'normative' relationship of 'legitimate' force and the state monopoly on violence is turned inside out – in other words, the relationship of law and violence on the part of the French colonial state is shown to be profoundly corrupt, necessitating the use of counter-violence to liberate the Algerian people from the violence of French imperialism.

Although on the surface it seems not to be a revolutionary film, the narrative of *A Prophet* (dir. Audiard, 2009), as I will demonstrate in the case studies, interrogates a crucial aspect of revolutionary violence, which is the link not only between violence and independence in a socio-political context, but the idea of the use of violence to achieve one's identity – the struggle for individual freedom. *A Prophet* is a film that takes place in a prison but is immersed in the world of organized crime. It might at first glance appear to have a narrative that is closer to the gangster genre, and thus not obviously one concerned with revolution. However, I argue that genre is not the determining factor here, and indeed is misleading; rather, considered thematically, it is the use of violence in the film's narrative that is ultimately liberating – providing a new identity for the protagonist – and that enables us therefore to grasp its function in terms of 'revolutionary violence'. While different in their narrative construction and setting, these two films, *The Battle of Algiers* and *A Prophet*, will explore issues central to the function of revolutionary violence: identity and emancipation.

In the fourth case study, the film *Bad Lieutenant* (dir. Ferrara, 1992) returns us to the milieu of American film. The narrative follows a very bad police detective indeed, and depicts not only the transformative relationship between law and violence, but also its sublation by a form of violence that wholly transcends the teleology of violence itself. To reveal this, in this case study I focus on a particular approach to the cinematic narrative that highlights a function that – borrowing from Walter Benjamin's 'Critique of Violence' and his development of the concept 'divine violence' – I will term the 'narrative function of divine violence'. In this film, we discover an act of violence that is divine when viewed from the perspective of the protagonist, but which, when viewed from the point of view of its victim or perpetrator, is an undeniably criminal act.

In order to elucidate divine violence, it is necessary to select a film which portrays an act of violence that produces as its function, the separation of law and violence. It is the unique narrative position of an act of violence in the *Bad Lieutenant* which allows it to fulfil its divine function. In this case study I also demonstrate how violence as a key dramatic act may be considered random within the greater narrative (i.e. where its narrative meaning becomes uncoupled from its telos).

Finally, the fifth case study considers the film, *The Killer Inside Me* (dir. Winterbottom, 2010). While it is directed by a British filmmaker, Michael Winterbottom, the film is set in Texas, the screenplay is written by an American and it is adapted from an American novel, not to mention the Hollywood actors who make up the main cast of characters. This overlap of nationalities involved in the making of one film is common in the increasingly global film industry.[11] Notwithstanding these facts, the motivation for selection of *The Killer Inside Me*, results from the proximity of the film's narrative to the analysis of the function of pathological violence and the relationship to the cinematic gaze.

The narrative portrays a local Texas police officer and his manipulation of female characters in the film, first as sexualized objects and then as objects of violence. In this case study I turn to an analysis of the cinematic gaze, to extend Laura Mulvey's

[11] For example, Italy's Oscar submission for the foreign-language entry is *A Ciambra* (dir. Carpignano, 2017) takes place in Italy, the director is Italian-American and it is executive produced by Martin Scorsese.

argument by showing its actual destructive potentialities, where what is implicitly violent becomes explicit. Here, the female character is first represented as a passive subject of the cinematic gaze and then becomes the locus for the violence of the male protagonist. The narrative depicts a relationship between law and violence, which is structured according to gendered and patriarchal forms of violence. This narrative demonstrates the transformation of the cinematic gaze into pure, unadulterated violence – and, as the case study shows, reveals the most extreme function of cinematic violence: the *pathological* function of violence. For such a narrative, what one encounters is a dialectic where the relation of law and violence is not so much resolved as perverted, and finally destroyed through an act of self-immolation.

While each of these case studies presents a particular function of violence, it is in each case the narrative structure that determines an understanding of how acts of violence function within the world of the story. It is within the narrative that the meaning of violence is ascertained through the systematic use it serves. Further, as this thesis will emphasize, it is through the narrative that violence's function is ultimately grasped, through the dialectical relationship of law and violence.

A brief overview of the methodology

The narrative functions of violence have already been mentioned, and I have specified the five functions that are of particular concern in this thesis. I would now like to say a little about how these functions were derived – which goes to the heart of the methodology of the thesis. In fact, each of these typologies of violence will be approached through the application of what the thesis calls 'philosophies of violence'. By this, the thesis refers to particular ways in which philosophers have theorized what violence is, and the findings that result from an interrogation of the narrative functions of violence through the application of these philosophies to selected films. While expanding on these philosophies considerably in the second chapter, here I would like to indicate briefly the theorists to whom I will turn to provide philosophical interpretations of violence, and through whose work these functions of violence are developed. For state violence the thesis turns to Max Weber and just war theory. Criminal violence looks at Slavoj Žižek's work on subjective and objective violence and also delves briefly into Karl Marx's theories of primitive accumulation. To consider

revolutionary violence, Frantz Fanon's analysis of violence and colonization is used, while the function of divine violence is examined through the work of Walter Benjamin. Finally, for pathological violence I draw on the psychoanalytic theory of Jacques Lacan, specifically his work on desire, returning to philosophy in order to explicate Žižek's philosophical concept of the *obscene supplement* and its connection to the Lacanian term the *Name-of-the-Father*. While not exclusively applied to a particular function of violence, Hannah Arendt's analysis of violence and its relationship to power provides insight into an issue which is confronted in different functions of violence. Additionally, although not philosophies of violence per se, the work of Giorgio Agamben and Carl Schmitt serve as key provocations which rupture the strict classifications of violence in terms of its function.[12]

Through an examination of the cinematic functions of violence, it is evident that the telos of violence varies between different representations, even in cases where the means of violence are the same. Moreover, in cinematic representations of violence, the telos of violence is itself transformed – that is to say, its function and its relationship with law is inherently unstable, and it is the instability of violence that enables it to be sublated and transformed. Violence itself is both the agent and object of transformation. And it is precisely in order to reach an understanding of the structural shifts in the relationship of violence and law that this thesis aims to disclose its transformative nature.

One of the core claims of the thesis is that it is through the analysis of the function of film violence that we are able to suspend the immediate classification of an act of violence as either good or evil, legitimate or illegitimate, and we can do so by specifically showing that violence does not exist in a fixed relationship with law. The tendency within much film theory, as we shall shortly see, has been to peremptorily interpret violence precisely in these binary ways, thus overlooking the more complex dynamics at play.

[12] Agamben's concepts of homo sacer and anomie will be used to analyse the function of state violence and the war film. Carl Schmitt's interpretation of the exception is used in this chapter and, in addition, Agamben's reading of this term (the exception) is of considerable importance here as well. Agamben's work is influenced by Walter Benjamin's work on divine violence and the intersection of their thought is applied throughout the thesis.

The remainder of this chapter outlines a brief history of film violence by emphasizing two paradigmatic shifts regarding the regulations imposed on the cinematic representations of violence. It is possible from the legislation to trace how the function of violence has played a central role in the deployment of violence in the filmic story. The regulation of film content and its relationship to the depiction of violence in film, evidences another dialectic with the law.

The thesis then introduces recent approaches to film violence which have relevance in setting up the key issues of the thesis: thinkers who go outside of film theory to examine film violence in the context of the socio-political situation or evaluate through law and justice the depiction of violence on-screen. The final two contemporary film theorists considered make an argument for an engagement with film violence from a legal perspective and an evaluation of constructed political systems around the use of violence. Here an analysis of violence emerges which considers its internal workings, and it is within this opening that the thesis, through an evaluation of different narrative functions, is able to interrogate the cinematic representation of violence.

First, however, I will consider certain themes in the history of film violence, which may be used to establish the foundations for examining film violence in terms of the relationship of law and violence.

Historical Account

In many ways, the history of cinema could be considered to be the history of cinematic violence. While it is not the aim of this thesis to trace the entirety of this history, there are nevertheless paradigmatic shifts that should be considered. This is particularly relevant if one draws on American film to provide a historical context to examine film violence, where there emerges a consistent connection between the law and violence. This is evident not only in the narratives that unfold on-screen, but through the relationship between the regulatory bodies that legislate film content. It should be noted that this thesis will orient the investigation of the narrative function of cinematic violence in the American film tradition, although I will at times go outside the parameters of this geographical specification (as mentioned earlier). As a result of the

thesis' emphasis on an investigation of film violence which privileges its internal elements (internal in terms of its narrative function), it is the story itself rather than the external elements of its production (geographic or historic specificity) which are drawn upon for consideration.[13] However, notwithstanding these facts, the thesis primarily examines American films after the late 1960s.

This next section of the introduction outlines a brief history of American film violence, emphasizing two paradigmatic shifts in the regulation of film violence within the wider context of American film history. These shifts are: the Motion Picture Production Code (the Production Code) of the 1930s and the eventual dismantling of the Code and its replacement by the Motion Picture Association of America (MPAA) film rating system in the late 1960s (Kendrick, 2009, p. 45; Prince, 2000, pp. 6–7)

Two paradigm shifts

The first shift to concrete censorship, was the creation of the Production Code in 1930. However, this was not fully enforced until 1934 when the Production Code Administration (PCA), a group responsible for surveying the maintenance of the Code's terms, was instituted (Kendrick, 2009, p. 45). The PCA ensured filmmakers were required to submit their films before release. The second shift, the dismantling of the Production Code and its replacement with the MPAA Ratings System, occurred in 1968. The ratings system granted filmmakers much greater freedom in the depiction of violence, consequently ushering in a period of ultraviolence on-screen. Film techniques that are characteristic of this period, in particular the aesthetic depiction of violence, are still widely used in contemporary cinema (Prince, 2009, p. 6).[14] The late 1960s, in other words, saw a turn to graphic violence that has continued to the present day.[15]

[13] It is not the object of this investigation to draw conclusions about film violence along geographical lines, although this is, of course, an important element of any film production. Undoubtedly, narratives are shaped out of state affairs and conflicts, and are also responses to the specific cultural contexts in which they are made, but this is not the subject of this investigation.

[14] For example, Sam Peckinpah, in *The Wild Bunch* (1969), used a montage-based aesthetic 'characterized by multi-camera filming at varying speeds and rapid cutting, to break with realism in order to substitute a *stylized* rendition of violence' (Prince, 1998, p. 49).

[15] The three top-grossing domestic films of 2015 were: *Star Wars: The Force Awakens* (dir. Abrams, 2015), *Jurassic World* (dir. Trevorrow, 2015) and *Avengers: Age of Ultron* (dir. Whedon, 2015), which all feature violence as action.

These two paradigmatic shifts in legislation demonstrate that the functions of violence within the filmic narrative were utterly set by the Code, as it established a normative relationship between violence and its representation on-screen.[16] The replacement of the Code in the late 1960s with the ratings system produced films that dealt with the anti-normative representation of violence on-screen. This thesis will concentrate on the period after the Code was abolished, where, in mainstream Hollywood cinema, the normative function of violence becomes merely one alongside many other functions of violence on-screen. The focus on the relatively recent period (which features many different functions of violence in a film's narrative structure), allows for a more thorough examination of violence's purpose in the cinematic narrative. Additionally, this period sees a more fluid interpretation of the relationship between law and violence in the filmic story.

These two shifts demonstrate how function has played a central role in the deployment of violence in the cinematic narrative. Not only does this progression portray a consistency in the depiction of violence in American cinema, but it evidences how the cinema developed its own regulation as another dialectic with the law. I consider through these two shifts, how the representation of the relationship of violence and the figure of law played an important role in the development of the narrative structure in American cinema. Further, these legislative battles demonstrate a 'dialectics of violence' which has been internal to the industry of moviemaking from the beginning: that cinema itself appears in a dialectical tension with the law. By this I mean that the regulatory bodies (Production Code, Ratings System) act as a form of law in a dialectic with the representation of violence on-screen, which they seek to contain.

The first legislative shift, the institution of the Production Code, demonstrates how the function of violence is dependent on the laws which curtail its use – or, more simply, that there is a dialectic of law and violence in early American film which the regulatory bodies deemed it necessary to resolve (at least from a narrative standpoint). The second paradigmatic shift, which involved dismantling of the Code, may be interpreted as a

[16] It is important to note that even the word 'violence' was used infrequently until the late 1950s and early 1960s, in favour of an emphasis on crime (Kendrick, 2009, p. 43). This shows a tendency to view forms of film violence in a normative fashion with a predetermined criminal function.

tacit demonstration that the narrative function could no longer be contained within a fixed relationship of law and violence. The law, in the form of cinema's own regulation, would have to exercise a flexible relationship with the cinematic representation of violence. Finally, these legislative shifts show the necessity to examine film violence in terms of its narrative function and within the conceptual framework of a 'dialectics of violence'. The following section will provide an overview of this dialectic: between the regulatory bodies of the film industry (censorship) and the cinematic representation of violence, emphasizing its narrative function.

Censorship

In 1909, the People's Institute founded the National Board of Censorship[17], one of the first steps in addressing public concerns over the effects of motion pictures (Slocum, 2001, p. 5). 'Moving pictures were a public form of entertainment, and, because of their public character, they became a centre of controversy' (Rosenbloom, 1987, p. 307).[18] This initial move towards censorship came in the form of self-regulation,[19] which Rosenbloom describes as 'a body committed to the principle of voluntary censorship' (Rosenbloom, 1987, p. 307).[20] Not only does this indicate an awareness of how illicit content might actually be attractive to audiences, but also the battle becomes centred on the question of who should be endowed with the power to regulate the film industry.[21] The period of the National Board of Censorship – until the creation of the

[17] In December 1908, Mayor George McClellan closed theatres in response to protests from the public against the motion picture industry. Many attributed this response to pressure from vaudeville and burlesque owners who were angry at losing their audience to motion pictures. By 25 March 1909, The National Board of Censorship held its inaugural meeting where they began the process of reviewing films and suggesting moderate amendments to the films (Lewis, 2002, p. 88).

[18] Rosenbloom (1987, p. 308) makes a connection between film censorship and a series of political crises that created a context for reform.

[19] They outlined a format: the studios would send in their films for review and pay a fee to the Board, which then would make sure these films were in alignment with normative moral and social standards (Kendrick, 2009, p. 43).

[20] The debate between official or voluntary censorship raged at this period, as a consensus over what was deemed censorship was sought. Rosenbloom points out how, at the advent of censorship, the industry mobilized itself as a 'special interest group' (Rosenbloom, 1987, p. 308).

[21] For example, as we shall later see, violence may be a popular form of entertainment, but its depiction has been altered to satisfy the censors. The period of the early 1930s, when the Code had been introduced but not yet fully enforced (up until 1934), continued to feature violence in pictures; there was an awareness of the censoring problems – yet a desperate attempt to keep violence as a key part of the filmic narrative. This period of time may be analysed as portraying the debate over violence's function.

Hays Office in 1922 – would be marked by this debate, even going so far as to consider how the act of censorship related to the larger issue of US constitutionally protected free speech.[22] Frederic C. Howe, the Director of the National Board of Censorship (1910–15) was explicit on this issue: '"the general conscience believes in free speech on religious and political matters; in the right of people to live and enjoy themselves in the way they see fit, so long as fundamental morality is not injured"' (Rosenbloom, 1987, p. 316). Even as Howe emphasized the issue of free speech, he also recognized the need to preserve morals on-screen.[23] This would affect the distinctions made between acceptable and unacceptable forms of violence, particularly in the gangster cycle of the 1930s.

The National Board of Censorship, rebranded as the National Board of Review in 1916,[24] was authorized to approve certain productions and forbid others.[25] Slocum (2001, p. 5) indicates that the Board of Review constructed an evaluative template from eight prohibitive standards (he emphasizes two), which relate to our consideration of how censorship affects the representation of violence: the 'undue depictions of crime' and the prohibition of 'unnecessary elaboration or prolongation of suffering, brutality, vulgarity, violence, or crime' (Slocum, 2001, p. 5). Kendrick classifies these as the '*what* and *how*' prohibitions (Kendrick, 2009, p. 44, italics in original). Not only would these prohibitions appear in the 1930s Code, but also this inability to distinguish between crime and violence would shape industrial film legislation for years to come (Slocum, 2001, p. 5). It is particularly noteworthy that these concerns with the narrative function of violence emerged precisely in relation to forms of violence whose ends were deemed inappropriate – where the representations were classified as criminal, or an instance of crime, and were not met with an adequate response by law enforcement.

[22] "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances" (The Constitution of the United States, Amendment 1 [http://constitution.findlaw.com/amendment1.html#sthash.nNIMcCSN.dpuf)]).

[23] Howe recognized that the issue of controlling public morals was not straightforward: 'he cautioned that in one audience it might encourage the desire for reform while in another the desire to imitate' (Rosenbloom, 1987, p. 316).

[24] The National Board of Censorship changed its name to the National Board of Review in order to reflect its alignment with anti-censorship policies (Rosenbloom, 1987, p. 319). Some argue (May in Rosenbloom) that it was the film *The Birth of a Nation* (dir. Griffith, 1915) which sparked an intense debate over film censorship.

[25] Many films featured the emblem 'Passed by the National Board of Review' either in the titles or end credits [http://www.nationalboardofreview.org/est-1909/].

In 1922, the US film industry formed a trade association, the Motion Picture Producers and Distributors of America (MPPDA), led by the former Postmaster General, Will Hays. Its primary task was to distinguish between material that was appropriate, and material that was scandalous. In 1924, this was formalized by the MPPDA's articulation of the relatively obscure 'Formula'. However, three years later there appeared a list of 'Don'ts and Be Carefuls', which distinguished between activities whose representation was forbidden outright and other acts which were allowed but had to be presented delicately (Kendrick, 2009, p. 44). Violence was not included in the 'don'ts', although 10 of the 25 'be carefuls' were linked to film violence (Kendrick, 2009, p. 44.). Kendrick argues that this demonstrates the industry's awareness that violence was attractive to audiences (Kendrick, 2009, p. 44).[26] Violence's inclusion as a concern in the 'be carefuls' indicates that it is not a matter of whether violence should be present on-screen, but rather *how* violence is to be represented. Stipulation (7) of the 'be carefuls' cautions that the 'technique of committing murder by whatever method' should be handled responsibly. This consideration suggests that the function of violence within the filmic narrative should exist within the normative boundaries imposed by society; in other words, violence by the individual is criminal, whereas representatives of the law are permitted the use of violence, as these are acts that comport with their duty to protect the public. The relationship of law and violence in the cinematic narrative is predetermined through these censorship requirements. Censorship is by no means aimed at removing violence from the screen; rather, it strives to make it acceptable.

The Production Code

In 1930, the MPPDA elaborated on the 'Don'ts and Be Carefuls', producing the Production Code. The Code[27] provided rules and regulations on narrative and visual film matter (Kendrick, 2009, p. 45). For example: 'brutal killings must not be shown in

[26] See Kendrick (2009, p. 44) for a list of the ten 'be carefuls' related to violence, e.g. (4) 'The use of firearms', (6) 'Brutality and possible gruesomeness', and (7) 'Technique of committing murder by whatever method', to name a few.

[27] Popularly known as the Hays Code after its creator, Will H. Hays, who was president of the Motion Picture Producers and Distributors of America (MPPDA) from 1922 to 1945.

detail, murder must not be glamorized so as to inspire imitation, and the use of firearms should be sparing' (Prince, 2000, p. 2). The Code would not be completely enacted until 1934, when the PCA, a regulatory body to encourage compliance with the Code, was created (Kendrick, 2009, p. 45).[28] During the 'pre-Code' period (between the announcement of the Hays Code and the imposition of its conditions through the PCA), the studios exhibited a sense of risk, reflected through the liberal depiction of violence and sexuality.[29] Some of the films produced during this period provide excellent case studies of the censorship battles of the 1930s, as productions like *Scarface* (dir. Hawks, 1932) were fraught with injunctions over endings and the depiction of gangster protagonists.[30]

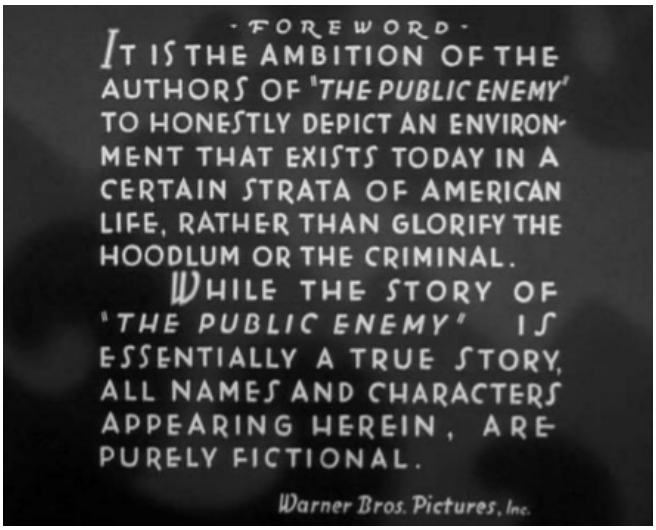


Figure 2. *The Public Enemy* (dir. Wellman, 1931)

Notably, a popular 1930s gangster film, *The Public Enemy* (dir. Wellman, 1931), opened with a foreword that made clear to its audience that the film did not endeavour to 'glorify the hoodlum or the criminal'.

Richard Maltby emphasizes that organized crime and violence permeated the late 1920s and early 1930s. Many of the movies of the early 1930s may be evaluated as the delicate balance of 'a transgressive spectacle [which] could be contained within a repressive narrative structure' (Maltby, 2001, p. 141). Here we see how the narrative function of violence must correlate to an image of law that contains its use. Studio heads and filmmakers were aware of the popularity of violence as a spectacle, and therefore,

[28] The PCA would provide a certificate of approval before the film was released. Major studios would not circulate films that did not receive a Code approval (Prince, 2000, p. 2).

[29] Mike Mashon provides a historical account of the experimentation in subject matter which occurred during this pre-Code period, where filmmakers explored 'taboo subjects from adultery and poverty to crime' (Mashon and Bell, 2015).

[30] See Richard Maltby's chapter, 'The Spectacle of Criminality', in Slocum (2001), which provides an excellent account of gangster films in the early 1930s, in particular Hawks's *Scarface* (1932).

instead of eliminating violence, they began a process of concealing its representation through the narrative structure.[31]

Lurking underneath the concern with how violence is depicted and whether criminal characters are subjects worthy of empathy is the 'effect' argument. The 'effect' argument directs the evaluation of screen violence to whether the violence within the film has the potential to encourage imitation or mimesis.[32]

Joseph L. Holmes initiated a notorious study on the effects of film on children.[33] The study produced inconclusive evidence of harm, which Holmes attributed to the prevalence of films with a positive moral ending – where good overcame evil (Maltby, 2001, p. 123). It strengthened the idea that control over movie content could protect the public; and perhaps even promote their morality.[34] Holmes demonstrated that, where normative preconceptions about law and violence are intact, film violence would not be harmful. While the potential effects of violence on the screen audience will not be considered in this investigation, it is important to note that these arguments had a profound relationship with the Code, as the Code is of course a product of many of these explosive debates concerning the effect of movie content.

In 1931, Dr James Wingate (head of the New York Censor Board) would follow this line of thinking with suggestions on how to depict crime and the police: 'pictures showing the police doing their job efficiently were suitable and even beneficial in establishing a wholesome regard for the law' (Maltby, 2001, p. 134). Even more so, Maltby suggests that when crime films presented the police as inadequate, 'they added

[31] Maltby cites the journalist Eileen Percy, who explicitly makes the request: '[W]e want gang pictures. But we want them as propaganda against rather than for' (Maltby, 2001, p. 131).

[32] Sylvia Chong goes into greater depth on this issue in her chapter 'From "Blood Auteurism" to the Violence of Pornography: Sam Peckinpah and Oliver Stone' in Steven Jay Schneider's *New Hollywood Violence*: 'Although none of the critics of obscenity propose a theory of how violence is mimetically transferred, it is likely that imitation (when it occurs) follows from identification with the characters in the text' (Chong, 2004, p. 258).

[33] Even in the present day, films are rated according to what age the film is suitable for viewing at.

[34] In 1933, social science methodologies were being used to analyse the effect of films on the audience. The Payne Fund Studies showcase an initial step into the social science investigation of the rising influence of the subject matter of film on the audience (Slocum, 200, p. 6). Criminal behaviour in film provides a medium for interpreting the audience's reactions to the question of the relationship of legitimacy and violence. The following should be considered in light of motion picture crime stories: a) how is the public's sense of security affected? and b) how is the regard for law and order influenced? (Slocum, 2001, p. 6).

to what Wingate felt was the dangerous breakdown in respect for law that had been brought about by Prohibition' (Maltby, 2001, p. 134). Not only, in Wingate's opinion, does the portrayal of violence affect social mores, but it could also work as propaganda to correct negative views about officers of the state.

Pre-Code Hollywood also enjoyed a great deal of liberty in its depictions of women, violence and female sexuality.[35] The late 1920s and 1930s saw women's screen roles expand, in ways that were consistent with the shift in societal expectations.[36] Female stars were immensely popular at the box office, which helped to shift earlier predetermined roles for female actresses (LaSalle, 2001, p. 4).[37] However, when the constraints of the Code emerged, there was a definite focus on female sexuality. LaSalle (2001, p. 1) argues that the Code was focused on female sexuality and insisted on 'put[ting] the genie back in the bottle – and the wife back in the kitchen' (LaSalle, 2001, p. 1).

For example, in film, crime should not be presented so as 'to throw sympathy with the crime as against law and justice or to inspire others with a desire for imitation' (Slocum, 2001, p. 6).[38] For the Code, the function of violence was intended to render the

[35] As Mick LaSalle argues in *Complicated Women: Sex and Power in Pre-Code Hollywood*: 'Before the Code, women on screen took lovers, had babies out of wedlock, got rid of cheating husbands, enjoyed their sexuality, held down professional positions without apologizing for their self-sufficiency, and in general acted the way many of us think women only acted after 1968' (LaSalle, 2001, p. 1).

[36] In fact, before this period (after the advent of sound but before the PCA fully enforced the Code), women were confined to two possibilities when it came to cinematic representation: the vamp or the ingénue. LaSalle examines prominent female screen stars who challenged the status quo, Norma Shearer and Greta Garbo. 'How Shearer did it was by taking the ingénue into the bedroom and making everybody like it … [she] became the first American film actress to make it chic and acceptable to be single and not a virgin on screen' (LaSalle, 2001, p. 6). On the other hand, 'Garbo went in the other direction. She took the evil vamp and turned her into a martyr' (LaSalle, 2001, pp. 6–7).

[37] Before the 1940s, many American films were organized around stars and producers (LaSalle, 2001, p. 2). In this way, Greta Garbo and Norma Shearer were able to shift the representation of women in film away from this dichotomy (LaSalle, 2001, p. 4). LaSalle maintains that, even more important than directly challenging the status quo, women on-screen in the pre-Code period raised questions: 'Who is this woman? Is she good or is she bad?' (LaSalle, 2001, p. 8). The answers to these questions were not immediately apparent: 'they stretched the boundaries of "good" with every move they made' (LaSalle, 2001, p. 8). 'The Vamp had been a stereotype based on male paranoia and misogyny, but Garbo turned it on its head and used it to give voltage to a romantic vision that was deeper and stronger than anything anyone had ever seen' (LaSalle, 2001, pp. 6–7). For example: 'Garbo's *Queen Christina*, in which she played a bisexual, is the most daring and humane examination of sex and gender the studio system ever produced' (LaSalle, 2001, p. 8).

[38] The production of *Scarface* also experienced a series of production halts and suggestions to alter the plot in order to arrive at a version of the story that would satisfy industry standards. From the first draft, Jason Joy, the director of the MPPDA's Studio Relations Department, understood the danger in the similarity of the story of *Scarface* to

relationship between law and violence in wholly normative terms, an attempt at providing a narrative resolution between the dialectic of violence in terms of the regulatory bodies (law) and violence on-screen – law should intervene to mediate the use of violence. Violence might be used on behalf of the state, in order to deal with criminals, but the gangster protagonist could not be depicted as heroic – deprived of their Tommy guns, they are shown to be weak and pathetic individuals.[39]

For example, if we consider Howard Hawks's *Scarface*, which tells the story of gangster protagonist Tony Camonte, the film faced a number of Code-related issues. Upon initial submission, under the Code, censors were able to criticize a story they argued would lead to the glorification of the criminal protagonist (Slocum, 2001, p. 135). Jason Joy, the Director of Studio Relations, argued for alternate endings where the gangster protagonist, Camonte, would turn 'yellow', especially when deprived of his Tommy gun.[40] The Studio Relations Committee (which became the PCA in 1934) believed that these changes to the ending, in addition to a foreword[41] explaining the depiction of 'gang' violence audiences were about to see, could render *Scarface* viable as anti-gun propaganda (Maltby, 2001, p. 136).[42] The film was eventually released with these concessions made to the Code.[43]

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the biography of Al Capone (Slocum, 2001, p. 134.) This likeness would directly impact on the film industry's depiction of real-world violence.

[39] See the end of *Scarface* (1932).

[40] Joy was tasked with monitoring film production, making cuts and changes. His assistant, John V. Wilson, made suggestions to Hughes (producer on *Scarface*) about how to depict the violence: '"keep the camera off the assailant and the victim, in each case, while the murder is being done"' (Maltby, 2001, p. 135, citing John V. Wilson to Hughes, 1 May 1932, PCA, *Scarface* file). For more information on the actions of the studio during this period see the MPPDA Digital Archive, an Internet database containing documents from the MPPDA from 1922 to 1939 [https://mppda.flinders.edu.au].

[41] The foreword reads: 'This picture is an indictment of gang rule in America and of the callous indifference of the government to this constantly increasing menace to our safety and our liberty. Every incident in this picture is the reproduction of an actual occurrence, and the purpose of this picture is to demand of the government: "What are you going to do about it?" The government is your government. What are YOU going to do about it?'

[42] The portrayal of murders at the hands of criminals armed with guns, in other words, would act as a means of supporting anti-gun legislation (Slocum, 2001, p. 137).

[43] The gangster movies, however, were a failed attempt at such a strategy, since their reception deemed them inadequate representations of public hostility to the spectacle of criminality, and made the movies a collateral target for the denunciations and anxieties the spectacle of criminality was attracting through other media (Maltby, 2001, p. 141).

In the final scene, Camonte is shown dying in a hail of bullets at the hands of the police – an ending deemed necessary in order to demonstrate the consequences of posing a violent threat to society. During this barrage of bullets, Camonte is seen opening a large gun cabinet, reaffirming his tendency towards the use of violence. Camonte is portrayed as strong and fearless while he possesses weapons, but he is later left without any. He grovels to the police and even attempts to run away. One of the first amendments to the film stipulated this revised conclusion 'so that the detective, Guarrini, can "get his man"'.[44] The assertion of a normative function of violence became a requirement of films emerging under the Code: that the law must intervene to reconcile the relationship of law and violence. Violence on the part of the state, employed to eliminate its enemies (criminals or gangsters), was classified as legitimate, whereas violence by individuals not tied to law enforcement was considered criminal and therefore anti-normative.[45] Once the Code was fully operative, films required the criminal protagonists to always pay for their crimes, as happens in *Angels with Dirty Faces* (dir. Curtiz, 1938) when the protagonist faces execution;[46] or, as occurs in the infamous depiction of the psychologically aberrant criminal (James Cagney), who self-immolates in *White Heat* (dir. Walsh, 1949).[47]

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[45] But see *The Godfather*, which was made after the dismantling of the Production Code, and which notably features a corrupt police captain, Capt. McCluskey. After the Production Code was abolished, Hollywood filmmakers were free to experiment with anti-normative functions of violence. During the establishment of the Code, many of the debates surrounding the function of violence in film were not treated overtly. For example, Maltby quotes the Maine newspaper *Lewistown* as saying, 'It was alright to glorify the badmen of the early West. They had a code. They were not afraid to shoot it out in the open. But what is colorful about a crawling louse?' (Maltby, 2001, p. 140). The Western offered more clearly delineated 'good' versus 'bad' uses of violence.

[46] There is some ambiguity about the movie as Jerry (a Catholic priest) pleads with Rocky (the criminal protagonist) to demonstrate that he dies a coward by asking for mercy on his way to being executed. It is not clear whether he actually is scared or whether he finally listens to the priest. Either way, it has the desired effect of diminishing any respect from the other members of the gang, as they believe he has 'turned yellow' and become a coward at the end.

[47] Maltby explains: 'The cultural function of the gangster and racketeer changed very rapidly', followed by a quote from Robert Lacey: '"no longer envied or admired as the fascinating middleman", he was "the symbol of all that was going wrong in a complex, frightening, and increasingly impersonal world"' (Maltby, 2001, p. 128). Maltby directs the reader to Robert Lacey's *Little Man: Meyer Lansky and the Gangster Life* (1991, p. 88).



Figure 3. ***White Heat*** **(dir. Walsh, 1949)**

The Code symbolized the concern that film violence (and specifically the idea of crime) was tied to a conflict with the law. The designation of 'criminal' to an act of violence positioned it in a normative relation to the law, where the law was understood as possessing the ability to condone certain acts of violence. To show sympathy with the 'criminal' act not only confirmed the act, but critiqued the law. The concern over what was appropriate for depiction on-screen came to embody the conflicting nature of society over the question of violence, legitimacy and the use of governmental force (Slocum, 2001, p. 6).

Notwithstanding these parameters, implemented under the Code's proscription of the use of violence in the cinematic narrative, violence in film persisted during the period of the Code into the 1960s, because it was never altogether prohibited (Kendrick, 2009, p. 46.) Rather, inter-Code film violence is characterized by unique aesthetic choices, developed in order to comply with the standards set by the Code.[48] In this sense, the

[48] The perpetrator and the victim would not be included in the same frame when a shot goes off. One would probably not see the identity of the 'perp', but rather a shadowy figure with the shadow of a weapon (Kendrick, 2009, p. 46).

boundaries designated by the Code became the very arbiters of screen aesthetics at this point in film history (Maltby, 2001, p. 121).

More fundamental for this period, films are clearly delineated according to the normative functions of violence. Most film violence in this period is characterized by a strict binary of right versus wrong, enforcing the idea that the use of violence on the part of the state in order to protect and serve its people is always 'right', while violence on the part of criminal individuals is always 'wrong'. In the following chapter on methodology, it is possible to interpret the Code's agenda on violence as correlating with Max Weber's designation of the state as holding the monopoly on the legitimate use of violence. Violence has two specific functions during the period of the Code: criminal and state, simply positioned as wrong versus right, illegitimate versus legitimate. One clear example is *High Noon* (dir. Zinnemann, 1952), a classic Western of the inter-Code period in which the bad guys – Frank Miller and his group of criminal outlaws – use force in order to control and terrorize the local townspeople. Opposing them is Kane, the town's sheriff, who is about to retire because he is marrying a Quaker woman (not surprisingly, always clad in white and espousing a horror of violence). Kane's use of force is accepted as legitimate, regardless of the fact that the townsfolk have abandoned him, and he is eventually vindicated when he destroys the criminal gang. Significantly, not only is Kane's violence depicted as legitimate within the narrative story, but also the very aesthetics of his use of force is one of reticence and rationality. His backstory is even explained, positioning him as an advocate of this same gang's arrest years earlier instead of their execution. As a result, the story illustrates Kane's violence as a means of last resort, where force is deployed only as a necessity. Legitimate violence during the period of the Code is portrayed as existing in a rational framework.

Rating System

Two films produced in the late 1960s, Arthur Penn's *Bonnie and Clyde* (1967) and Sam Peckinpah's *The Wild Bunch* (1969), corresponded with the replacement of the

Production Code by the MPAA Ratings System (1968),[49] which produced a paradigmatic shift in the way films were made and specifically the cinematic representation of violence. While styles would come and go for the next 50 years, the graphic nature of violence and its depiction on screen was here to stay. Film techniques, such as the use of squibs and graphic slow-motion violence, rendered the representation of violence at an unprecedented intensity. As Stephen Prince states at the beginning of *Savage Cinema: Sam Peckinpah and the Rise of Ultraviolent Movies*: '[U]ltraviolence is offered up by auteurs and hacks alike, and it regularly draws fire from politicians and other social watchdogs over its presumably unwholesome influence on American culture' (Prince, 1998, p. 2).

The shifts in the cinematic representation of violence did not spring from film violence alone. In the 1960s, America witnessed an escalation of societal violence: the Vietnam War, student and civil rights protests and political assassinations suggested that America was a place where violence had become a part of the moral fabric, a consistent political and social concern.[50] The presence of violence on television screens and in the news, covering the increasingly bloody realities of the day, necessitated a shift in the cinematic depiction of violence. Not surprisingly, this had an effect on legislation governing films. Changes in the Production Code were made to grant more freedom to represent violence. In 1966, the Code changed the instructions for restricting content, replacing them with vague stipulations about 'discretion' when deciding how to illustrate death in the movies (Prince, 2000, p. 6).

Thus, when the MPAA Ratings System came into effect in 1968, it granted far greater freedom for filmmakers to depict violence on-screen, while still guiding the determination of suitable content for the public. The new ratings system would help provide a measure of accountability for screening violence through a G-M-R-X classification (Prince, 2000, p. 37).[51]

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[49] The Production Code was revised in 1966.

[50] Conditions like the student protests and the Vietnam War prompted Hannah Arendt to consider evaluating violence in her text *On Violence* (1970), discussed later in the thesis.

[51] Stephen Prince, in *Screening Violence*, evaluates the reasoning behind the Code through the perceived fears about screen effect and mimesis. He examines the limitations of the inconclusive investigations of the effects of screen violence on children (Prince, 2000, p. 67). Prince includes (MPAA President) Jack Valenti's statement to the

Arthur Penn's violent outlaw movie *Bonnie and Clyde* (1967) put these changing attitudes on display: violence is set ablaze with its infamous, 22-second, slow-motion, machine-gun slaughter of the film's protagonist couple (Kendrick, 2009, p. 59).



Figure 4. *Bonnie and Clyde* (dir. Penn, 1967)

The film became a landmark for the new ultraviolence of post-Code cinema, with its visceral intensity and innovations in the techniques for depicting realistic violence. The two main characters are riddled with bullets, and the effects on their bodies are graphically represented through the explosion of squibs, heightening the realistic representation of violence in the demise of these two outlaws.[52] Unlike films during the Code, where death and destruction are carefully constructed to distance the audience from the actualities of the narrative, Penn's film propels the spectator into the midst of the violence, making film violence experiential. The lines of right and wrong are blurred through the intensity of the annihilation of the criminal protagonists at the end.[53]

Commission in his text *Screening Violence*, where Valenti outlines the conflict of screen versus society and staunchly defends the artist's right to depict violence with freedom in film (Valenti, 2000, pp. 62–75).

[52] Critics were at odds with regard to the film's use of violence. Some, including Bosley Crowther, condemned it, while others, such as Pauline Kael, lauded the work as providing violence in a filmic context that sought to say something about the function of violence itself (Kendrick, 2009, p. 60).

[53] Penn intended for the audience to see the slaughter in all its horrific intensity, using a combination of slow motion and the spastic elements of puncturing machine guns. Terry Gross interviewed Arthur Penn for NPR's *Fresh Air*, where Penn explains: 'The intention there was to get this kind of spastic motion of genuine violence, and at the same

Bonnie and Clyde set the stage for Sam Peckinpah's shattering display of film ultraviolence in *The Wild Bunch* (1969). Peckinpah used multicamera, slow-motion editing techniques and squib detonation in his climactic shoot-'em-out finale. The aesthetic of film violence Peckinpah employed in *The Wild Bunch* provides a template used even today for the depiction of violence, as he manipulated the images to create a form of highly stylized violence (Prince, 2000, p. 175). The intention was to develop an aesthetic reaction to the violent realities of the 1960s. Peckinpah was not so concerned with depicting violence realistically as he was with provoking audiences – wrestling them out of their complacency through the use of violence throughout this film.[54] Peckinpah maintained that media saturation produced a public desensitized to the depiction of violence (Prince, 2000, p. 176). For him, it became necessary to scrutinize violence (the societal violence being mediatized nightly on the television news) by placing it in the cinema (Prince, 2000, p. 177). In addition to *Bonnie and Clyde* and *The Wild Bunch*, Robert Aldrich's *The Dirty Dozen* (1967) challenged the normative perspective on state violence in the context of the war film. This film confronted the ideology of violence and its justification, as criminals are handpicked for a near-suicidal mission that is to be carried out against the Germans just prior to D-Day in the Second World War.

The progressive film techniques implemented by Penn and Peckinpah signalled that filmmakers working with film violence by the late 1960s and early 1970s were confronting a wholly different set of challenges to those who worked under the Code.[55] Indeed, the question for filmmakers by the end of the decade was not how violence should be depicted on-screen, but rather how explicit it should be. What the dismantling of the Code demonstrates is that film violence's relationship with law is inherently

time, the attenuation of time that one experiences when you see something, like a terrible automobile accident' (*Fresh Air*, 1989).

[54] This essay, 'The Aesthetics of Slow-Motion Violence in the Films of Sam Peckinpah', in Prince's *Screening Violence* (2000), provides an in-depth look at Peckinpah's technique, its antecedents and the social, political and future film implications of these innovations in graphic violence.

[55] Notwithstanding the innovations in filmmaking aesthetics and the predominance of societal violence depicted on the nightly news, a further significant factor is the growth of the market for films aimed at youth. The significant demographic change would play a large role in the period of the New American Cinema (Kendrick, 2009, p. 97).

unstable. This is a theme that will carry on internally in the thesis's investigation of law and violence's relationship within the cinematic narrative.

The two paradigmatic legislative shifts discussed above reveal the profound transformation that occurred in the use of violence within the filmic narrative. These shifts also demonstrate how the relationship of law, in the form of regulatory film legislation, and the narrative function of violence has characterized the history of the cinematic representation of violence. A dialectic of law and violence is consistent with the evolution of the depiction of violence on-screen. This thesis will concentrate on an analysis of film violence, both in the context of post-1968, primarily American cinema, within a larger argument of film, and by specifically drawing on contemporary cinema to elaborate, through the investigation of five key functions of violence, the currency of film violence today. The thesis closes by arguing that we are witnessing the possible emergence of a third paradigmatic shift in the use of violence in film, for which the analysis of film violence along the axis of the normative/a-normative, and represented in post-1968 American cinema, is no longer sufficient. For now, though, the thesis will turn to examine in more detail how contemporary film theory understands the use of violence in narrative cinema.

Contemporary Debates

I will now consider some recent theoretical approaches to film violence which have relevance in setting up the key issues of the thesis: thinkers who go outside of film theory to examine film violence in the context of the socio-political situation or evaluate through law and justice the depiction of violence on-screen.

The contemporary analysis of the cinematic representation of violence may be categorized according to a distinction this thesis makes between the evaluation of the external critique of film violence and the debates that focus on the internal workings of violence within the film itself. In the following section, the external critique of the cinematic representation of violence is traced, first through the work of Slocum and Kendrick, who use genre studies and cultural theory to examine film violence, before transitioning to Stephen Prince, a film theorist whose work, this thesis suggests, begins

to transgress the boundaries of both internal and external approaches. The final two contemporary film theorists considered make an argument for an engagement with film violence from a legal perspective and an evaluation of constructed political systems around the use of violence. Here, an analysis of violence emerges which considers its internal workings, and it is within this opening that the thesis, through an evaluation of different narrative functions, is able to interrogate the cinematic representation of violence. The thesis will examine the work of Alison Young, who, although her work is primarily concerned with how the spectator witnesses screen violence, nevertheless considers how law and violence collide in the internal story to produce the *crime-image*. In the final part of the discussion, I turn to the work of Shohini Chaudhuri, who examines the way in which systematic violence is depicted within the filmic story, focusing on the ethics and morality of the narrative representation of the atrocity image. Through exploring this evolution of film violence from external to internal – in assessing the evolution of the transition from the investigation of the external elements of film violence to the interrogation of its internal workings – this thesis hopes to prepare the ground for a unique intervention into the discourse of film violence, through an analysis of film violence's narrative function.

Slocum and Kendrick

As suggested above, both Slocum and Kendrick impose an analytic structure external to the world of the film, and its narrative form, in order to conceptualize film violence. Slocum traces the evolution of film violence by using history and theory to develop his understanding of the meaning of cinematic violence in *Violence and American Cinema* (2001), an edited collection of essays contributed by a range of film theorists. The introduction to his book provides an important overview of the contemporary analysis of film violence. Slocum begins by acknowledging the gap in the literature on film violence, where theorists 'highlight violence even as they fail to thoughtfully explicate its functions and contexts' (Slocum, 2001, p. 2).[56] He suggests that, although there is a

[56] Slocum suggests that, in the two decades before he published his text, and in particular during the 1990s, film theorists re-examined and reconstituted the structures through which film and in particular film violence are analysed. Slocum terms this a 'second golden age' (the first occurred in the late 1960s and early 1970s) of film-violence scholarship (Slocum, 2001, p. 19).

plethora of responses that acknowledge film violence as a 'catalyst, a provocation, or a cause', there is a gap in 'contexualis[ing] the images in question' (Slocum, 2001, p. 2).

While violence is frequently deployed in American movies, Slocum proposes that its meaning and purpose has remained largely unexamined. To ground his own approach, Slocum uses theorists who are external to film (for example, sociologists) in order to assess the representation of violence in cinema. His approach already presupposes an external position, acknowledging that 'the term (violence) indicates an action or behaviour that is harmful or injurious' (Slocum, 2001, p. 2). Placing the emphasis on the effects of violence on society more broadly, Slocum indicates that both society and cinema are pervaded by violence – and moreover that violence is consequently difficult to concisely define, in part due to the fact that it is used by a range of possible agents, from individuals to groups and states (Slocum, 2001, p. 2). In this way, Slocum acknowledges how both individuals and systems use violence.[57] His argument suggests that the difficulty of defining violence resides in the complicated network of 'cultural processes by which some behaviours and actions are marked as "violent" and others not' (Slocum, 2001, p. 2). Slocum refers to the sociologist Max Weber's argument of the 'monopoly of violence', representing Weber's theory on the definition of the state to illustrate how systems of legitimacy are constructed around certain acts of violence while others are condemned (Slocum, 2001, pp. 2–3).

The most important thread Slocum draws out in his introduction, and which is also reflected in the collection of essays included in his text, is the connection he identifies between the depiction of violence on-screen and real-world violence (Slocum, 2001, p. 3). This is often taken as the starting point by film theorists when examining screen violence and, as he mentions in this introduction, it has precipitated several legislative battles surrounding the issue of what it is appropriate to portray in film.[58] Slocum's

[57] In the following section on methodology, where I outline the philosophical tools used for this thesis, the idea of both individual and systematic violence will become more apparent. Slavoj Žižek's critique of subjective violence and objective violence is drawn out for consideration in his own text *Violence* (2009).

[58] Slocum accounts historically for shifts in the cinematic representation of violence. Similar to the two paradigmatic shifts in legislation regarding violence's filmic representation, noted previously, he emphasizes the immense change in on-screen violence in the 1970s, after the dismantling of the Production Code: '[R]ather than simply being a contentious subject for policy makers or industry regulators, these images came to betray broader social antagonisms' (Slocum, 2001, p. 11).

impetus for examining violence in film derives from the 'necessity to comprehend destructive tendencies in order to resist or at least comprehend them better' (Slocum, 2001, p. 3).[59] While his connection to the society that watches film is not concerned with whether film violence will inspire real-world violence, he is nevertheless interested in the effects of violence external to the film's narrative. Further, similar to an external analysis, Slocum suggests that film theory should be approached through disciplines that focus on the analysis of real-world violence (Slocum, 2001, p. 24).[60]

Thus, Slocum analyses violence in film according to themes external to the film narrative. For example, he considers how violence is related to issues of sexual difference, briefly noting Laura Mulvey's work on violence and sexual difference, where violence affects the filmic narrative and is inherent in the cinematic gaze.[61] He also points out how violence is integral to cinema's architecture, describing the work of Gaylyn Studlar:[62] 'The very nature and practices of the cinematic medium, she [Studlar] suggests, convey violence. Like the inherently assaultive and violative operation of film editing … the psychic effects of the process of film viewing can be more striking and extensive than those derived from the actions or narrative being dramatized' (Slocum, 2001, pp. 15–16). Further, Slocum addresses the popular claim that '[t]he camera itself has been likened to a gun with the power to destroy' (Slocum, 2001, p. 16).[63] Although this is not a new argument, what Slocum acknowledges here

[59] Although this thesis will not evaluate violence in precisely this manner, a majority of the films considered draw their narrative inspiration from the history of societal and political violence. An understanding and evaluation of violence's narrative function is related to an account of its systematic uses in society.

[60] Slocum (2001, p. 24) admits: '[A]nd even this expansive survey largely ignores the many historical, psychological, political, and philosophical studies of violence, occurring in the actual world that could deepen our understanding of film violence'.

[61] In the subsequent case studies, I will specifically consider the cinematic gaze as developed by Laura Mulvey in her landmark essay 'Visual Pleasure and Narrative Cinema'. The essay was written in 1973 and appeared in the journal *Screen* in 1975. This thesis uses the version that appears in her book *Visual and Other Pleasures* (Mulvey, 2009). The concepts are addressed in the chapter regarding the pathological function of film violence.

[62] Even though I have placed Studlar's comments after Mulvey's, I am not suggesting that their arguments are similar. I will consider Studlar's critique of Mulvey's psychoanalytic reading of film in the case study of pathological violence.

[63] Slocum does not go into this argument in-depth, although he refers to Paul Virilio, who treated this topic in his text *War and Cinema: The Logistics of Perception*: '"the history of battle is primarily the history of radically changing fields of perception" and he focuses on the contemporaneous innovations of First World War military technologies and early cinema' (Slocum, 2001, p. 16). Virilio's analysis emphasizes military technologies, while Slocum considers how film violence may be analysed by looking to both of the systematic forms of violence that are apparent, as in the case of war and less visible violence in everyday life (Slocum, 2001, p. 17). (Paul Virilio's *War and Cinema: The Logistics of Perception*, trans. Patrick Camiller [London: Verso, 1989, p. 7]).

is the violence inherent in the filmic apparatus. While this is an interesting angle through which to analyse film violence, again, this thesis would suggest that such an approach maintains a critical position that is external to the narrative construction of violence, and therefore leaves the question of its narrative function untouched. In other words, the analysis misses those elements that are internal to the narrative, where the meanings of violence shift according to the ends characters pursue within the world of the story.

Slocum also addresses how film violence may be used as a catalyst for social change, particularly in the work of the Third Cinema movement of the 1960s and 1970s.[64] He considers how film violence may portray violence as connected to political liberation: '[F]ilmmakers thus became allied with revolutionary movements, and violence in this cinema affirmed the potentially transformative violence of the people seeking to overthrow the yoke of their colonial oppression' (Slocum, 2001, p. 17). The identification of the possibility that violence may be both transformative and revolutionary is significant, of course – that violence may function as an action that changes the narrative, and that it is not exclusive to the normative constraints which interpret it either as an element of law and order or a criminal act, is something to which the thesis will return.

There are, of course, a number of other theorists included in Slocum's collection of essays who should be mentioned. For example, the essay by Richard Maltby entitled 'The Spectacle of Criminality' uses *Scarface* (1932) as a case study and examines how the legislative battles in the early 1930s shaped the representation of violence in the cycle of gangster films during the period after the Code was instituted (1930), but before it was fully enforced (1934). Marsha Kinder's essay, 'Violence American Style: the Narrative Orchestration of Violent Attractions', looks at hyper-violent films from the

[64] The term 'Third Cinema' was developed in the 1960s by Fernando Solanas and Octavio Getino, who created a revolutionary cinema of opposition to challenge the dominant socio-political ideologies of the day. Their film *La hora de los hornos* (*The Hour of the Furnaces*, 1968) is a seminal example of the Third Cinema movement: 'the idea of Third Cinema was conceived in the 1960s as a set of radical manifestos and low-budget experimental movies by a group of Latin American Filmmakers who defined a "cinema of opposition" in reaction to Hollywood and European models' (Marzano, 2014). These films came not only from Latin America, but from Asia and Africa as well. A copy of their [Fernando Solanas and Octavio Getino's] manifesto, *Towards a Third Cinema* (Solanas and Getino, 1969), may be obtained at: [http://documentaryisneverneutral.com/words/camasgun.html].

1960s and 1970s (at the time the Code was being dismantled)[65] and compares them with recent, graphically violent films from the 1990s, such as *Pulp Fiction* (dir. Tarantino, 1994) and *Natural Born Killers* (dir. Stone, 1994).[66] As with Slocum, cultural history is an important element of the examination of film violence for Kinder, but Kinder relies on external elements of the analysis of film violence, in which the object of analysis is not the representation of violence itself, but its cultural context. Kinder (2001, p. 63) is motivated by the question: 'what is culturally specific about Hollywood's violent representations?' She looks at the cultural representation of violence in American film as possessing a particular 'narrative orchestration of violence in which action sequences function like performative "numbers," interrupting the linear drive of the plot with their sensational audio and visual spectacle yet simultaneously serving as dramatic climaxes that advance the story toward closure' (Kinder, 2001, p. 68). Kinder argues that these representational tactics of extreme violence result in imbuing the film with comedy, no matter the tragic consequences of these violent actions (Kinder, 2001, p. 68).

Where Slocum's critique is useful, is in the way it leaves room for further engagement with sociological theories, located originally outside film, but which can be readily applied to cinema to give film violence a wider theoretical context. This allows for the investigation of film violence to take different forms, and accounts for the distinct meanings associated with various acts of violence. Film violence is thus not simply entertaining, or an aesthetic choice, but has deep cultural references and contexts. While Slocum does not explicitly relate this to the narrative construction of film violence (what this thesis will call violence's narrative function), the relevance of film violence in reflecting back on societal violence provides an important step in understanding the systematic uses of violence, which may be interrogated through film.

[65] Specifically, Sam Peckinpah's films, and she also considers Stephen Prince's critique, which will follow in this section: 'as Stephen Prince points out in *Savage Cinema*, he is "the crucial link between classical and postmodern Hollywood, the figure whose work transforms modern cinema in terms of stylistic for rendering screen violence and in terms of the moral and psychological consequences that ensue"' (Kinder, 2001, pp. 63–4).

[66] Slocum, an advocate of using history as a measurement for these shifts, considers at what point contemporary films continue the trends of the late 1960s/early 1970s and at what point these films represent an extreme change (Slocum, 2001, p. 20).

Significantly, the fact that Slocum's analysis develops beyond the normative approach to violence is relevant to the analysis of post-Code film violence, where mainstream Hollywood film violence is not always depicted in strict binary terms. However, although Slocum observes these differences in the way violence is used, he does not fully explore how those systems are constructed. It is one of the intentions of this thesis to conduct an analysis of the systematic structures that lie behind the use of violence in film, specifically by examining the internal workings of violence through an analysis of its narrative function.

In contrast to Slocum, James Kendrick traces film violence through the study of specific genres where violence is a central action: the Western, the horror film, and the action film.[67] He often goes outside of basic genre study in order to make observations about how specific genres work. For example, he considers how gender is constructed within the codes of the horror film (Kendrick, 2009, pp. 84–5), and he expands this conceptualization of genre to include ideological tendencies behind how violence is presented within the film.

Kendrick also provides a case study examining the New American Cinema,[68] specifically these films by Francis Ford Coppola: *The Godfather* (1972) and *The Godfather Part II* (1974), *The Conversation* (1974) and *Apocalypse Now* (1979). He uses these films to illustrate his argument that violence appears in many different manifestations: 'physical, emotional, psychological, legitimate and criminal (although the latter two are rarely clear-cut)'.[69] He argues that *The Godfather* is an extremely violent film, not only in the depiction of violence as the predominant action, but through

[67] Kendrick asserts that 'the word *action* when used in a cinematic context is little more than a euphemism for *violence* that does not carry the latter's negative connotations. *Action* is excitement, movement and velocity, while *violence* suggests something unauthorised, unruly, even vehement and vulgar. Action enthrals, violence violates, which is why the protagonists of action films are referred to as "action heroes", rather than "violent heroes", even though the latter is as apt a description, perhaps more so' (Kendrick, 2009, pp. 89–90).

[68] Kendrick describes the late 1960s and early 1970s as 'a fervid period of experimentation in film violence largely because there was a series of important changes, both in how the major Hollywood studios operated and in American Culture' (Kendrick, 2009, p. 97). He continues: '[T]here are three factors during this time that are particularly relevant for understanding how violence was represented in the films of the New American Cinema: the dissolution of the Production Code and the creation of the Ratings system; the cultural climate resulting from the Vietnam War, the Civil Rights movement and increasing public violence; and the rising youth audience' (Kendrick, 2009, p. 97).

[69] He comments that so-called 'right' and 'wrong' acts of violence are rarely neatly distinguished, but does not probe this perception. He points out that Coppola presents a 'complex physical and psychological depiction of violence' but does not analyse the implications for systems of violence, concluding that these facts reveal the New American Cinema's more radical approach to filmmaking.

'thematic' representations of power and corruption (Kendrick, 2009, p. 108). The film 'highlights the role of violence in both attaining and losing power, suggesting quite powerfully the truth of the old aphorism that those who live by the sword shall die by it' (Kendrick, 2009, pp. 109–10). In his brief analysis of *Apocalypse Now* he posits that that film works to question the nature of violence and its relationship with legitimacy. Kendrick asks, 'why is Kurtz insane by military standards but Kilgore not? Are the severed body parts adorning Kurtz's compound any worse than the bodies mutilated by Kilgore's aerial attack?' (Kendrick, 2009, p. 112).

Unlike Slocum, Kendrick surveys ways of defining violence and identifies some difficulties that come with such an endeavour. And while he alludes to a variety of approaches for this – there are a few key points noted in this thesis – the classification genre employs helps to understand how he considers film violence. First and foremost, he indicates that violence is ultimately about *perception*:

> [a] label that is affixed to cinematic representations of certain behaviours and actions. Film violence is an elastic, sliding, flexible term, and one that shifts and changes throughout history and across various cultures. That which is defined as violent in one time or place may not be labelled as such in the future or in hindsight or in another culture. (Kendrick, 2009, p. 13)

Kendrick's genre taxonomy of film violence reflects this emphasis on how violence can be made and remade according to different modes of perception. For example, the tone or style of a particular film represents a lens through which violence is portrayed in the Western or action film, according to a particular attitude about the use of violence:[70]

> As commonly used, *violence* is an almost uselessly broad term that offers no meaningful distinctions among obviously disparate representations of physical action – a gory disembowelment in a horror film is readily described as 'violence', but so are the cartoon characters Tom and Jerry hitting each other over the head with frying pans. (Kendrick, 2009, pp. 8–9)

[70] James Bond's violence in *GoldenEye* (dir. Campbell, 1995) is cool, stylish, collected and necessary; however, in *Austin Powers: International Man of Mystery* (dir. Roach, 1997), violence is comedic.

Kendrick argues that the word violence is too casually employed and seldom sufficiently interrogated. To overcome this difficulty, he focuses instead on the various forms violence may take, depending on genre, and the ideology behind the use of violence in a particular film or set of films. Like Slocum, he leaves open the question: what actually is violence and how might we interpret the systematic narrative uses of violence on-screen?

This external approach makes frequent use of sociology to comprehend violence within film,[71] although Kendrick principally understands film violence through genre studies. He notes:

> If, as Thomas Sobchack argues, 'the basic principle of the genre film [is] the restoration of the social order' (1995, p. 112), then violence is implied on two fronts: the initial destruction of the social order and in its subsequent restoration. Violence of some kind is the problem, and more frequently than not, also the solution. (Kendrick, 2009, p. 69)

Kendrick examines genre as a strategy for classification and taxonomy, rather than as a means for proposing how the uses of violence in the filmic narrative offer insight into how violence is specifically constructed – in other words, meaning is presupposed by Kendrick rather than critically interrogated. To be sure, Kendrick's interpretation of film violence is employed to understand how film genres operate (Kendrick, 2009, p. 70); rather than revealing something about the nature of violence itself, the use of violence in film is viewed in an effort to understand the architecture of films themselves. Violence is 'a structuring device' – not an object of analysis in its own terms or a means of showing how films reflect structural aspects of the use of violence itself (Kendrick, 2009, p. 69).

[71] Kendrick presents a social science perspective, reading violence in one of two ways: as violence against the self or other (including seizure of property) and violence which also appears in the form of a threat (Kendrick, 2009, p. 9). Referring to the Cultural Indicators project, where the definition (of violence) is more abstract, but nevertheless useful, he notes: 'violence was found to be primarily a demonstration of power' (Kendrick, 2009, p. 9). The Cultural Indicators produced a research project on television content and audience responses, 'Growing Up with Television: Cultivation Processes', 'which focuses specifically on television's contributions to viewers' conceptions of social reality' (Gerber et al., 2002, pp. 43–68).

Genre theory presents one approach to understanding the use of violence which drives the narrative. In this sense, for Kendrick, genre is 'the dominant means by which most viewers understand and make sense of popular movies', believing violence to be a crucial component of film genre. Kendrick uses a variety of sources which in one way or another relate violence to a foundational aspect of understanding film: he cites, for instance, Thomas Schatz's claim that '"all film genres treat some form of threat – violent or otherwise – to the social order"' (Kendrick, 2009, p. 69).

Kendrick questions the construction of violence as either legitimate or illegitimate, through genre classification and ideological construction. The genre classifications of film violence demonstrate specifically normative attitudes towards violence. For example, in the Western: 'Violence … is legitimate in the western only when it is used as a last resort, which is why so many of these stories culminate in a climactic showdown' (Kendrick, 2009, p. 73). In his analysis of the action film genre, Kendrick examines how the James Bond films work in a similar way to the Western, presenting a male hero whose use of violence arrives with 'a level of proficiency and purity that both ennobles and sanitises the violence' (Kendrick, 2009, p. 95).

The meaning of violence, for Kendrick, depends upon what he calls 'syntax', and he argues that genre is the key to understanding how the syntax of violence will be depicted within a particular film. It is important to note that Kendrick sees genre as a continually shifting categorization that depends on the 'film industry and the socio-historical context in which [films] are produced' (Kendrick, 2009, p. 71). What he does not consider is how the use of violence changes in relationship to the ends the protagonist pursues, focusing instead on how genre shapes the audience reception of violence and its style.[72] In this way, Kendrick's analysis of film violence is not so much about the uses made of violence, as deriving meaning from something internal to the narrative; and so, while he does examine how characters use violence, he does not examine how that use changes depending upon the ends the actant pursues. Although Kendrick

[72] Kendrick uses the example of the James Bond films – after (Bond) commits an act of violence, a witty remark often follows, e.g. 'Shocking, positively shocking' (Kendrick, 2009, p. 94). Kendrick maintains: 'Like any generic component, Bond uttering an amusing quip after dispatching a villain became an expected part of the formula and functioned as a kind of wink to the audience, again assuring them that there was no need to take any of this too seriously' (Kendrick, 2009, p. 94). Kendrick contends that both humour and technologies of violence (i.e. guns) also work to distance the audience from the gruesome aspects of on-screen violence.

indicates that the lines are blurred in terms of legitimacy, he does not ask why – or what structure, behind the use of violence, produces these categorizations. And while he does use the word 'function', it is not in the same way this thesis employs the term – he does not unpack the uses of violence systematically, and does not evaluate violence in terms of its relationship with law, which, as this thesis shows, is crucial to understanding how systems of violence are constructed and how violence and justice are related (Kendrick, 2009, p. 85).[73]

While offering a different approach to that taken in this thesis, it is important to note that Kendrick makes a significant contribution to film theory through his ideological analysis of violence. Nevertheless, it is precisely because his interest lies in ideological configurations of meaning that the centrality of the meaning of violence in film is displaced in Kendrick's analysis by considerations of genre; and while he acknowledges Slocum's interest in the legitimacy argument – even going so far as to consider the 'utility' of violence in terms of 'who is enacting the violence against whom' – he does not penetrate the systems constructed around its *narrative* use (Kendrick, 2009, p. 18). Kendrick acknowledges that context is important in terms of how an audience receives and understands violence, but he does not examine what the *narrative* context reveals about violence itself in terms of its use within the narrative 'discourse' of a given film.[74] His concern with the 'perception' of violence, in other words, produces an analysis, which sees violence in terms of its sociological meaning. This approach, while entirely valid, leaves untouched the central question of this thesis – namely, what is the narrative meaning of violence in cinematic representations?

Stephen Prince

In Prince's work on film violence there is a turn towards an internal analysis of violence, a beginning concern with how the use of violence is structured in relation to law in terms of the filmic story. What differentiates Prince from Kendrick is Prince's emphasis

[73] The section on methodology will go into greater detail on how this thesis uses the term function, developing a theory out of the functional arguments of Aristotle.

[74] The methodology will also clarify the use of narrative, locating, by way of an analogy, Roland Barthes's work on narratology.

on the second paradigmatic shift in the history of film violence during the late 1960s. This thesis has already alluded to Prince's work on film violence, acknowledging his key contributions to the historical analysis of film violence, and his specific identification of the period of 'ultraviolence' which emerged in the late 1960s after the Production Code was dismantled (Prince, 2000, p. 6).[75] Perhaps most important to the argument presented in this thesis is how Prince inadvertently sets the stage for the analysis of the narrative function of violence, as a result of his emphasis on the period of 'ultraviolence', which saw a definitive shift in how violence was deployed. It is true that Prince's work predominantly considers the external relationship of film to society, as well as the aesthetics and architecture of filmmaking practices; nevertheless, the films he considers indicate a tacit shift in the cinematic depiction of violence in terms of its narrative function.

While he acknowledges both paradigm shifts in film violence,[76] Prince is more interested in the films that involve the period of the late 1960s and early 1970s – a period of immense change in the production of violence in film, and a period he labels one of 'ultraviolence'.[77]

[75] The previous section on film violence's history has covered some of the reasons for this shift (the revision of the Production Code and its eventual replacement by the MPAA Ratings System [November 1968], which utilized the four-way classification system: G-M-R-X (Prince, 2000, pp. 6–7). Also previously mentioned were monetary concerns: 'a 1968 MPAA audience survey showed that 16- to 24-year-olds were responsible for 48 percent of national ticket sales' (Prince, 2000, p. 8). Additionally, I would add Prince's interpretation that this period was a radical moment for filmmakers, especially Arthur Penn and Sam Peckinpah, who Prince singles out for consideration in his text.

[76] Prince does reflect on the difference in the depiction of film violence between the period of the Code and post-Code, through the endings of *White Heat* (dir. Walsh, 1949) and *Scarface* (dir. De Palma, 1983). The graphic death of the protagonist is kept in abeyance in *White Heat*, while it is distinctly opposite in the case of De Palma's *Scarface* (Prince, 2000, p. 5).

[77] His examination of the techniques of Sam Peckinpah, in particular *The Wild Bunch*, helps in comprehending the impetus for so many of the films of the 1960s and 1970s that have contributed to the contemporary production of violence in film.



Figure 5. ***The Wild Bunch*** **(dir. Peckinpah, 1969)**

Prince also emphasizes the relationship of social conflict to film production: the changing political and social climate of the 1960s produced films that explored new territory in how violence was portrayed. Prince argues that filmmakers such as 'Penn and Peckinpah were both radical social critics, disturbed by the corruption of America in its Vietnam years, and they proved that filmmakers in the late 1960s could use graphic violence for serious purposes' (Prince, 2000, p. 13). Cinematic violence during this period does not shy away from graphic representation – and, indeed, it was Peckinpah's intention to display the gross actualities of violence through his films, reflecting an increasingly violent society; thus, the violence encountered in foreign wars and political unrest produces violence on-screen which is confronted directly, not curtailed to fit the norms dictated by the needs of the censor (Prince, 2000, p. 13). For Prince, beyond the way film reflects the greater levels of violence witnessed in society, ultraviolence also produces a period of great technical innovation.

For instance, Prince explores the filmic style of Arthur Penn, pointing to the use of multicamera filming, montage editing, and special effects such as squibs, used in order to produce the extensive violence characterized by Penn's 1967 film *Bonnie and Clyde* (Prince, 2000, p. 8).[78] Penn defends himself against accusations that his films were too

[78] Squibs are small 'blood-filled explosive devices concealed on an actor's body, to show the impact of the bullets … ordinary squibbing wasn't enough for Peckinpah; he ordered the movie blood mixed with pieces of meat'

graphic: '"[N]ot given the times in which we were living, because every night on the news we saw kids in Vietnam being airlifted out in body bags, with blood all over the place. Why, suddenly, the cinema had to be immaculate, I'll never know"' (Penn in Prince, 2000, p. 9). Peckinpah's films, which Prince examines in greater depth, use new techniques to heighten violence on-screen. Peckinpah's aesthetic highlights the use of specific editing techniques —notably, in his 1969 film *The Wild Bunch*, through its slow-motion and montage editing. For Prince, these techniques combine to produce Peckinpah's form of stylized violence.[79] Prince notes Peckinpah's aim: not for a realistic portrayal of violence on-screen, but for his films to convey the dark actualities of violence (Prince 2000, pp. 190–2). Peckinpah's editing technique, which intercut slow-motion images with real-time images, produced a film dynamic which worked to disrupt the viewers' reception of violence in order to, as Prince describes it, 'wake viewers up to what violence is really about' (Prince, 2000, p. 192).[80] Prince does warn, however, in a more pessimistic vein, that the montage aesthetic and other technical innovations hardly influenced the forthcoming surge of graphic film violence for the better. For example, the montage aesthetic more often than not emphasized the 'outward manifestations of violence, not its inwardly spiritual and emotion components and consequences' (Prince, 2000, p. 199).[81]

Prince reviews several sources to analyse film violence in *Screening Violence*. For example, he looks to the journalistic responses to landmark film productions such as *Bonnie and Clyde* and articles on how gender is used in popular slasher films like *The Texas Chain Saw Massacre* (dir. Hooper, 1974) and *Halloween* (dir. Carpenter, 1978).

(Nytimes.com, 'Film; Western Canvas, Palette of Blood', 1995) [http://www.nytimes.com/1995/02/26/movies/film-western-canvas-palette-of-blood.html?pagewanted=all].

[79] Prince details the development of Peckinpah's stylized violence, which he mainly attributes to Akira Kurosawa (Prince, 1999, p. 51). However, Prince does not ignore other important influences, such as the montage editing of Sergei Eisenstein and Arthur Penn's use of 'slow-motion and multicamera filming in *Bonnie and Clyde*' (Prince, 1999, p. 51). Prince also reflects that his favourite film happened to be Kurosawa's *Rashōmon* (1950) (Prince, 1999, p. 51). Peckinpah and Penn go on to influence subsequent filmmakers: Martin Scorsese stylized violence to an extremely visual degree, in the infamous blood-spattering crescendo of body parts and brains at the end of *Taxi Driver* (1976). Squibs were also used to great effect in Quentin Tarantino's film *Reservoir Dogs* (1992).

[80] 'In its elaborate patterns of crosscutting, Peckinpah's editing performs four distinct functions. It slows down, interrupts, parallels, and returns to ongoing lines of action' (Prince, 2000, p. 193). See his complete essay for a thorough analysis of this technique as employed by Sam Peckinpah (Prince, 2000, pp. 175–201).

[81] Even though Prince is an advocate for the historical development of film violence along innovative technical lines, he demands that this should not be the only tactic for depicting violence on-screen, especially if the deeper function of violence in society is to be tackled within the cinematic tradition (Prince, 2000, pp. 199–202).

Many of these responses emphasize the external relationship of screen to audience. *Screening Violence* surveys analyses of film violence, where the audience's reception is at the forefront of the critique.[82] For example, Joseph Morgenstern's 1967 article, 'The Thin Red Line', examines the potential for film as a medium to answer questions about violence in society: 'since most of humanity teeters on the edge of violence every day, there is no earthly reason why art should not turn violence to its own good ends, showing us what we do and why' (Morgenstern, 2000, p. 50). However, although this statement implies the need to investigate the utility of representing violence on-screen, no representational analysis is undertaken by Morgenstern. He focuses on the risks that might be inherent in the depiction of violence on-screen: '[T]he clear danger, of course, is that violence begets violence in life and engenders confusion in art. It is a potent weapon, but it tends to aim the marksman' (Morgenstern, 2000, p. 50).[83] The emphasis, in other words, is on the external response to film violence, rather than on examining the uses of violence as part of the internal narrative of the story.

In *Screening Violence*, Prince emphasizes the external aspects of film violence, such as the techniques of filmmaking and the historical context of the films of the 'ultraviolence' period. However, it is actually in his earlier text, *Savage Cinema: Sam Peckinpah and the Rise of Ultraviolent Movies* (1998), that, although he still evidences a concern for the relationship of spectator to screen and the reception of violence (which shape *Screening Violence*), Prince undertook a different kind of analysis – examining the moral underpinnings of violence in terms of its narrative structure. This work, this

[82] A section of *Screening Violence* is devoted to '[T]he effects of Ultraviolence' (See Prince, 2000, pp. 205–66). It is important that he includes them in this study, as these concerns consistently parallel the evolution of violence on-screen, notably through the arguments made around the effect of media violence. One argument in particular is the essay by Leonard Berkowitz, '[S]ome Effects of Thoughts on the Anti- and Prosocial Influences of Media Events: A Cognitive-Neoassociation Analysis'. Berkowitz assesses the relationship between the effects of viewer reaction to media violence and how the media can trigger thoughts and ideas (Berkowitz, 2000, p. 217). Characteristic of many investigations of this nature, the findings are inconclusive, although he does indicate that further investigations should be undertaken. Berkowitz makes this investigation larger than film. extending his study to other media outlets. He is influenced by Gabriel Tarde's argument in the '*suggesto-imitative*' (author's italics) assault argument, and notes 'how news of a sensational violent crime often seemed to prompt similar incidents elsewhere' (Berkowitz, 2000, p. 205).

[83] In another essay Prince includes, Bosley Crowther critiques the depiction of war in *The Dirty Dozen*. He chastises a country rampant with political violence for missing an opportunity to provide a moral compass for the use of violence through its filmic depiction (Crowther, 2000, pp. 52, 55). This is an emphasis on the audience's conditioned response rather than an opportunity to examine how the narrative works to question the use and purpose of violence. Even in a film which was beginning to question violence, especially in terms of its relationship with the state, film critics (at the time Crowther was writing) were still considering how film violence might remain in line with predetermined social norms.

thesis suggests, represented an important movement towards what I consider to be an interrogation of film violence in terms of its narrative function. It is also crucial that Prince locates this analysis within the critique of films which contributed to the paradigmatic shift in the depiction of violence discussed in the section above. Prince describes how Peckinpah broke down the normative constraints of film violence:

> *The Wild Bunch* utilizes montage editing to deconstruct the old conventions of movie violence (and help create new ones) … the spectacle is so overwhelming that the viewer can do little but submit to it. Peckinpah, however, situated his kinetic set-piece within an immediate context of sadness and despair (Prince, 1998, p. 122)

Peckinpah's innovations in technique enabled a more extreme depiction of violence, but simultaneously provided a crucial change in the emotional and moral quality of screen violence. What distinguishes this approach is the way it acknowledges how characters within the world of the story exhibit a relationship to the violence that is present in the narrative. For example, Prince describes how the character of Pike undergoes a transformation in relation to how he perceives the violence he experiences, even if it leads him to more bloodshed (Prince, 1998, p. 123). Prince further describes how Peckinpah depicts an extremely barren and desperate landscape after the final bloody shootout: '[T]his is an extraordinarily poetic sequence, one that shows the viewer the aftermath of destruction and the nullity of death. During this sequence, only the vultures win' (Prince, 1998, p. 123). However, even though Peckinpah conveys the meaninglessness of violence through this sequence, his producer, Phil Feldman, would demand an additional ending:

> the ending of the film oscillates uncertainly between the aesthetic celebration of violence (achieved through the extended montage editing of the gun battle), the moral endorsement of imaginary bloodletting (implied by making the Bunch's violence righteous and rewarded), and a critique of the climactic violence by attenuating it through the contest of alcoholic despair and physical decay which immediately surrounds it. (Prince, 1998, p. 125)

Prince argues that conflict between the moral attitudes that inform the use of violence and the high-octane visual display results in its ambiguous reception. In fact, this

inability to predetermine the emotional/moral reception of violence is precisely what represents post-Code filmmaking, where the relationship of violence and the question of its legitimacy is difficult to establish: representing an irresolvable dialectic. Although Prince still focuses on the audience reception of on-screen violence, there is also in his work an emphasis on the morality of violence. This becomes significant, at least for my own purposes, because it is a tacit indication that, within the analysis of cinematic violence, it is necessary to examine the way a film represents violence in relation to the law that contextualizes its narrative use.

While Prince does not examine violence in terms of its narrative function, interrogating the systems that structure the use of violence, he does analyse how characters react and relate to the violence being deployed in film. His critique of film violence, especially his analysis of Sam Peckinpah's work, offers an important addition to the evaluation of violence located *within* the cinematic narrative. His observation that perceptions of legitimacy around the act of violence can undergo transformations within the narrative itself will be developed in this thesis, understood as a dialectics of violence within the narrative.

Alison Young

In *Savage Cinema*, Prince probes deeper into the aesthetic and technological innovations of Peckinpah's work to uncover a filmmaker whose narrative addresses violence in the context of morality. Although Prince does not specifically analyse violence in terms of its function, the fact that he reads film violence through the moral issues raised by the narrative provides the basis for an examination of film violence within a specifically representational analysis. The idea that our understanding of film violence depends on how it is exercised within the filmic narrative, and that moral or perhaps even legal constraints can affect its reception, will be addressed by the next theorist I consider, Alison Young. Although the impetus for her investigation concerns the external problematic of audience reception to the movies they watch, specifically regarding scenes of violence, the fact that she assesses film violence through a framework of law presents an approach in which not only the external facts matter, but also the internal workings of violence within the narrative structure itself.

In *The Scene of Violence: Cinema, Crime, Affect*, Young considers the image of violence an *illicit* image, and instances of violence in film are viewed as 'images of that which we outlaw' (Young, 2010, p. 2).[84] Her analysis focuses on how spectators watch the *crime-image*: 'the spectator's relation to the cinematic image in the context of representations of crime, and specifically crimes of violence' (Young, 2010, p. 2).[85] Young asks questions of the *crime-image*, such as 'how does it work?' and 'how do we watch?' (Young, 2010, p. 2).[86] The *crime-image* does not consist of only the image but is that which evokes an association with the spectator: 'The spectator *makes sense* of the crime-image; in this affective relation, *meaning* is effected' (Young, 2010, p. 8). Young's interpretation of the *crime-image* indicates that law and violence, in other words, exist in a dialectical tension within film (Young, 2010, p. 3).

For Young, the consideration of violence is tied to its relationship with law, where the image of violence is evaluated within a framework of law and justice (Young, 2010, p. 2). Although this thesis shares Young's emphasis on the consideration of the 'encounter between law and violence in film', the spectatorial relation to these images that shapes Young's investigation is not emphasized here.[87] Where Young evaluates how the spectator judges the *crime-image*, this thesis will instead examine how violence and law change depending upon the narrative function of violence in a particular film. Notwithstanding these differences, there are important elements of Young's analysis,

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[84] Young employs 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' (Young, 2010, p. 7).

[85] Young acknowledges that the *crime-image* is developed from Deleuze's work on cinema (1986, 1989). Young (2010, p. 2) focuses on the '*cinematic* nature of cinema and its effects both on our interpretation of each cinematic representation and on the way in which the spectator engages with this particular kind of image (as distinct from an artwork, or a newspaper report, or a short story)' (Young, 2010, p. 2). Young also clarifies her position on Deleuze through Patricia Pisters' interpretation of Deleuze, 'that the cinematic image is an encountered sign and the cinematic universe constitutes a "network of relations"' (Young, 2010, p.11).

[86] Young indicates that she borrows these questions from Jill Bennett, in her book *Empathic Vision: Affect, Trauma, and Contemporary Art* (2005).

[87] Young orients her research in criminological aesthetics (and cites her own work [Young, 1996, p.1]), where '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, p. 1) (Young, 2010, p. 5). She does not mention this at this point, but surely the binary extends to an interpretation of legitimate versus illegitimate violence?

which are indispensable to this thesis's analytic construction.[88]

The term *crime-image* implicates the image of violence in a relationship with law and legitimacy:

> 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. (Young, 2010, p. 2)

In terms of the approach of this thesis, it is not a question of how the spectator conceives of justice, as being somehow mitigated on the part of the film; but rather that the analysis of violence's narrative function is shaped by an evaluation of justice. Where Young engages in a dialectic between the audience and the screen concerning how to judge the *crime-image*, this thesis examines a dialectic of violence and law, which shapes the narrative function of violence, which is to say, its 'cinematic meaning'. Emphasis on justice produces a strictly determined binary between the *crime-image* and the character who commits the act of violence (which is considered the *crime-image*), and the characterization of law enforcement (or a similar apparatus of the state), which mediates the acts of violence. The importance of the concept of justice in the analysis of film violence, as conveyed by Young, is fundamental to the case studies I develop in this thesis. However, where Young uses the distinction between ends to interpret levels of justice, in this thesis the distinction between violence and law is used in the development of functions of violence, which extend beyond Young's binary reading.

It is nevertheless appropriate to provide a brief overview of how Young conceives of the spectator in order to clarify certain aspects of her method. Young is interested in how the spectator watches the scene of violence through the *crime-image*. She uses the term *affect*, and clarifies how her use of the term differs from emotion.[89] What affect

[88] 'This book contributes to the enterprise of reimagining spectatorship by identifying the ways in which cinematography and affect combine in the crime-image to implicate the spectator in the scene of suffering' (Young, 2010, p. 171).

[89] '… Crime as image connects bodies through affect' (Young, 2010, p. 10). Young considers Massumi's work on affect: '[E]motion is qualified intensity, the conventional, consensual point of insertion of intensity into semantically and semiotically formed progressions, in narrativisable action-reaction circuits, into function and meaning. It is

refers to, in fact, is the concept of *haptic spectatorship*, which describes the experience of how the audience views the filmic image: the spectator sees things *haptically*[90] – indicating 'a perceptual relation, the ability to grasp or sense, deriving originally from a perception based on tactility or touch. In using the term "haptic", I do not mean to insinuate any privileging of the tactile over the visual' (Young, 2010, p. 12).[91] For Young, haptic spectatorship indicates an experiential aspect of watching the filmic image.[92] Her investigation centres on the spectator judging the *crime-image*, a combination of the depiction of the filmic images on-screen and the viewer's involvement in the *crime-image* (Young, 2010, p. 13).

This emphasis on haptic spectatorship recalls Kendrick's decision to frame a definition of violence through the application of *perception*. However, Young places the emphasis on the way the spectator will *read* the *crime-image* and be implicated in the scene of violence (whereas Kendrick's use of *perception* opens up the definition of violence). Young develops the reading of the violence sequence along the lines of a normative predetermination of violence. Kendrick's notion of *perception* in his analysis of violence, on the other hand, is useful as it provides a set of possible functions for analysis, where violence changes meaning and use according to the wider context of the narrative action.

In *The Scene of Violence*, Young applies this spectatorial relation to the *crime-image* to examine a series of films that deal with the representation of violence, and specifically crimes of violence.[93] Young examines films where the motivation behind the act of

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intensity owned and recognized. It is crucial to theorize the difference between affect and emotion' (Young, 2010, p. 9).

[90] Spectatorship, for Young, 'works through processes of identification in and through the crime-image' (Young, 2010, p. 7).

[91] Young cites Deleuze and Guattari, offering the notion that 'the eye itself may fulfil this non-optical function' (1996, p. 492).

[92] Young uses Pisters (2003) to emphasize how the spectator employs an experiential mode of seeing violence on-screen. For Young, it is in and through the *crime-image* that the spectator can 'make sense of the ways in which violence, judgement and justice interest and take shape through the spectator's relation to the crime-image' (Young, 2010, p. 17). This process introduces the ability to reimagine the relationship of crime and its victims through spectatorship and film (Young, 2010, p. 17).

[93] These include films which look at areas of film violence: rape and cinematic revenge, the serial killer, how films handle epic disasters such as September 11, and finally the possibility of violence without end.

violence is decidedly criminal, and where law enforcement either intervenes to punish the violence or fails to do so.[94] 'The key characteristic of this paradox is normative: the violence of wrong-doing is wrong, whereas the violence, which responds to wrong-doing, is *righteous*' (Young, 2010, p. 24).[95] Although this thesis departs from an assessment of violence strictly as crime – that the function of violence is either criminal or legitimate (violence exercised on behalf of the state through law enforcement) – it is important to take into consideration her understanding that film violence depends upon the relation of violence to law. Film violence cannot be examined independently of law, or of the ends a particular act of violence pursues, as, in the context of the cinematic function of violence, it is distinguished by both the means at its disposal (the act of violence) and in terms of its telos, where its meaning relates to its purpose or ends.

An essential component of the way this thesis evaluates violence's relationship with law, within cinema, depends on the narrative construction of justice – a concept subject to differences in interpretation. Although Young does not attribute different functions to violence, her interpretation of violence does emphasize the role of justice in terms of setting a teleological meaning to the act of violence:

> The force of criminal justice therefore plays a hugely significant part in how the story of crime is represented cinematically, with 'crime' usually matched by an institutional response. … The point is not that 'justice' demands a particular kind of outcome but rather that there should be some kind of outcome *which can bear the name of justice*. (Young, 2010, p. 153)

The appearance of some type of justice is important to the filmic narrative, and not least because this is how many Hollywood films deal with the presence of violence.[96] Young points out that if film does not produce an appropriate level of justice, the normative

[94] 'Our culturally rooted preferences are for stories with a beginning, a middle and an end, and for an ideology of criminal justice that responds to crime with punishment' (Young, 2010, p. 168). 'Narrative drive towards arrest, trial or punishment dominates cinematic representations of violent crime' (Young, 2010, p. 41).

[95] Young continues: '[V]illainous violence is often represented as requiring a violent response from a non-villainous character (usually the protagonist or central character). The protagonist's violence is interpreted as utterly distinct from villainous violence, and categorized as "retribution", "punishment", "justice", "heroism" and so on' (Young, 2010, p. 24).

[96] For example, in many of Quentin Tarantino's films, revenge is a popular narrative device. See the Bride (Uma Thurman) in *Kill Bill: Vol. 1* (2003) and *Kill Bill: Vol. 2* (2004). Or more recently in *Django Unchained* (2012), where, before many of the protagonist's ('Django', Jamie Foxx) acts of violence, there is a cut to a flashback of his wife ('Broomhilda Von Shaft', Kerry Washington) being violated or beaten.

borders, which divide the community of law from that of criminality, are destroyed. Law proves to be ineffectual if the criminal is not punished. Crime is punished through officers of the state (e.g. police) or through the retributive acts of characters who pursue justice within the film.[97]

Young does consider the possibility that law may not intervene to curtail violence, of course. Indeed, there are films where attempts at responding to the *crime-image* may simply be futile, exploring the possibility that the parameters of law and order are incapable of preventing and punishing violence. Young considers two films in this regard: *Zodiac* (dir. Fincher, 2007) and *No Country for Old Men* (dir. Joel and Ethan Coen, 2007), each of which involves serial killers on the run, and shows the inability of law enforcement to put a stop to the violence. In these films the process of attempting to solve crimes is portrayed, but it is to no avail. Young suggests that films of this kind pose concerns such as 'there might be "no end to violence", implying that law may never restore order to the world' (Young, 2010, p. 171). However, Young argues that this process of pursuing justice, which is without resolution, is not to be interpreted as a condition of hopelessness, but that the depiction of law in its response to violence, whether successful or fatalistic, is nevertheless an important *image* for the cinema to represent. In a sense, the spectator's view of the *crime-image* can also be an invitation to the audience to keep examining the scene of violence – the caveat here being that there should be 'an ethical measure of the cinematic *crime-image*'. In the next and final section, this chapter turns to consider this strategy of evaluating the scene of violence through an ethical interpretation by looking at the work of Shohini Chaudhuri.

Shohini Chaudhuri

Shohini Chaudhuri's intervention in contemporary film discourse engages with the scene of violence through an ethical and moral construct. Her focus is not the *crime-*

[97] Even though the film *Dirty Harry* (dir. Siegel, 1971) depicts a tension with the duties of law officers and police procedure, the film presents protagonist Harry Callahan's violence as legitimate, even when it goes against the norms of law and order. The suspect, a serial killer calling himself 'Scorpio', is so evil that the reckless behaviour of Callahan is justified. Though the cop sits outside what might normally be considered the legitimate exercise of law and order, his behaviour is excused as he is doing it on behalf of the greater good – for the state and the public, as 'Scorpio' poses an immense threat.

image, but rather the image of atrocity.[98] There is a sense of affinity here with Young's work, with work that focuses on 'embodied spectatorship'.[99] Additionally, when Chaudhuri (2014, p. 27) explains the 'moral universe familiar to Hollywood filmgoers', she invokes Young's notion that '"the violence of wrong-doing is wrong, whereas the violence which responds to wrong-doing is righteous"' (Chaudhuri, 2014, p. 27).[100] However, Chaudhuri sees this moral universe as rather more ambiguous than Young's binary of violence. Taking the example of the practices of torture used in Guantanamo by the administration of US President George W. Bush,[101] she draws attention to the legal wrangling over the term, as well as its etymology, writing:

> In keeping with its Latin etymological root meaning 'to twist', torture twists not only bodies but also language, as witnessed in the euphemistic jargon of 'enhanced interrogation techniques', through which administration lawyers sought to give legal sanction to torture, while denying the techniques' status *as* torture. (Danner, 2004; Mayer, 2008; Gregory, 2010, in Chaudhuri, 2014, p. 26)

Chaudhuri examines different forms of state violence in her analysis – in fact, the historical basis for her examination of film violence is anti-colonial cinema, where she looks at state violence in the political realm. Thus, her theories on film violence have a rather more political inflection than those of other theorists considered in this section. In terms of this thesis, her analysis, which examines the structural aspects of violence, is extremely helpful in developing two of the case studies to follow – one in which the

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[98] Chaudhuri references Young as one of the theorists she draws on for 'embodied spectatorship', an instrumental concept in her analysis. She also signals her perspective alignment with Daniel Frampton's *Filmosophy*: 'if film provokes thought it is because film itself "thinks"' (Chaudhuri, 2014, p. 17). Certainly this thesis agrees that film violence provokes thought about the issue of violence because film itself 'thinks'. She references Deleuze, Rancière and Frampton (again) to explain what constitutes the cinematic image and the spectator's relation to it. For a detailed explanation of this, please refer to the introduction of her book, *Cinema of the Dark Side: Atrocity and the Ethics of Film Spectatorship* (2014).

[99] Two examples of how Chaudhuri conceives of the spectator: 1) 'At the same time, the viewer's own affective thinking mingles with the film and shapes their encounter with it, which accounts for the fact that different people can experience the same images in startlingly different ways dependent on how images interact with their own embodied histories and circuit of images they have previously encountered' (Chaudhuri, 2014, p. 17); and 2) 'Because cinema frees us from natural perception, it can show us what we overlook in reality, enabling us to notice the unnoticed' (Chaudhuri, 2014, p. 18).

[100] Chaudhuri also includes Young's (2010, p. 26) argument that Hollywood film can result in creating a space where 'violence is justified as morally righteous. All this creates a viewing experience that generates pleasurable identification with violence, so that we do not realise that what we are watching is actually a massacre' (Chaudhuri, 2014, p. 10).

[101] Chaudhuri notes: see Danner (2004); Mayer (2009); Gregory (2010).

function of state violence is interrogated and one, in another chapter, where the function of revolutionary violence is considered.

Of course, Chaudhuri's analysis is not concerned with the representational structure of violence per se in cinema, but rather concerns the cinematic treatment of state terror represented in images of atrocity in the twenty-first century, and is thus grounded in actual events, such as torture in the 'War on Terror', or the forced disappearances that were part of the political violence in Argentina and Chile. She challenges the notion that the state is hegemonic in the use of violence, and that anyone against the state is an outright threat. Chaudhuri argues that colonial history – itself a history of violence – is revisited in the systematic use of state terror (Chaudhuri, 2014, pp. 1–2). State terror for Chaudhuri involves, but is not limited to, the arms trade, aerial bombardment, enforced disappearance, torture, genocide, and population displacements.[102] She considers a variety of films, including documentaries, which depict torture, genocide, political violence, immigration, detention and the Israeli-Palestinian conflict, including: *Zero Dark Thirty*, *Taxi to the Dark Side* (dir. Gibney, 2007), *Hotel Rwanda* (dir. George, 2004), *Nostalgia for the Light* (*Nostalgia de la luz*) (dir. Guzman, 2010), *Children of Men* (dir. Cuarón, 2006), *District 9* (dir. Blomkamp, 2009), *Lemon Tree* (dir. Riklis, 2008) and *The Act of Killing* (dir. Oppenheimer, 2012) (which includes documentary re-enactment of state-sponsored murder). In each of these films, Chaudhuri examines what Robert Jay Lifton terms the '"atrocity-producing situation"', which is 'an environment in which brutalities are sanctioned and normalized, [which] aptly encapsulates this alteration of morality' (Chaudhuri, 2014, p. 13).

Similar to Young, Chaudhuri's examination of film violence takes into consideration law as a structure for determining the legitimacy or otherwise of the uses of violence. However, instead of viewing these structures as fixed by a normative apparatus, in which the individual is wrong and the state apparatus is right, Chaudhuri questions how films can challenge those structures: '[F]ilms help to shape prevailing normative perceptions, but they can also question those perceptions and build different ones'

[102] In Chaudhuri's view, present-day state terror is a 'legacy of colonial histories maintained by present-day politics' (Chaudhuri, 2014, pp. 1–2).

(Chaudhuri, 2010, p. 2).[103] In the case studies of this thesis, Chaudhuri's analysis is applied to examine how the different functions of violence within cinema frequently use film as a means of challenging the normative perception around classifications of violence. Although Chaudhuri does not consider violence in terms of different functions, she does explore the systems used to create certain interpretations of the relationship between violence and law.

Importantly, this research reveals that implicated in Chaudhuri's analysis is the fact that the symbolic dimension of violence is open to different interpretations. For example, when Chaudhuri examines images of atrocity within human rights cinema, she suggests that 'human rights morality is repositioned within an ethical framework that reflects upon the causes and contexts of atrocities, and invites viewers to question their own relation to those histories' (Chaudhuri, 2014, p. 2).[104] Further, in her analysis, politics relates to otherness: 'political contexts through which otherness is *constructed*: how categories of people are othered, so that they may be subjugated and beaten down, or so that their suffering and death become acceptable' (Chaudhuri, 2014, p. 11).[105] The concept of 'otherness' will play an important role in the subsequent discussion of the philosophy of Giorgio Agamben, assisting in understanding how cinematic narrative works to create otherness and render legitimate the death of the 'other'. Here, there is a further symmetry between the approach taken in this thesis and that of Chaudhuri, in understanding violence and how it is deployed against certain characters. Chaudhuri's analytic template for the examination of the 'images of atrocity' develops from a framework where the distinction between ethics and morality is crucial:

> morality refers to the domain of normative values, manifesting in socially formed laws and codes of conduct. Morality exists in multiple forms and differs from one set of circumstances to another. In contrast, ethics explores the conditions under which morality is

[104] Chaudhuri quotes Theodor Adorno on the challenges of using art to represent atrocities (see Chaudhuri, 2014, p. 9).

[105] In the chapter on methodology, the concept of otherness will be problematized through Giorgio Agamben's concept of homo sacer. 'One thread of argument running through the book has been that present-day practices of violence are shaped by and echo colonial violence, as certain groups of people are constructed as unworthy, their lives easily disregarded in the pursuit of power and economic gain' (Chaudhuri, 2014, p. 181).

> constructed under different circumstances; it is a meta-reflection on the moral framework. (Chaudhuri, 2014, p. 14)

Morality produces normative ideas about 'right' and 'wrong' whereas an ethical viewpoint examines this normative perspective to evaluate how morals can be remade in different situations. An ethical position, in Chaudhuri's estimation, is 'a reflection on morality, revealed from this meta-perspective to be a malleable framework' (Chaudhuri, 2014, p. 23). Chaudhuri suggests that it is through film, which is 'beyond the law', that 'norms are constructed and reconstructed' (Chaudhuri, 2014, p. 14). This is of particular interest for understanding films that deal with the depiction of violence, where certain actions, which might be construed as criminal in one situation, may be reconstituted as legitimate when provided with an alternate narrative context and cinematic construction.

Chaudhuri insists that the moral and ethical interpretation of the atrocity image be used in concert. The examination thereby allows for an evaluation of both the reasons for and circumstances of violence (Chaudhuri, 2014, p. 180). This is significant, as she points out, because there is a danger in only examining film violence through a moral evaluation of the act, when:

> atrocity is often justified by its perpetrators as a moral act; films collude in this by constructing a moral universe in which violent acts are made acceptable and lent a certain glamour, dependent on their structures of sympathy which encourage us to root for heroes and permit the death and suffering of others. Our consent to violence is thus achieved through managing our perceptions of that violence. (Chaudhuri, 2014, p. 80)

Chaudhuri's enquiry highlights the importance of considering how moral norms are produced and altered in film, depending on narrative and aesthetic choices (Chaudhuri, 2014, p. 180). Her analysis cuts through the privilege accorded by Young to state agents enacting Weber's monopoly of legitimate violence. She proposes instead that, in the uses of violence, there is always a struggle for power, which exerts an influence over the relationship of law and violence, and which – or such is the view of this thesis – renders its cinematic representation 'dialectical'. Here, law as the act of sanction is shown to be as susceptible to manipulation as the act of violence itself.

One aspect of Chaudhuri's analysis, with application for this thesis, is the question she poses with respect to how a moral universe is constructed in film (Chaudhuri, 2014, p. 24). For example, in her analysis of the film *Standard Operating Procedure* (dir. Morris, 2008), Chaudhuri notes 'by uncomfortably aligning viewers with the perpetrator mindset, it makes us reflect on how moral norms are altered in the atrocity-producing situation, where brutal acts become "standard operating procedure"' (Chaudhuri, 2014, p. 48). The film suspends the traditional division of sympathy for victims and disgust for perpetrators. In this thesis, similarly, particular films will be considered to interrogate how law and violence relate through functions of violence, asking questions such as: how do situations like war create the legitimate death of the other within the frame of the narrative? However, instead of looking at morality, this thesis probes the very construct of law and its irresolvable tension with violence in order to understand the nature of violence.

Both Young and Chaudhuri conclude their critiques with a call to continue the examination of these images of violence, especially when the inclination (on the part of the viewer) is to look away from the *crime-image* or the 'images of atrocity'. Through ethical engagement with these images, the spectator can be critical of the oppressive and systematic use of violence (Chaudhuri, 2014, p. 183; Young, 2010, p. 172). This thesis takes up the invitation to read the functionalities of cinematic violence through a philosophical prism, in order to probe the meaning of the representational or narrative function of violence in cinema, and in the process to interrogate the systems created by the relationship of violence and law. In the next section, a preview of what is to come: a summary of the methodology, which outlines the application of philosophies of violence, and the five case studies that will explore certain functions of violence through filmic narratives.

Exposition of the Argument

Chapter Two, 'Methodology: Philosophies of Violence', deals specifically with the use of philosophy as an analytic template to interrogate functions of violence. Although the philosophers considered do not explicitly conceive of their analyses of violence in terms

of the word function, it is through these philosophical interpretations that a concept of functionality of violence emerges, which may be used to interrogate the narrative uses of violence in film. This chapter is divided into different sections, each providing an overview of a particular function of violence through the lens of philosophy, stipulating the theoretical underpinnings of these typologies of violence. The different theories considered probe the limits of these functions, suggesting methodologies, which will be used to interrogate the narrative functions of violence in its cinematic representation.

Film violence may be understood through philosophical interpretations of violence. This chapter will consider the philosophy and theory of Max Weber, Slavoj Žižek, Frantz Fanon, and Walter Benjamin. The theories of just war will be used to examine the function of state violence and the psychoanalytic theory of Jacques Lacan is employed to understand the relationship of law and desire in what will be distinguished in this thesis as pathological violence. The philosophies of Hannah Arendt, Carl Schmitt, and Giorgio Agamben, although not explicitly providing functionalities of violence, offer essential interventions into the relationship of law and violence, which shape an interrogation of certain functions of violence and offer key moments of destabilization to normative theories of violence. This chapter on methodology establishes the dialectic between law and violence, which is essential to an internal examination of the narrative function of cinematic violence.

Chapter Three presents the first case study of the thesis, specifically interrogating the function of state violence in relation to the war film. State violence obtains its purest legal form in the context of war, as the state is in possession of the legitimate use of force. The binary of right and wrong traditionally associated with the war film relies on the construction of the state as good and the enemy as bad. Further, wars are distinguished in 'good' and 'bad' categories: World War II is historicized as the last good war, while the Vietnam War is considered a bad war. Film and film theory have followed the tendency to create this binary through the depiction of the war film reflecting these distinctions.

In order to interrogate the functions of state violence in the war film in a novel way, this chapter problematizes the theoretical premise of just war. This political philosophy provides a three-part set of criteria through which to evaluate the acts of violence

associated with war in order to determine whether they are just, and if a case of just war is obtained. The three criteria of evaluating a just war are: *jus ad bellum*, *jus in bello*, and *jus post bellum*, which correspond respectively to the legal circumstances needed to wage war 'justly', to just tactics during the conduct of war, and to the just treatment of the enemy during or after war. The theories of just war are shown to be problematic in their application to actual wars, as military engagements often test the limits of theoretical presuppositions. Just war theory envisions a normative structure, which relies on rules that prove difficult to maintain in the midst of a violent conflict. This structure results in the state sanctioning of otherwise illicit acts in the face of a predetermined greater danger. This chapter works to uncover, through the examination of two prominent American war films, how illegitimate acts of violence are nevertheless reconciled to the juridical order through the situation of war.

The two films examined in this chapter are *Saving Private Ryan* and *Zero Dark Thirty*. While *Ryan* is an example of a traditional World War II film, which depicts the 'good' war, the analysis will highlight essential problems that arise in the cinematic representation of combat and that challenge the traditional 'good war' narrative. The relationship of law and violence is explicitly questioned in the middle of the story, when the main characters, a group of American soldiers charged with a specific mission (to find Private Ryan), obtain custody of a German prisoner of war who is responsible for the death of one of their men.

Although the film largely conveys an evocation of just war theory, this thesis suggests the validity of these theories is questioned in the context of this film. Here, the theories of Carl Schmitt and in particular his interpretation of the exception are invoked in order to examine the relationship between the threat of violence and the suspension of the juridical order in times of war.

The historical context of *Zero Dark Thirty* is utterly distinct from that of *Saving Private Ryan*. In turning to the analysis of a film in the context of the 'War on Terror', this thesis suggests that it is a film in which the state's use of violence is rendered ambiguous by a war which effectively has no end. From the beginning, this military campaign is confronted with a condition of anomie that underscores the film. The aim in the analysis of this film is the examination of how the terrorist suspect becomes homo sacer – he

can be killed without his death being considered a homicide. Giorgio Agamben provides a way to understand the context of the state of exception, and the possibility is suggested that, in the 'War on Terror' film, the exception has become the rule, with the consequence that just war theory gives way to anomie, lawlessness.

The second case study (Chapter Four) concerns criminal violence in its relation to the gangster film, using Slavoj Žižek's theories of subjective and objective violence. In this chapter, the dialectic of subjective and objective violence is examined through the function of criminal violence. Superficially, the gangster film appears to embody what might be considered solely a form of subjective violence: violence used by a criminally identifiable agent for his own self-interest. However, a deeper investigation into the functions of violence in the gangster film reveals a conflict between the *systematic* use of violence employed as a structure to regulate the world of the gangster and the use this system makes of the violence of individual gangsters insofar as they are used to support the systemic structure. This chapter explores how, in the gangster film, an individual's use of violence both supports and undermines the gangster's world of systemic violence. For example, the individual violence of a gangster (particularly in the mafia film) is frequently 'legitimized' in terms that render him analogous to the 'foot soldier', who fights for the greater criminal syndicate to which he owes his allegiance. However, the analysis will show that the very same tendencies utilized to support the gangster system contain, 'dialectically', the potential for its eventual destruction.

The chapter begins by considering some of the well-known critiques of the gangster film, positioning it as a metaphor for capitalism. The philosophies of violence considered here include the theory of primitive accumulation as articulated by Karl Marx. By considering the idea of primitive accumulation, parallels are drawn between the foundational violence needed to institute the capitalist system and the foundational acts of violence that initiate the development of a crime syndicate. The first example of this critique demonstrates the systematic use of violence in the gangster film. In the gangster film, unlike other functions of violence, violence structures law, rather than law providing the structure for the legitimate use of force. Violence by no means refers to a condition of anomie in the criminal enterprise; rather it is highly regulated in quasi-juridical or 'normative' terms. However, the violence that is relied upon to structure the

world of the gangster protagonist tends towards the corruption of the system, which brings it into either self-conflict or conflict with the actual law. The analysis of the endings of emblematic gangster films depicts the use of violence that has ultimately become self-destructive. This thesis argues that this reveals that the primary challenge to gangster society (in its cinematic representation) is the very individualism upon which it is founded, which also makes it precisely a systemic challenge to the capitalist system.

The depictions of violence in *The Godfather*, *The Godfather Part II*, *American Gangster* (dir. Scott, 2007), and *Goodfellas* are analysed. Finally, although not a gangster film in the traditional sense, the overt tale of the criminal implications of capitalism in *The Wolf of Wall Street* (dir. Scorsese, 2013) is presented. The difference between the gangster world and the capitalist world is the mediating function of the law, which negotiates the relation of the individual to wider society.

Chapter Five interrogates the functions of revolutionary violence through two films: *The Battle of Algiers* and *A Prophet*. Here, the thesis primarily utilizes the philosophical interpretations of violence developed by Frantz Fanon in *The Wretched of the Earth*. The function of revolutionary violence is that it is emancipatory, but the question of how this liberation is evaluated is key to distinguishing this form of violence from other functions of violence.

The Battle of Algiers considers how the use of violence is necessary to achieve liberation, although not without considerable cost, as the film also shows how the revolutionary tactics of the anti-colonial struggle necessitated acts of terrorism against the French civilian population – in response, of course, to the terrorism of the French police against the Algerian population, e.g. when a group of French colonialists plant a bomb in the Casbah (Algerian quarter). In *The Battle of Algiers*, the tactics of terrorism depicted in the case study on the war film (and specifically in *Zero Dark Thirty*) are represented in an entirely different light. It is through this chapter that the evaluation of legitimate violence is further problematized around the dialectical effects of the cinematic relation of violence to specific teleological goals (or 'functions').

However, through this chapter, the thesis considers how this progression is not always so straightforward. Is it possible to determine the efficacy of violence? Once personal interests are involved, how do we examine the personal versus group uses of violence? Furthermore, what makes the violence of one group, which might be more extreme, more legitimate than the violence of the status quo?

In the second film, *A Prophet*, the protagonist enters prison essentially a man of no quality, and it is through the use of violence that he ascends in status within the prison system. In a sense, he achieves his identity through criminal violence, although the function of this violence is liberating. Through the application of a Fanonian framework, which analyses violence in the context of the anti-colonial struggle, the relationship of law and violence complicates the notion of criminal violence. In the colonial situation, the status quo, the current state which holds possession over the legitimate use of violence, is itself revealed to be corrupt – 'criminal' – and therefore violence is the means to break one legal apparatus and replace it with one that is considered more 'just'. The telos of revolutionary violence being social justice, equality and freedom, it is through the films depicting the revolutionary functions of violence that the nature of violence as socially transformative is examined.

Through the dialectical examination of its functions, revolutionary violence intimately implicates other functions of violence: state violence and criminal violence. In this chapter, issues of revolutionary violence are critiqued in addition to elements of the other functions of violence, illustrating violence's inherently transformative quality. What is the relationship of law and violence when the law is shown to be corrupt? How does the law work to protect the individual who has been abandoned by law? If violence succeeds in the liberation of only one person, is it still revolutionary? Finally, is there such a thing as an adequate exercise of violence?

In Chapter Six, the thesis turns to evaluate divine violence by interrogating the narrative function of violence in Abel Ferrara's *Bad Lieutenant*. The film considers the relationship of law and violence through the conceptualization of justice. Justice is a focal point for the narrative, through the protagonist who, although an officer of the law, exhibits the structural contradiction of violence and law. An act of extreme

violence transforms his behaviour and the narrative questions the law's ability to provide justice.

Ferrara's films may be analysed through a moral structure, which at times gives way to the perception that the narratives are redemptive.[106] However, as this thesis will suggest, this particular film of Ferrara is less about redemption and more about the relationship between violence and law, and is consequently a critique of justice. This chapter references Walter Benjamin's concept of divine violence. The instances of violence are not considered in a theological context, but rather as an act of violence that severs any relationship with law. Through Benjamin's work on divine violence, it is possible to trace the evolution of the relationship of violence and law; although, for Benjamin, this ends in the destruction of this relationship, it is nevertheless important for this thesis's analysis of violence. In Ferrara's film, the very relationship of law and violence, which Benjamin dissects, is thrown into chaos from the start of the film. This film offers the unique opportunity to survey the function of divine violence as both Benjamin and Ferrara grapple with the question of how and where justice fits into an analysis of law and its association with violence. In this chapter, the thesis interrogates law and justice in light of the question of whether violence can uphold the law, or whether it ultimately destroys it.

The arguments put forth in Chapter Six on 'divine violence' raise questions which are taken further in the final case study (Chapter Seven), where the function of pathological violence is examined through the nature of the cinematic gaze and the concept of the obscene supplement. The focus of this chapter is to examine how the desire for the object, which is embedded in the cinematic gaze, realizes itself as pure subjective violence and ultimately as being self-destructive. In order to approach the philosophical interpretation of the obscene supplement, which illuminates how prohibitions are attached to law, the chapter begins by surveying key concepts developed in psychoanalysis that account for the relationship of the subject's desire to the object of that desire. Lacanian psychoanalysis, and specifically the concept of the Name-of-the-Father, which links essential desire to prohibition, shows how violence is coterminous with the foundational law of the subject.

[106] See, for example, Brad Stevens' *Abel Ferrara: The Moral Vision* (2004), and in particular p.164 in that text.

The concept and representation of pathological violence are examined in an analysis of *The Killer Inside Me*. 'Pathological' violence is perhaps the most difficult function to describe, as its ends are ultimately self-destructive; it is a form of violence whose 'telos' is perverse. In this film, the cinematic gaze provides a structure for the function of pathological violence within the narrative. Embedded in the cinematic construction of the gaze are both the subject who looks, and the object that is looked at. The desire of this subject transforms into violence, turning the object of the gaze into the recipient of violence in this film.

In order to understand the elements of pathological violence found in this film, it is necessary to examine the structures of patriarchy that produce a protagonist whose use of violence is overwhelmingly directed towards female characters. Violence is integral to masculine identity, according to Hilary Neroni, in *The Violent Woman***:** *Femininity, Narrative, and Violence in Contemporary American Cinema* (2005), and films that depict violent acts by men, directed at female figures as the objects of this violence, will be examined in the context of patriarchy. The female figure, which becomes the object of violence, is analysed along a development of the destructive potential of the gaze, which transitions from visual pleasure to violent destruction. To fully realize the pathological nature of this violence, the thesis will turn to Slavoj Žižek's *obscene supplement* in analysing *The Killer Inside Me* in order to show how the main character's pathological violence is founded upon the link between violence and law. If prohibition and prohibitive desires occasion the need for law, there is a consistent relationship between violence and the origin of law. An analysis of the transformation from desire to law, to the violence that ultimately destroys the subject and weakens law, reveals – as this thesis concludes – the most extreme dialectical configuration of cinema's use of the functions of the violence-image.

CHAPTER TWO – Methodology: Philosophies of Violence

Overview of Terminology

I have touched on a general definition of function in the introduction and briefly sketched out a depiction of how this term will be used as a key concept in this thesis. It is now necessary to extend this concept through its associated terms, dialectic and narrative. After this, I will provide an overview of how particular functions of violence will be deployed in this thesis as key methodological structures. Each of the five functions of violence will, of course, use the foundational structure of law and violence, which is systematically determined, derived from the teleology of that function.

This chapter on methodology will outline important philosophies of violence. Through these theories of violence, what is meant by 'functions' of violence is developed, assessing a series of approaches that distinguish the way violence is deployed in certain situations within cinema. Within this section the concept emerges that violence is not a fixed thing – it is not 'one' thing but refers to multiple and complex phenomena. In the case studies, for instance, what are referred to as the various 'functions' of violence will be initially asserted, only then to be problematized later throughout each chapter, chiefly through the exploration of the use of violence in a particular film, or set of films. The functions of violence will be explored through detailed consideration of specific filmic narratives (in each case study) where violence is the predominant action and it is the function of violence that shapes the narrative. For this mode of analysis, three key terms are enlisted throughout the thesis and it is these that will first be considered here: dialectic, narrative, and function. This will not only distinguish the position this thesis takes in the investigation of film violence, but will also provide the connection between the several philosophical interpretations of violence that form the focus of its methodology.

The term *dialectic*, and how it is deployed in the thesis

Clearly, there is a long and complex history behind the use of the term dialectic, especially in philosophical treatises, beginning with Hegel and Marx, and continuing

through to Adorno's 'negative dialectics'. While an exploration of the dialectical method is important, it is not the intention of this thesis to account for the term historically or in a way that employs a particular theoretical interpretation. For example, dialectics is not used here in a Hegelian sense, where the dialectics of violence could be viewed as an attempt at reconciliation or synthesis. Rather, the intention is to apply this concept in a more 'functional', and at the same time analytic, sense, where dialectic simply indicates the process of transformation and change, and where aspects of 'sublation' refer to the alteration in meaning of the narrative encoding of violence in a particular film. Further, the thesis points to the fact that even a failure of dialectics is possible, one that fails to resolve itself, as will be illustrated through some of the case studies that are interrogated.

Dialectic signifies, specifically, a tension between two opposing or contrasting concepts or impulses. For example, exploring the idea that the function of violence is in a tension with law, it is dialectics that show how law is a significant structure in the construction of the meaning of violence, and that it is law that defines it. At the same time, law is in turn shaped by violence – transformed by it. Analysing violence in terms of a dialectic signifies that the examination of violence in film should not be carried out, then, by looking at violence alone – that is, at merely its representation – but at how it is used as an action within the narrative and in relation to the problem of law (and legitimacy). Violence and law are in a constant narrative tension within the film.

It should also be said that, while this thesis finds a dialectical relationship of violence and law within each function of violence, the theories applied as a philosophical lens to interrogate these functions do not necessarily view violence precisely in this structure. There may, of course, be an objection to this, for example in Walter Benjamin's concept of divine violence, where his philosophy of violence notes that mythic violence is in a dialectic with law, whereas in divine violence the dialectic with law is destroyed.

However, for my purposes, a dialectics of violence relates to the moment intrinsic to the filmic narrative – the one that shifts the narrative's internal meaning, altering violence's narrative function as well. Second, since this thesis probes the limits of violence and aims to interrogate the function of violence within cinematic representation, it is necessary to employ a dialectics of violence in order to see the forms

of violence in film as things, which are themselves susceptible to transformation, the cinematic narrative displaying certain dialectical movements. Finally, the thesis argues that the normative approach to film violence must be challenged through the identification of various functions. Particular functions of violence are developed through analysis of the relationship between violence and law, a relationship evaluated in terms of a dialectic.

The term *narrative*, expanded through Roland Barthes

In order to provide an overview of how the thesis intends to use the word narrative to construct an analysis of the narrative functions of violence in film, there follows a brief review of Roland Barthes's work on narratology.[107] While his essay does not employ the term narrative in precisely the same way as this thesis, it is nevertheless important and useful to consider his interpretations as a basis for my use of the concept of narrative. The way Barthes describes narrative sequence, for example, is instructive in distinguishing how this thesis will address film violence, not as a single shot or even act of violence, taken out of context, but as part of a wider narrative sequence – where the meaning of violence is derived from not only its representation in the particular moment, but also how the act of violence relates to the larger meaning of the narrative, and its effect on the narrative. In this section, then, aspects of Barthesian theory will be used to analogize this thesis's development of the idea of narrative function.

Barthes outlines a theory for understanding the varieties of narrative, using linguistics as a starting point, but shifts the focus of analysis away from the unit of the sign to broader structures of meaning he calls 'discourse'. He compares the structure of narrative to that of the sentence, borrowing from André Martinet, who wrote: '"The sentence … is the smallest segment that is perfectly and systematically representative of discourse"' (Barthes, 1975, p. 239).[108] He compares the structure of narrative to the

[107] Principally, his essay 'An Introduction to the Structural Analysis of Narrative' (1966).

[108] He draws on André Martinet's essay 'Reflexions sur la phrase' (1961), part of *Language and Society. Essays Presented to Arthur M. Jensen on His Seventieth Birthday* (1961). Barthes bookends his critique with the link between sentence and narrative, closing his essay with the remark: 'it may be significant that man's offspring should have "invented," at the same time (around the age of three), both the sentence and Oedipus' narrative' (Barthes, 1975, p. 272).

sentence (Barthes, 1975, p. 241). Barthes argues that many narratives may be approached through a multitude of interpretations, from history to aesthetics (Barthes, 1975, p. 238). While Barthes provides us with a structure for thinking about narrative, for the interests of this investigation a few aspects of his essay are of specific import. Barthes begins by explaining that there are different levels to the structure of myth, citing Tzvetan Todorov's argument: there is 'story (the argument), which consists of a logic of actions and a "syntax" of characters, and discourse, comprising tenses, aspects, and modes pertaining to narrative' (Barthes, 1975, pp. 242–3). Although Barthes will specify different levels of narrative meaning, he indicates that, regardless of the specificity of levels, what is important is that narrative circulates between levels (Barthes, 1975, p. 243).[109]

According to Barthes, within the narrative, there are three levels: functions, actions, and narration.[110] These levels overlap and the terms depend on one another: 'a function has meaning only insofar as it takes its place in the general line of action of an actant [actor]; and this action in turn receives its ultimate meaning from the fact that it is being told, that is, entrusted to a discourse which possesses its own code' (Barthes, 1975, p. 243). The telling of an act, or, as in cinema, the representation of an action or a sequence, produces its meaning. It is in this sense that what is represented has meaning for the narrative. Barthes describes the link between narrative and functions: 'a narrative is made up solely of functions: everything in one way or another is significant … everything has a meaning or nothing has' (Barthes, 1975, pp. 244–5). Moreover, there can be many functions, resulting in different meanings for the reader (Barthes, 1975, p. 245).[111]

[109] Barthes describes how 'to read a narrative (or listen to it) is not only to pass from one word to the next, but also from one level to the next' (Barthes, 1975, p. 243).

[110] He uses the term '"functions" (in the sense Propp and Bremond gave to this word), the level of "actions" (in the sense used by Greimas when he writes of characters as actants), and the level of "narration" (which is roughly the level of "discourse" as seen by Todorov)' (Barthes, 1975, p. 243). Barthes's use of the term *function* is not how the thesis will conceive of the term, as the following section of the methodology demonstrates.

[111] Barthes uses an example from James Bond in *Goldfinger*: '"James Bond saw a man in his fifties"… the age of the character fits into a certain portrait … and on the other hand, the immediate signification of the utterance is that Bond does not know his future adversary' (Barthes, 1975, p. 245).

Barthes expands on the make-up of functions in his analysis of narrative structure.[112] For instance, he distinguishes between two types of units: functions, which are 'operations' and action, and indices that are 'signified', which relate to being (Barthes, 1975, p. 247).[113] Between these two poles are subcategories or classifications of functions: cardinal functions (or nuclei) and catalyses.[114] Cardinal functions are where the action 'either initiates or resolves an uncertainty',[115] whereas the functionality of catalyses is chronological (Barthes, 1975, p. 248). The link between two cardinal functions possesses a double functionality, at once chronological and logical, so both consecutive and consequential. While catalyses are no more than consecutive units, (Barthes, 1975, p. 248).

Barthes indicates that narrative perplexity arises from the inability to differentiate between 'what-comes-after being read in a narrative as what-is-caused by' (Barthes, 1975, p. 248).[116] This same experience may result in the filmic narrative, when a particular sequence follows an event and the two sequences are interpreted as relational. In the case of violence, a violent act will always have a consequence, whether or not it was the end that was intended. For Barthes, what-comes-after is not always what-is-caused by, or what-ought-to-be.

Barthes outlines his logic for the different functions of narrative, borrowing from other literary theorists and semioticians.[117] The way those theorists conceive of narrative and its structure is useful for how this thesis will distinguish its examination of film violence through an analysis of the narrative function of violence. Barthes's first principle is attributed to Bremond:

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[112] There are two general types of functions, distributional and integrative (Barthes, 1975, p. 246).

[113] Functions manifest into 'popular tales' and, for indices, '"psychological" novels' (Barthes, 1975, p. 247).

[114] 'Like the sentence, narrative can give forth any number of catalyses' (Barthes, 1975, p. 250).

[115] Barthes uses the example of a telephone ringing, where one can either pick up or ignore the call, resulting in the narrative continuing along different paths (Barthes, 1975, p. 248).

[116] 'It has already been pointed out that narrative, on account of its very structure, tends to establish a confusion between consecutiveness and consequence, between time sequence and logic' (Barthes, 1975, p.251).

[117] Barthes cites A. J. Greimas's, Claude Bremond's and Tzvetan Todorov's work in *Communications*, 8 on the logic of functions.

> The goal is to reconstruct the syntax of human behaviour as exemplified in narrative, to trace the succession of 'choices' which this or that character inevitably has to face at various points in the story, and thus to bring to light what could be called an energetic logic, since characters are caught at the moment when they choose to act. (Barthes, 1975, p. 252)[118]

Similarly, an undercurrent in the analysis in the case studies is: how are the choices of the narrative related to the decision to use violence within the world of the story? Barthes next borrows from Levi-Strauss and Greimas to provide a linguistic version of the second principle: 'the essential preoccupation of this research is to identify paradigmatic oppositions in the functions, and then to "project" such oppositions into the syntagmatic acts of narrative, according to the Jakobsonian definition of the "poetic" principle' (Barthes, 1975, p. 252). Oppositions provide the conflict inherent in narrative, and violence is in opposition with law, which accounts for its dialectical nature. Finally, Barthes uses Todorov to present 'the analytical process on the level of "actions" (that is to say, of characters), and tries to figure out the rules, which attend the combinations, variations, and transformations, in narrative, of a certain number of fundamental predicates' (Barthes, 1975, pp. 252–3). Through Barthes's interpretation of Todorov, the analysis of the actions of characters is key to understanding transformations in narrative meaning. Again, this thesis postulates, in keeping with this principle, that it is the act of violence, as a predominant action of characters within the narrative, that reveals the transformative quality intrinsic to an act of violence. Each of these principles behind the construction of narrative meaning, in other words, corresponds to the way violence is used in film to alter, shift and transform that meaning.

In describing the organization of 'functional arrangement in narrative', Barthes labels units of functions as a sequence, and this term, sequence, is grouped according to an association: 'the sequence opens when one of its terms is lacking an antecedent of the

[118] Barthes explains how Bremond identifies characters through their actions using labels such as '[F]raud, Seduction'. These identities are mutable as, when two characters are placed in a sequence, the importance of perspective emerges: 'what is Fraud to one is Dupery to the other' (Barthes, 1975, p. 257). This distinction between perspectives is evaluated in film violence, as depending upon whose perspective is privileged within the story; a level of legitimacy is bestowed upon one type of character over another.

same kin, and it closes when another of its terms no longer entails any consequent function' (Barthes, 1975, p. 253).[119] There may be an overriding action or tone, which will describe a particular sequence.[120] This concept assists in the classification of certain functions of violence – certain sequences that represent different functions of violence, criminal or state violence, and the possibility for the 'naming' of transformative sequences according to the function of violence, within one film.

Barthes's descriptions of sequence, in terms of narrative, illuminate, then, the structure of the representation of violence that this thesis examines. For instance, this thesis not only considers a single shot of film violence, but a larger sequence of violence that is isolated for analysis, and then held up against a larger story. Barthes notes how a sequence is 'potentially incomplete'; that while it makes sense in the specific situation to which it belongs in the story, it is nevertheless also essential to the larger narrative.[121] Likewise, this thesis will use specific sequences of violence that are integral to the larger interrogation of violence's function within the wider narrative of a particular film.

At the end of his essay, Barthes draws parallels with the structure of language and narrative, depicting them as: 'the concurrence of two fundamental processes: the process of articulation … which produces units (this corresponds to form, according to Beneveniste), and the process of integration, which collects these units into units of a higher rank (this constitutes the meaning)' (Barthes, 1975, p. 266). Barthes applies this structure to narrative, and in this way this thesis will also employ the term narrative to provide a form for looking at violence in film, which then opens up the analysis to an interrogation of violence's meaning in a given narrative context. On the other hand, the thesis does not remain enclosed in structural analysis – but seeks, rather, to locate narrative meaning not only in a reduction to structure, but according to a functional

[119] He (Barthes, 1975, p. 253) uses the example of ordering a drink, 'receiving it, consuming it, and paying for it', which represents a sequence, naming it '*consummation*'.

[120] Barthes describes how 'any function which initiates a *seduction* imposes, from the moment it appears, by virtue of what is conjured up by the name, the whole process of seduction, as we have learned through all the narrative acts that have fashioned in us the "language" of narrative' (Barthes, 1975, p. 253).

[121] 'A whole network of subrogations thus binds together the narrative, from the smaller matrices up to larger functions' (Barthes, 1975, p. 255).

analysis aimed at demonstrating how the narrative contributes to the assemblage of a dialectical investigation into the internal workings and meanings of violence within the filmic story (as indicated earlier).[122]

The term *function*, expanded through Aristotle

The examination of film violence in this thesis clearly involves the internal workings of violence in the filmic narrative (as opposed to 'external' approaches identified in the previous chapter). For this reason, it is therefore necessary to clarify the use of the term function insofar as it indicates this 'internal' approach, and concerns how individuals and systems within the filmic narrative use violence.

After identifying that the analysis of film violence concerns violence's narrative position, it is argued that an interrogation of the various functions of film violence, through the lens of philosophical interpretations of violence, is not only possible but also necessary – as the thesis would now like to explain. In the previous section, it was noted that Barthes frequently uses the term function to develop his theory of narrative structure. Although this thesis does not conceive of function in precisely the same way as Barthes, function is nevertheless integral to the understanding of narrative.

Although I have already disclosed the theoretical direction of how I intend to use the concept of function in this thesis, it is still necessary to provide a philosophical underpinning to flesh out the term. To recall: function is the purpose behind an act, the intention that shapes the use of an action in an effort to obtain an end (or a set of ends). The analysis of violence in terms of its function is therefore not reducible to the act of violence itself, but rather the function must be understood in relation to the purpose behind the act and the ends it achieves or pursues. As just mentioned, employing Barthes's framework to address narrative, this thesis will consider the meaning of violence within a wider narrative sequence. And this is an important qualification – that if the conceptual framework this thesis utilizes is the narrative function of violence, any

[122] The term function is used differently from how Barthes understands it.

understanding of film violence depends on how violence is used within the world of the story – its narrative meaning for a particular character.

It is necessary now to turn to Aristotle's interpretation of function, briefly, to ground in theory a concept of action or purpose, towards a set of ends. This formula will be used as a lens to conceive of how human action takes on a greater meaning when understood through the purpose or ends a particular act aims at.

The notion of functional analysis can be traced back to Aristotle's interpretation of teleology, and this thesis borrows from this in a way similar to that in which Barthes's concept of narrativity was used above. Aristotelian functional theory will be used as an analogy, and will in some ways depart from a strict application, in adapting this term to the methodology of the thesis. For example, the thesis does not attempt to draw conclusions about what constitutes the 'good life' or Eudaimonia, a central concern of Aristotelian philosophy. Rather, it is interested in how Aristotle formulates the notion of function in relation to human ends; it is this basic definition of the term function that provides a template to analyse how violence is used in film.[123]

Aristotle focuses specifically on the concept of function, in relating it to the purpose of humans, by asking: what is the highest good that humans can achieve? Human good is linked to an action's aim: 'the good has been aptly described as that at which everything aims' (Aristotle, 2014, p. 3). However, Roger Crisp points out that there are significant differences between ends: 'some ends are activities, while others are products which are additional to the activities' (Aristotle, 2014, p. 3).[124] Applied to this thesis, in particular, when violence is examined within a filmic narrative, what we will see is that the intentions of the act and the narrative meaning of the function are not resolved in

[123] The thesis uses the translation and interpretation of Aristotle's *Nicomachean Ethics* by Roger Crisp (his text *Aristotle's Nicomachean Ethics*, which he translated and edited). It also borrows from Gavin Lawrence's chapter in *The Blackwell Guide to Aristotle's Nicomachean Ethics* titled 'Human Good and Human Function' and Rachel Barney's 'Argument for a Human Function', which each contribute to a brief overview of Aristotle's interpretation of function as considered in this methodology.

[124] Interestingly, Lawrence emphasizes a 'hierarchy of ends': 'if end *E* is pursued *in order to* attain end *F*, then *F* is more worthy of choice than *E*' (Lawrence, 2006, p. 40). This hierarchy is supported by Aristotle's claim that rationality is important to action (Lawrence, 2006, p. 42).[124] But, Lawrence insists on Aristotle's concern: 'which discipline (*episteme*) or ability (*dunamais*) has it (what?) as its proper object?' (Lawrence, 2006, p. 41).

terms of an expected outcome, but rather in terms resolved more frequently through the unintended consequences of the act.

Still, if the function of human action is to aim at the good, as Aristotle believes, then a particular function of violence may nevertheless be distinguished through its aim. This is key, because violence is an act that points towards one thing, but which also, at the same time, may corrupt those ends, through unforeseen consequences. The function of criminal violence, for example, is distinguished from revolutionary violence, not necessarily in the form of the action taken – as a specific style of violence (where we might see similarities in its cinematic representation) – but through the narrative function behind the act, which classifies the act according to its aim. The function of violence is structured according to the objectives inherent in an act, which are revealed through the filmic narrative. Happiness, or Eudaimonia, may be something that is aspired to, of course, by the film's characters. This 'aiming', however, is not necessarily intentionally chosen by the agent in the film, but something at which the organic activity aims per se.[125] And, as we shall see later, the lack of subjective awareness/conscious aiming will distinguish certain functions of violence from one another – for example, the difference between divine and criminal functions of violence.

Another important element of Aristotle's notion of human function is that the conception of the 'good' (related to happiness/Eudaimonia, a life lived well) is portrayed as the telos for humans (Aristotle, 2014, p. 12).[126] In this way, a human function relates to aims, as the telos of the human: '[i]n every action and rational choice the end is the good, since it is for the sake of the end that everyone does everything else' (Aristotle, 2014, p. 10).[127] The human function relates the aims to the ends of an

[125] What is important to glean, is that these aims are active, they are activities; as Aristotle asserts, to perform a function it is not enough merely to possess something; it needs to be exercised, an activity (Lawrence, 2006, p. 64).

[126] The value Aristotle places on virtue is noted in this thesis, although virtue is not emphasized as a goal. He examines virtue in order to shed light on what constitutes happiness: 'happiness is a certain kind of activity of the soul in accordance with complete virtue' (Aristotle, 2014, p. 20). 'By human virtue, we mean that of the soul, not that of the body; and happiness we speak of as an activity of the soul' (Aristotle, 2014, p. 20). Aristotle envisages a range of possibilities of virtue; for example, some are 'intellectual, such as wisdom, judgement and practical wisdom' or 'virtues of character, such as generosity and temperance'. He summarizes these kinds of virtues as 'states worthy of praise we call virtues' (Aristotle, 2014, p. 22).

[127] Action for Aristotle is considered to be rational action (Lawrence, 2006, p. 42). He is aware that actions might be subject to manipulation, that all acts are not in pursuit of the good (Lawrence, 2006, p. 43).

act as 'rational' choice. Of course, this is a provocative claim to make with regard to violence's function. Certain types of violence can be interpreted as mere reactions; in the case of rage, for example, the means are still violent, but the ends are less clear. However, with the exception of pathological violence, within each narrative the character's worldview is constructed in such a way that a certain rationality exists; there is 'reason' in the choice; a logic connects the act to the desired aim (whether the spectator believes that aim to represent the 'good' or not is largely irrelevant – it is the good for this character).

Aristotle's analysis of function in terms of telos is essential to understanding how this thesis structures the evaluation of violence's function: connecting the act of violence (its means) to a desired aim (the ends which it pursues). Gavin Lawrence offers a way of understanding Aristotle's use of the word telos, describing the Nicomachean Ethics as an exploration of the 'teleological conception of the good' where 'the good in some object or systematic area or realm is the end' (Lawrence, 2006, p. 39).[128] Actions are therefore evaluated through their relationship to ends, through an idea of chosen action – and Lawrence references Aristotle directly in the *Niomachean Ethics* –where he reads action and choice together --where both action and choice '"are held to aim at some particular good"' (Lawrence, 2006, p.39). The ends must therefore be examined alongside the means, providing a methodological clue in terms of how to examine the function of violence in cinema – the act is always to be understood through its relationship to something else. And it is precisely in the specificity of this relationship that one can distinguish between functions – for example, the cinematic representation of revolutionary violence will be distinguished from criminal violence through a difference in function, classified according to the intentions and aims of the violence employed.

It is the structure of means and ends, then, which requires further clarification. Lawrence refers to Aristotle's *Politics*, where Aristotle explains the relationship between the means and ends. Means are the actions: 'two things in which success…

[128] Although Lawrence finds gaps in Aristotle's argument, in the reluctance to provide specifics regarding what Eudaimonia is, the Function Argument allows for considerable progress towards understanding the human good through the human function. '*Eudaimonia*, is an activity of soul – a rational life-activity – in accord with its proper excellence over a complete life time'; Lawrence suggests that Aristotle provides an outline for this process, even if he does not explicitly reveal its nature.

comes about in all things, and of these two one lies in the target and the end of actions being posited correctly, and one is to find out the actions bearing on the end …' (See *Politics*, but also Lawrence, 2006, p. 38).[129] How the actions are carried out and towards which end they aim is crucial to violence's function. The type of act (enacted violence) reflects its use-value.[130] Lawrence examines a 'functional sense of "do"', which introduces a 'normative' approach to thinking about function as doing: 'implies that an individual X ought to … and is defective in some way if it does not' (Lawrence, 2006, p. 57).[131] The concept of ought is important to our investigation, as violence in film is often portrayed as necessary from the perspective of the character who utilizes violence. In the case of violence, this 'necessity' can arise within or without the parameters of law, or it can be applied to an individual. For example, the function of state violence is characterized by the idea that 'necessity has no law',[132] just as the systematic organization of criminal enterprises will privilege the individual's use of violence to support a system. Of course, Aristotle does not account for these contrasting functions.

Barney identifies Aristotle's conceptualization of function as attached to the end it pursues: 'the function (ergon) of a thing is closely tied to its final cause (hou heneka) or end (telos)' (Barney, 2008, p. 300); or, more explicitly: '"the function of each thing is its end"' (Barney, 2008, p. 301). She points out that Aristotle does not equate function with instrumentality (Barney, 2008, p. 30).[133] However, this thesis and, in particular, the philosophies of violence which will be considered examine the possibility that

[129] Lawrence also includes Aristotle's consideration of the possibility for ends and actions to not always align: 'for sometimes while the target is proposed finely, in acting to hit on it people go wrong; and sometimes they hit on all the things towards the end, but have posited an end that is bad; and sometimes they go wrong in each …' (See *Politics* VII.13.1331b26–38, in Lawrence, 2006, pp. 37–8).

[130] In the final sequence of *Scarface* (dir. De Palma, 1983), the use of a machine gun is part of what shifts Tony Montana's function of violence from criminal to pathological – using a regular gun to shoot his enemies would be an act of self-preservation. However, the virtual bloodbath at the end deploys violence at such an extreme and excessive level that violence's function becomes ultimately self-destructive and therefore pathological.

[131] Lawrence describes the 'utopian target' as Aristotle's principle aim: '[A]s practically rational agents, we have either *targets or* ideals (what is the other?). We aim to live the best life we can in the circumstances that life presents us.' This is considered to be 'the norm, or measure, of unqualified success and defect in human life' (Lawrence, 2006, p. 48). Lawrence argues this further in another article: 'Aristotle and the Ideal Life', *Philosophical Review*, 1993.

[132] Agamben explores this in his text *State of Exception* (2005), and we will return to this idea in the case studies.

[133] Aristotle, like Socrates and Plato, places virtue at the forefront of the achievement of the good life (Barney, 2008, p. 300).

violence may at times be instrumental.[134] Her somewhat abstract analysis of function is more easily read in conjunction with my consideration of violence. What identifies the particular type of violence will be the end it pursues. Even though the function is the end, the means are essential: Barney quotes Aristotle: "function is an end, and the activity is the function,"' (Barney, 2008, p. 301). And so a function can provide a way of understanding particular forms of activity (means) in terms of what they tend to produce. Thus function can be interpreted as determining identity: as Aristotle says in the *Politics*, "all things are defined by their function [ergon] and power [dunamis]"' (Barney, 2008, p. 301).[135]

Examining violence in terms of its function emphasizes the aims and ends of violence. Violence's function is crucial to the filmic narrative, which shapes the development of its function, by portraying the purpose of violence. For this thesis, narrative function consists of: motivating factors, the means deployed or enacted, and the consequence. Violence's function in film becomes more than just an image or representation of violence; it is a key sequence in the narrative, defined through its teleological aims. The act of violence interpreted in terms of its function shows that violence is a complex representational object – not reduced to just the act of violence, but to a wider situation, which takes into consideration the situation which inspires the act of violence and its consequences. Violence is consistently reconditioned according to its context. That violence serves a function indicates that it is often used for a reason (not that the reason is necessarily 'rational'), and may be defined by this objective. Having offered definitions of three key terms – dialectic, narrative, and function – the thesis will now turn to consider in more depth the philosophical character of those functions.

[134] For example, Hannah Arendt discusses violence's instrumental character, arguing: '[V]iolence is by nature instrumental; like all means, it always stands in need of guidance and justification through the end it pursues' (Arendt, 1970, p. 51).

[135] Lawrence similarly argues for 'the sense of chosen action' (Lawrence, 2006, p. 39). The idea of chosen action supports the use of an individual or group behind the violent act.

Philosophical Interpretations of the Function of Violence: State, Criminal, Revolutionary, Divine, and Pathological

In this section, the thesis will highlight the relevance of applying philosophies of violence in order to illuminate different functions of violence in film. Through the application of a philosophical template to the analysis of the narrative functions of cinematic violence, the thesis will examine different relationships between violence and law, which form the basis of the function of violence.

The methodology for this thesis uses philosophical interpretations of violence to interrogate the narrative function of violence in film. As discussed, the narrative function of violence turns the examination of film violence inward, to its meanings and use internally in the filmic story. The function of violence simultaneously considers both the means of violence and the ends, which the act of violence pursues. In this way, one form of violence is able to be distinguished from another form of violence, even if at times their mere appearance connotes similarity.

Each section of this chapter on methodology will examine a particular function of violence. The function of violence is first introduced and defined through a particular philosophy of violence, which in some cases is developed further through additional theories. At points, even theories that undermine and challenge a particular approach to a function of violence are introduced. Finally, a few brief examples of how philosophy is used to interrogate and probe the very meaning of the narrative function of violence in film are presented.

Using these theories as a lens through which to examine the narrative function of violence in film, the thesis will demonstrate how the application of philosophies of violence can engage an analysis of the meanings and uses of violence in film in a way that acknowledges both the complexities of violence's function and the dialectical relationship that violence has with law. Through this structure, the thesis will cement the foundation for the subsequent interrogations of the functions of film violence examined in the case studies to follow. In what follows below, I take each 'philosophy

of violence' used in the thesis in turn – starting with Max Weber's concept of 'legitimate' violence.

The function of state violence

In order to explicate the function of state violence, this thesis begins first by referring to Max Weber's seminal *Politics as a Vocation*.[136] Within this text, a definition of the state emerges, which relates explicitly to violence and thus provides the basis for an understanding of the function of state violence.[137] If an analysis of violence depends on its relationship with law, then the function of state violence is one where law intervenes to mediate the use of violence. Second, just war theory is outlined to provide a specific theoretical application of Weber's interpretation of the state in the context of war. This thesis argues that the function of state violence is most recognizable in the war film, as these narratives portray issues confronting the extreme limits of the state's use of violence. Challenges to these theoretical presuppositions are introduced in the final section of the methodology chapter through an overview of Giorgio Agamben's work on the *State of Exception* and Carl Schmitt's on sovereignty in *Political Theology*, where the concept of the exception is introduced and the relationship of violence and law in the time of political crisis (or war) is examined.

In the beginning of *Politics as a Vocation* (1919), Weber states '… the modern state can be defined only sociologically by the specific means that are peculiar to it, as to every political organization: namely physical violence. "Every state is based on force," Trotsky remarked at Brest-Litovsk'[138] (Weber et al., 2004, p. 33). From the outset, Weber reveals that violence provides the means to achieving certain ends, and that a notion of statehood is derived from the use of violence. From the outset of his

[136] The text *Politics as a Vocation* is often reproduced in tandem with *Science as a Vocation*, which concerns 'the nature and status of science – most especially the desire to claim final authority for itself …' (Weber et al., 2004, p. xii). These two lectures are reproduced as texts and considered to be central to an overview of Weber's thought (Weber et al., 2004, p. xii). This thesis uses the version edited and introduced by David Owen and Tracy B. Strong (2004).

[137] As discussed in the previous chapter, film theorists are aware of Weber's sociological concerns. See: J. David Slocum's introduction to *Violence and American Cinema*.

[138] We will further confront Trotsky's assertion in Walter Benjamin's *On the Critique of Violence*, through Benjamin's interpretation of mythic violence.

critique, Weber reads violence as a structuring device. Weber's use of Trotsky's phrase 'Every state is based on force' indicates that violence is primordial – that the origins of the state are based on violence; in short, that the foundation of the state relies on violence. And so, indirectly, Weber provides a definition of state violence: the basis through which a state can emerge.

However, Weber quickly provides a qualification for the use of violence: that the state exercises violence legitimately. Therefore, legitimate violence provides the source for the state's identity. For the purpose of violence's narrative function, in terms of the relationship of law and violence, the legitimacy of state violence can be seen as the relationship of law and violence, one where law is in control of the use of violence, so long as it is exercised on behalf of or by the state. Individual violence, for example, is only legitimate through the state's structure,[139] which this thesis interprets as under 'law', in the sense that the state represents law. Therefore, in the function of state violence, the law intervenes to mediate the use of violence:

> [W]e must say that the state is the form of human community that (successfully) lays claim to the *monopoly of legitimate physical violence* within a particular territory – and this idea of "territory" is an essential defining feature. For what is specific to the present is that all other organizations or individuals can assert the right to use physical violence only insofar as the *state* permits them to do so. The state is regarded as the sole source of the "right" to use violence. (Weber et al., 2004, p. 33, italics in original)

The state controls the use of violence: legitimate violence is coterminous with the state's use of violence, while what is illegitimate is either the use of violence in opposition to the state, or the use of violence by individuals, when the state has not previously authorized such persons to exercise it. The concept of a divide between the use of legitimate and illegitimate violence is key to understanding the formative relationship that violence will have – the relationship with law. Law emerges as the distinguishing characteristic of state violence, separating the legitimate use of violence

[139] Just war theory provides such an example, although Weber will not make this specific distinction.

from the illegitimate. Therefore, the same act, exercised to different ends, and utilized by different people or groups of people, takes on entirely different interpretations.[140]

For Weber, the concept of territory is also a cornerstone of his definition of state: it is within the territorial boundaries of the state, after all, that the use of violence exists and perhaps flourishes insofar as it possesses 'legitimacy'. In the examination of state violence in film, territory plays a tremendous role – but also, at times, an ambiguous one: the jungles of Vietnam take on the quality of a dangerous character in the Vietnam War film, and in the films that depict the 'War on Terror', one finds repeated references to 'undisclosed locations' and 'CIA Black Sites'. There is a distinction between Weber's notion of the unity of a state, defined by a specified territorial mass over which it presides, and the kinds of anomalous 'territory' described here, which does not belong to the geography of the warring state (in this case the United States). In these cases, instead of being a defining character of the state when it comes to the legitimacy of its uses of violence, it becomes the site where the relationship of law and violence unravels in the cinematic representation of the function of state violence: extraterritorial spaces where laws do not apply. For example, it is no coincidence that 'undisclosed locations' and 'CIA Black Sites' are where the extra-juridical acts of torture take place: a zone of indistinction in territory produces the site for an absence of law in the violence of the state.

Weber's stark claim (2004, p.33) that the 'state … lays claim to the *monopoly of legitimate physical violence*' (italics in original) is a vivid example of the function of state violence: how the law intervenes to mediate the use of violence. Not only does Weber acknowledge that there is a divide between legitimate and illegitimate violence, but he illuminates how an understanding of violence is in a constant tension with the law. It is this statement that provides the first example of a dialectics of violence – that it is possible to understand violence's function through its relationship with law. Although this thesis will go on to problematize this claim, and shortly I will demonstrate how even Weber finds fault with a prescribed and rational approach, it is possible to

[140] Theorists highlight Weber's inclination 'to rest political matters on moral certainties or justification' (Weber et al., 2004, p. xii). While politics is not the focus of this thesis, the idea that there are moral certainties plays into the structuring of violence by law, and its justification.

interpret the state as analogous with the law, and to see how law is identified through a relationship with violence.

Weber is aware of the challenges that arise with the predetermination of legitimate state violence. At the end of *Politics as a Vocation*, he addresses this through two concepts: an 'ethics of conviction' and an 'ethics of responsibility'. Both of these concepts contribute to the qualities that inspire a 'vocation for politics'. Weber defines the two ethics: an 'ethics of conviction' where 'a Christian does what is right and leaves the outcome to God', and an 'ethics of responsibility' where 'you must answer for the (foreseeable) consequences of your actions' (Weber, 2004, p. 83).[141] This distinction is an important issue for Weber, and he considers the challenges posed by this approach at the end of his treatise:

> No ethic in the world can ignore the fact that in many cases the achievement of 'good' ends is inseparable from the use of morally dubious or at least dangerous means and that we cannot escape the possibility or even probability of evil side effects. And no ethic in the world can say when, and to what extent, the ethically good end can 'justify' the ethically dangerous means and its side effects. (Weber et al., 2004, p. 84)

Weber's acknowledgement that the pursuit of good ends is often a product of violent and even unjust means reveals a critical issue, which confronts the theory of just war. This aspect of his critique addresses the legitimacy of violence in the war film. Although just war theory attempts to circumvent this issue of legitimacy, through a predetermined structure for the use of violence in war, the application of this structure is much more difficult than its theoretical propositions. In Weber's interpretation, the state is the authority on the ethical implications of violence.[142] In order to set up the

[141] An 'ethics of conviction' relies on the idea that means will be justified by the ends. An 'ethics of responsibility' emphasizes that the ends will determine whether the means were just. We can see how the state's use of force appears legitimate, as the nature of the consequences of the violence is assumed. The responsibility to the state takes precedence over the individual in the determination of the consequences.

[142] Weber traces these issues in a historical context, often using examples through the structure of religion and its perspective on the use of violence, at one point citing Protestantism. He remarks of Martin Luther: 'Luther absolved the individual from the ethical responsibility for war and shifted that burden onto the shoulders of the authorities … The specific use of *legitimate force* purely as such in the hands of human organizations is what determines the particular nature of all ethical problems in politics' (Weber, 2004, pp. 88–9). He also refers to a passage in the *Bhagavad Gita*: '"do what is necessary," in other words, do whatever "works" as prescribed by the *dharma* of the warrior caste and its rules as a duty necessary for the conduct of war' (Weber et al., 2004, p. 87).

components for an investigation of the narrative function of state violence in the case studies, it is necessary to generally examine the theories of just war. While just war theory is a specific instance of the function of state violence, it is argued that the state attains its purest legal form in the context of the war film, and so it is necessary to outline the theoretical parameters of this concept in the philosophies of violence section.

What is a 'just' war?

Just war theory presents a set of theoretical criteria, which enable an evaluation of the legitimacy of waging war. Brian Orend defines just war theory as a 'coherent set of concepts and values which enables moral judgment in wartime' (Orend, 2013, p. 10). It is distinguished through three categories: jus ad bellum, jus in bello, and jus post bellum – translated as: justice before war, justice during war, and justice after war:[143]

> The core proposition of just war theory, uniting all its theorists, is this: sometimes, it is at least morally permissible for a political community to go to war. This is to say that there can be such a thing as a morally justified war. (Orend, 2013, p. 33)[144]

Orend begins *The Morality of War* by redeploying some of the classical positions of the pre-eminent 'philosopher of war' Carl von Clausewitz, who famously argued: 'war is the continuation of policy by other means' (Clausewitz et al., 2007, p. 24).[145] If war is a political instrument, it is the instrument of the state, and war is an extension and manipulation of state power. Clausewitz characterizes war in terms of a duel: '[E]ach strives by physical force to compel the other to submit to his will … War therefore is an act of violence intended to compel our opponent to fulfil our will' (Clausewitz et al.,

[143] A tendency in the literature on just war is to emphasize the first two categories, *jus ad bellum* and *jus in bello*, although the work of Orend evidences an increasing attention to the third category of *jus post bellum*.[143] It should be noted that later editions of Walzer's text *Just and Unjust Wars* address the third category [preface to the Fourth Edition, 2006].

[144] The goal of just war theory is to restrain both the incidence and destructiveness of warfare. Just war theory seeks to minimize *the reasons* for which it is permissible to fight, and seeks to restrain and limit *the means* with which communities may fight (Orend, 2013, p. 33).

[145] The peculiar nature of the means relates to the second category, *jus in bello*, with respect to the type of weapons which are prohibited.

2007, p. 14).[146] It is this use of force between two competing sides that gives rise to the question: which of the two has justice on their side?

Jus ad bellum – the justice of war

The first category of just war, jus ad bellum, focuses on the path to war: what conditions are required to declare a just war for a just reason. Orend uses both case studies and criteria to outline patterns of behaviour associated with jus ad bellum: just cause, right intention, public declaration of war by a proper authority, last resort, probability of success, and the principle of proportionality. Such pretexts for declaring a just war would include massacre or instances of extreme violence. Just war is then invoked to redress the evil that has been done – to fight to ensure justice or a just order.

Michael Walzer, a classic theorist of just war, addresses World War II as an ideal case study for just war, evaluating the threat posed by the Nazis facing the British and their Allies. He argues, for example, that were it merely a case of German or Japanese imperialism, it would not suffice for the call to war. However, Nazi Germany presented much more than this:

> Nazism was an ultimate threat to everything decent in our lives, an ideology and a practice of political domination so murderous, so degrading even to those who might survive, that the consequences of its final victory in World War II were literally beyond calculation, immeasurably awful. We see it – and I don't use the phrase lightly – as evil objectified in the world, and in a form so potent and apparent that there could never have been anything to do but fight against it. (Walzer, 1971, p. 4)

[146] This submission of the opponent to our 'will' describes the function of violence as domination of one power over another. The relevance of this perspective becomes apparent in the analysis of *Zero Dark Thirty*, through the way CIA operative Dan pursues at all costs the submission of the terrorist suspect, Ammar, to his will. The 'enhanced interrogation' is presented as decidedly resembling the perversion of the duel, where the terrorist suspect, not dignified as a being capable of fighting a duel on equal terms, becomes a political object with value only in terms of fulfilling the will of the interrogator.

The threat presented by the enemy and the characterization of the enemy as an aggressor of immeasurable evil are essential to understanding the level of provocation that must be present in order to wage a just war. The duty of the state is to protect its people, and this means preventing dangerous external threats such as the aggression of a foreign power. However, in the case of Nazi Germany, the threat was from the state itself – which widens the definition of just war theory. When systematic state violence is perpetrated by the state against its own people, just war may also be invoked to justify acts of resistance. Just war theory offers the principles that determine the conditions that create just cause for the response to aggression through the declaration of a just war. This depends on the depiction of the enemy as an existential threat, a danger to the continuation of the good life within the state.

Jus in bello – justice in war

Once war has been declared, the second principle, jus in bello, comes into effect. This involves the ethics of the actual fighting of wars, the conduct of combatants engaged in armed conflict. It is the domain of soldiers and their commanders: 'ultimately, these rules boil down to the need to realize their human rights to the extent that can reasonably be expected during wartime' (Orend, 2013, p. 148). Orend and other theorists endeavour to provide rules and regulations for conflicts that cannot be decided in advance. If the objective is to win the war, how is it possible to weigh different permutations of violence? For example, in the first sequence of *Saving Private Ryan* (1998), American troops burn a group of German soldiers who have been firing at them from a fort. This type of violence could be viewed as cruel and excessive – but is it possible to be truly reasonable when dealing with acts of violence?

Nevertheless, the development of a set of normative criteria, which constitutes just war theory, provides a response to each of these points. Orend outlines the conditions of behaviour that provide for jus in bello: the moral equality of soldiers, discrimination and non-combatant immunity, benevolent quarantine for POWs, the doctrine of double effect (which concerns the issue that even aiming at legitimate targets can result in civilian casualties) (Orend, 2013, pp.121–5), and compliance with international law on

the use of certain prohibited weapons (i.e. biological weapons, excessively injurious weapons) (Orend, 2013, pp. 111–51).

According to Walzer, jus in bello should be approached as distinct from jus ad bellum, since whether you are the defender or the aggressor, soldiers on both sides have the same moral duty: 'they are led to fight by their loyalty to their own states and by their lawful obedience … nevertheless they are not criminals; they face one another as moral equals' (Walzer, 2006, p. 127). He is clear in arguing for a common humanity that exists between soldiers involved in conflict (regardless of the policy of the government). He distinguishes between the use of violence by a soldier and the use of force by criminals. This is intrinsic to shaping the analysis of different functionalities in violence. There is a common purpose to the use of force by soldiers that transcends individualist goals defining criminal violence: the soldier does not fight for his own profit but for the sake of his country. This, of course, raises the question of who is responsible when a soldier's use of violence is unjust – the soldier or the country?

The violence of the soldier functions within the parameters of the rules of war – specifically the rules necessary to construct a theoretical framework for just war based on reasoned principles. Although Walzer considers the Nazis to be an example of an extreme and brutal aggressor on whom a war is waged justly, he still takes issue with some of the tactics employed in World War II. This exposes a central conflict in the theory of just war between jus ad bellum and jus in bello. Walzer considers the threat of the Nazis as a clear aggressor (thus satisfying jus ad bellum) and the terror-bombing of German cities (issue of jus in bello). The bombing of cities such as Dresden by the Royal Air Force was deemed necessary in order to defeat the Germans, and yet the tactics of employing this type of force violate certain principles of jus in bello – for example, the definitive threat to non-combatants. There was no certainty that precise targets would be hit, resulting in possible harm to civilian non-combatants:

> A directive issued in June of that year had 'specifically laid down that targets had to be identified and aimed at. Indiscriminate bombing was forbidden.' In November, after the German raid on Coventry, 'Bomber Command was instructed simply to aim at the centre of a city.' What had once been called indiscriminate bombing was now required … the purpose of the raids was explicitly

> declared to be the destruction of civilian morale. (Walzer, 2006, pp. 11–12)

Here, means which are prohibited are nevertheless part of a just war. Walzer provides a term for this behaviour, a 'wager', describing the case of the Allied victory against Nazi Germany, in which normatively unjust acts of violence are used to defeat an even greater force of illegitimacy.[147]

Jus post bellum – justice after war

The third principle of just war, jus post bellum, exists mainly in the province of politics, and involves the just way of ending war. It is a crucial moment that seeks to negotiate the prevention of further wars or conflict, and is therefore a difficult enterprise. In its simplest form, justice after war can be described as an effort to achieve:

> a more secure possession of our rights, both individual and collective. The aim of a just and lawful war, we know, is the resistance of aggression and the vindication of the fundamental rights of societies, ultimately on behalf of the human rights of the individual citizens. (Orend, 2013, p. 188)

Among the challenges that confront this principle is the idea that it demands a general acceptance of not only just war conditions, but essential universal human rights. The problem presented by jus post bellum arises when the victor nation's conditions are antagonistic to the structure of the society that has been conquered.[148] To combat this issue, Orend suggests that the aims of jus post bellum should be to ensure a 'minimally just and legitimate community', providing these criteria for the said community:

> 1) gain[s] recognition as being legitimate in the eyes of its own people and the international community; 2) adhere to basic rules of international justice and good international citizenship, notably non-aggression; and 3)

[147] 'But the decision to bomb cities was made at a time when victory was, literally, not in sight and the specter of defeat ever present. And it was made when no other decision seemed possible if there was to be any serious offensive against Germany' (Walzer, 1971, p. 16).

[148] For example, the Treaty of Versailles, post-World War I, which gives rise to fascism – or the situation created after the fall of Saddam Hussein in Iraq.

> satisfy the human rights of its individual members (to security, subsistence, liberty, equality and recognition). (Orend, 2013, pp. 188–9)

Jus post bellum usually falls into two main categories: retribution and rehabilitation.[149] Retribution theory and rehabilitation theory overlap in some aspects: reassertion of the rights which were transgressed (most likely the condition that led to war), acceptance by the aggressor of the conditions of surrender, the giving back of territory obtained through aggression, demilitarization, exchange of POWs, and war crimes trials. Following the retribution model, the victor nation aims to render the aggressor '"worse-off than prior to the war" … compensation payments from aggressor to victim … economic sanctions on Aggressor' (Orend, 2013, p. 305). The rehabilitation model, on the other hand, aims 'to make the defeated Aggressor better-off than prior to the war … no compensation payments, no sanctions and aid and assistance with post-war reconstruction, including Forcible Regime Change imposed on defeated Aggressor' (Orend, 2013, p. 305). (The first case is best exemplified by the Allied treatment of Germany after World War I; the second, the treatment of Germany after World War II.)

Many films in which the narrative concerns involve American military engagement in the twentieth and twenty-first centuries pose questions concerning the legitimacy of the state's involvement in war, how war should be waged, and the proper treatment of the enemy in combat situations (reflecting the ideological premise of just war theory).[150]

In order to begin to probe these theories about state violence and identify a line of thinking in how these philosophical methodologies will examine issues relevant to film studies, the thesis will consider two war films: *Saving Private Ryan* and *Zero Dark Thirty*. Although each film's narrative draws from a different war, both invoke the Weberian idea that the 'state … lays claim to the *monopoly of legitimate physical violence* within a particular territory' (Weber, 2004, p. 33, italics in original). And further, corresponding to the idea of 'territory' as it relates to legitimate violence, both

[149] Tensions inevitably arise between the victors in the form of an occupying army and the defeated local population.

[150] Frequently, law comes to the forefront of these discussions: whether it is the film *The Bridge on the River Kwai* (dir. Lean, 1957), where Lieutenant Colonel Nicholson attempts to invoke the Geneva Conventions as he protests against the treatment of soldiers in a Japanese POW camp,[150] or more recently *Eye in the Sky* (dir. Hood, 2015), when Colonel Katherine Powell is informed that, in order to authorize a drone strike, there must be a greater than 50 per cent certainty that civilian casualties will not occur.

films will address how the absence of law coincides with the collapse of recognizable territorial boundaries.

Additionally, each film is placed in the context of a military campaign – depicting, respectively, the violence of an enemy in combat and a terror attack – and each film operates within the structure of just war theory. This relationship is not always depicted as straightforward, and many war films examine the gap between the predetermined law and the gross actualities of combat. As I will demonstrate in the case studies, the films selected for analysis present a challenge to the theoretical presuppositions of just war and challenge the legitimacy attributed to state violence.

The function of criminal violence

We have established that there are certain structures of legitimacy which govern the way violence is used, or at least purport to govern it. It is now appropriate to delve deeper into an apparent antagonism or opposition to the function of state violence – criminal violence. While the state uses violence in order to protect its people or to protect the laws which ensure the livelihood of its citizens, criminal violence is distinct in its aim of self-interest. However, as this thesis will argue, violence's function is a conceptual framework which proves that the issue of violence is deeper than merely an aim or a purpose associated with an action. Rather, it indicates a teleological end that an act of violence aims at or pursues. Additionally, as I have mentioned throughout the introduction, the development of a function of violence relies on a construction of the relationship of law and violence. And so, we can begin thinking of criminal violence as an almost inverse of state violence: the function of criminal violence is a violence which structures law.

In order to explore this relationship and to expose the components which make up the function of criminal violence, the thesis will utilize the philosophical interpretations of violence outlined by Slavoj Žižek in his seminal text, *Violence* (2009). Žižek not only conceives of the more obvious and apparent forms of criminal violence, which he will call subjective violence, but also examines the way systems are inherently violent. It is

therefore possible to examine the idea that violence structures law in the narrative function of criminal violence, through the application of Žižek's analysis.

Žižek's interpretation sets up forms of violence which this thesis will argue exist in a dialectic in the gangster film. But it is also through his analysis of objective violence (which I will more fully address in a moment) that we are able to consider how criminal violence adheres to a systematic structure of violence.

Violence appears in many forms: 'the obvious signals of violence are acts of crime and terror, civil unrest, international conflict' (Žižek, 2009, p. 1). Žižek interprets violence in terms of what he calls 'subjective' and 'objective' violence.[151] Subjective violence is 'performed by a clearly identifiable agent' (Žižek, 2009, p. 1).[152] It is, he continues, 'seen as a perturbation of the "normal", peaceful state of things' (Žižek, 2009, p. 2).[153] Objective violence, on the other hand, he argues, 'is precisely the violence inherent to this "normal" state of things. Objective violence is invisible since it sustains the very zero-level standard against which we perceive something as subjectively violent' (Žižek, 2009, p. 2). This can be problematic, as we just saw. Weber highlights the issue of violence performed by an individual, unless it is within the state's predetermined structure. The state will almost always see any opposition as criminal; even the most noble revolutionary is an 'enemy of the state'. Through Žižek's definition of subjective and objective violence, this thesis is able to use his analysis in order to identify forms of criminal violence within the cinematic narrative. Additionally, Žižek's two forms of violence provide a point of intervention for this thesis to consider how a tension emerges between different forms of violence. As I will demonstrate in the case studies, within the criminal enterprise there is the possibility of the emergence of an irresolvable dialectic, which threatens to undermine the criminal system. In the case studies, through

[151] Žižek's intentions are: '[to] learn – what causes this violence' (Žižek, 2009, p. 7). This thesis, however, is less concerned with the cause of violence. Cause is an integral part of the analysis of the function of violence; it is the first part, which inspires its utility. As a tool of cinematic analysis, it is important to consider the cause of violence, its function and effects. The cause of violence also figures prominently in the depiction of violence on-screen.

[152] In the gangster film, I will locate this concept through the gangster protagonist.

[153] When we examine only subjective violence, we analyse the criminal function of violence, and assess the function of violence as something which aims at domination. As we have already seen in the case of revolutionary violence, violence can function as a means to liberation. Objective violence, particularly in the colonial situation, would indicate the type of violence inherent in the 'normal' state of things, an example of state violence. But, as noted in the section on revolutionary violence, state violence can be the status quo in the colonial situation.

the narrative of the gangster film, I will consider how the violence the criminal enterprise uses as a key structuring device depends on the subjective violence of an individual gangster within the system. This structure holds the potential for its own downfall, as the subjective violence of criminal individuals may at times fail to be contained by the system itself. The case studies consider how this not only reveals a key tension in the dialectics of violence, but also how, within the world of one story, functions of violence may transform and sublate.

Although I have largely referred to Žižek's interpretation of violence as consisting of two forms, subjective and objective violence, it is important to note that there are two components to his concept of objective violence: symbolic and systemic violence. Symbolic violence is (succinctly) 'embodied in language and its forms', whereas systemic violence is the 'violence inherent in a system: not direct physical violence but also the more subtle forms of coercion that sustain relations of domination and exploitation, including the threat of violence' (Žižek, 2009, p. 4). Both concepts, systemic and symbolic violence, enable us to use cinema to interrogate the different functions of symbolic violence, where language and domination are prominent, as is signified, for example, in films such as *Django Unchained* (dir. Tarantino, 2012).[154] His use of the term 'nigger' (while perhaps historically accurate for the language during this period) works as a signifier of racist violence, an example of the order of symbolic violence.[155] Here, language is used to symbolize the forms of subordination, oppression and domination that fuelled the system of slavery. Symbolic violence functions to

[154] *Django* utilizes both objective and subjective violence. Symbolic and systemic violence are represented by the presence of a clearly identifiable criminal agent: the white slave owner who uses violence, symbolically and systemically, in order to ensure his domination over African-American slaves. It is important to note that, at the time, slavery wasn't considered illegal: so it is criminal in terms (for us), even if it is 'legal' in its historical context. However, what makes it criminal, in terms of the parameters of this thesis, is its function. Slavery is evidence of the violence inherent in a system – the economic system of slavery that relies on violence to produce wealth.

[155] The reverberations of this word are still felt today and were part of the critical response to Tarantino's film. The question of historical and social accuracy is an important element of the debate in the cinematic representation of violence. It occurs at a moment when both the symbolic and systemic types of violence reach a nexus. This certainly is a factor in *Django Unchained* (2012), as the symbolic violence of slavery is depicted in the physical and linguistic abuse portrayed. Systemic violence was inherent in the culture of daily life in America during the period of slavery. The designation of African-Americans as slaves and inferior subjects fuelled the economic and political system. Here we see how criminal violence can overlap with systemic violence. Both function to ensure domination of one group of people over the other. Spike Lee notoriously shot back at the film for its depiction of slavery, saying, 'American Slavery Was Not A Sergio Leone Spaghetti Western. It Was A Holocaust. My Ancestors Are Slaves. Stolen From Africa. I Will Honor Them.' He particularly took issue with Tarantino's use of the racial epithet (Rolling Stone, 2012).

dominate, through language: Tarantino's use of the term 'nigger' in *Django i*s an example of the cinematic representation of violence.

Through language, the plantation owners enforce their domination using the word 'nigger', which supports their economic domination through the institution of slavery. The system of slavery functions like criminal violence and yet is systematically employed – it is both criminally identifiable and part of a larger economic structure. It is analogous to criminal violence in that it is employed for the pursuit of individual ends (in the same way capitalism is). However, it maintains its violence under the pretence of state legitimacy, in that the law supported it at that time – and so, law mediates its violence. However, as argued at the beginning of this section, violence's functionality is a product of the dialectic of violence and law within the film's narrative: in criminal violence, violence structures law. In the case of slavery, for example (and this is evident in *Django*), the slave master controls his plantation system through violence: lynching, whipping, beating.

At this point we distinguish between ontological and ontic violence, which in Žižek's interpretation can be used to distinguish between objective and subjective violence. Ontic violence could be seen as the physical representation of the abuse which is a part of this system of slavery (for one such example); the facts of violence: whippings, torture, harassment – all are examples of the subjective violence which is itself part of the objective system. The ontological function of violence, on the other hand, is discerned in the ability of violence to exhibit two things: both its internal character – permitting us to identify what it 'is' – and its transformative potential, in this case serving the function of revolutionary aims in the emancipation of Django himself. More fundamentally perhaps, by showing an identifiable agent (the slave owner in *Django*), the cinematic representation of the fact of violence evidences the underlying ontological concern. The slaver owner's role in the world of the story serves to elaborate the function of slavery as a violent system (objective violence), but also makes use of the function of criminal violence in its intent to repress and dominate.[156] This film operates,

[156] Žižek's analysis of violence, which emphasizes consideration of the causes of violence, presents us with another way to assess the violence in *Django* – for example, Mandingo fighting, where slaves are forced to fight to the death for the entertainment of their owners. There is a clearly identifiable agent in the form of the slave owner, Calvin Candie, who sets up the fighting and orchestrates its presentation. The action takes place within the world of slavery, where violence is inherent in the political and economic system. The owners can do what they want with these slaves, having complete power over their lives and exercising violence, which could even lead to the deaths of slaves, with

then, on two levels simultaneously: depicting subjective and objective violence. Through the facts of violence, the functions of violence may be comprehended as an ontology of violence.

In order to understand systems of violence and their relationship with subjective violence it is also important to see how individual acts of violence underlie and support such a system. In Žižek's analysis of violence, context figures predominantly in determining the meaning of violence. This thesis employs Žižek's approach to context in a similar manner to its use of the concept of narrative effects in the determination of a specific function of violence. Žižek argues:

> The intricate relationship between subjective and systemic violence is that violence is not a direct property of some acts, but is distributed between acts and their contexts, between activity and inactivity. The same act can count as violent or non-violent, depending on its context; sometimes, a polite smile can be more violent than a brutal outburst. (Žižek, 2009, p. 180)

Here, context can be related explicitly to the idea of narrative function central to this thesis. The representation of violence is conditioned to fit the ends it pursues and, in its relationship to the rest of the story, its position within the narrative.

The methodological template for the analysis of the function of criminal violence relies on the application of Žižek's philosophical interpretation of violence and the dialectical relationship of law and violence: the pursuit of domination and self-interest, exemplified by the violence of a criminal protagonist – the subjective aspect; and also the wider system, predicated on violence, which enables criminal intentions and is in turn supported by criminal violence – the objective aspect. These themes are explored more fully in the case study that examines criminal violence in relation to the gangster film.

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impunity. While the historical accuracy of Mandingo fighting has not been provided, it serves as a symbol of how each slave's life was at the mercy of his owner in the extreme sense (again using death as the limit case for the institution of violence, which could quite possibly happen due to the harsh work conditions and regular beating, as it could in the Mandingo fighting). The Mandingo fighting shows the brute force the slave owner exercised over his slaves – the treatment that would contribute to a premature death, realized in the beatings and rule-by-force of the slave owners, with almost all punishment demonstrated through violence.

I have now outlined the function of state violence, where the law mediates the use of violence, and presented a conceptual framework for conceiving of a type of violence which structures law. It is now necessary to examine a function of violence which aims at emancipation, replacing one form of law and violence with another, which I will call the function of revolutionary violence.

The function of revolutionary violence

The thesis discusses the significance of analysing the dialectical nature of the cinematic representation of violence, which is developed from the characteristic of transformation, and is a crucial aspect of its representational function. Revolutionary violence derives its very function from this quality: its teleological aims focus on the transformation of a person from a condition of repression to a situation of social and political freedom. This thesis will not argue that all revolutions result in a positive transformation.[157] Rather, I will consider how it is the relationship of law and violence which necessitates change in the context of revolutionary struggle. In the function of revolutionary violence, one unity of law and violence is destroyed and replaced with another. In this particular function of violence, it is this change, this transformation, which fulfils its revolutionary character. In its simplest and most ideal state, revolutionary violence takes a condition of oppression to the state of liberation through its emancipatory function. And, to this point, in order to consider the function specific to revolutionary violence, the thesis will consider how violence was used in the colonial situation in Algeria, as depicted through the philosophical interpretation of violence Frantz Fanon outlines in his text *The Wretched of the Earth*.

The thesis utilizes Fanon for a philosophical interpretation of the function of revolutionary violence as he draws out the emancipatory function of violence within

[157] Not only does revolutionary violence seek to transform the condition of the colonial situation; its function of liberation can transform into domination after freedom has been achieved. At this point, when the function of violence is no longer being used for the emancipation of the people, it becomes a type of violence seeking to dominate, just like criminal violence. The explicit transformative quality of revolutionary violence also makes it increasingly susceptible to manipulation and it is important to be aware of this distinction. The overlap of these two functions of violence, emancipation and domination, will be a thematic concern of this thesis.

the context of revolutionary struggle. While he will not use such precise terms as 'revolutionary function', it is how he explores the use of violence in order to respond to the anti-colonialist struggle which invokes this teleological aim. Fanon advocates the use of revolutionary violence by the Algerians against the 'criminal' violence of the French colonial regime. Further, and to this point, Fanon advocates violence in order to take the Algerian native from a condition of inferiority to one of liberation. His description of the 'exploitation of the native by the settler' (2001, p. 28) can be applied to comprehend how one form of law and violence is called on to be destroyed and replaced with a better, more just relationship of law and violence. I must clarify that this thesis will primarily consider his interpretation in the first section of his text, 'Concerning Violence', as further on in *The Wretched of the Earth*, the investigation opens up to examine the costs associated with the use of revolutionary violence.[158]

An important quality of revolutionary violence is the conditions which inspire its use. The current law should be demonstrated to be inadequate in mediating the use of violence against the people. Similar to how just war requires a condition of violence or threat that permits the institution of violence associated with war as a defence strategy, in revolutionary violence a condition of oppression and repression provides a similar precursor for violence. Fanon reflects this point through his analysis of the Algerian situation. The filmic narratives selected for analysis in the case studies on revolutionary violence (to be addressed in Chapter Five) reflect this transition and the preconditions of inferiority which invoke the distinct function of revolutionary violence.

Fanon begins his critique in the context of Algeria in the 1950s, where the Algerians were oppressed through the colonization by the French. French settlers[159] organized a colonial state in which they were politically, socially and economically superior to the Algerians: they controlled both the land and the means of production. From the perspective of Algeria's repressed population, the French colonial state was a criminal

[158] Fanon was a psychiatrist in addition to being a philosopher, writer and revolutionary. In a later section of the book, entitled 'Colonial War and Mental Disorders', he provides details of a variety of patients, both Algerian and European, who are involved in the Algerian war for national liberation. This includes details from French policemen who were torturers, and an Algerian militant who was responsible for placing a bomb in a café. At one point in the text he declares: '[I]n other words, we are for ever pursued by our actions' (Fanon, 2001, p. 203), which indicates a grave awareness of the consequences, both mental and physical, of the use of violence (notwithstanding the nobility of its cause) in the case of national liberation.

[159] Fanon refers to the French colonists as settlers, colonizers and also more generally as Europeans.

state, and the settlers employed not just military, police or 'state' violence, but criminal violence in order to ensure their superiority. By confronting this edifice of colonial violence, revolutionary (reactionary) violence was perceived, by Fanon, to be necessary for systemic change. The first section of his analysis thus considered the situation that produced this need for revolutionary violence.

Fanon proposed that Algeria could be decolonized through revolutionary violence, explaining that: 'decolonization is always a violent phenomenon' (Fanon, 2001, p. 38). Fanon asserts that violence is therefore necessary for the transformation of Algeria, and in 'Concerning Violence' he outlines, step by step, the conditions that warrant the overthrow of the colonial system. One condition of the colonial system is its dependence on the opposition between the colonized and the colonizers.[160] The settlers own the land, which provides them access to wealth and resources. The natives, by contrast, are forced to relinquish their independence: they no longer have control of the land, and their access to the economy is controlled by the occupying French colonial administration. The colonial situation not only depends upon the position of inferiority for the Algerians, but this assumed inferiority also becomes the ruse that legitimates colonial violence. The Algerians are situated outside the law, and therefore the settlers are able to decide the conditions of their fate, including their physical state:[161]

> As far as the native is concerned, morality is very concrete; it is to silence the settler's defiance, to break his flaunting violence – in a word, to put him out of the picture. The well-known principle that all men are equal will be illustrated in the colonies from the moment that the native claims that he is the equal of the settler. (Fanon, 2001, p. 34)

It is the drive for equality that is a central component of the function of revolutionary violence: it is to be free of one form of law and violence – transforming it to another construction of law and violence, the new construction promotes equality under the law. Therefore, to place this in the terms of 'functions of violence' and the intrinsic capacity

[160] For Fanon, this opposition is 'characterized by the dichotomy which it imposes on the *whole* people' (Fanon, 200, p. 35, italics in original).

[161] In the case studies, the idea that the French settlers have possession over the bodies and lives of the colonized is interrogated through Agamben's reading of the concept of homo sacer.

for transformation – to satisfy the requirements for this change, as Fanon has described – the current status quo of law and violence is depicted as imbuing the 'criminal function', which creates the conditions for the inferiority and repression of a group of people. One aspect of the function of criminal violence, essential in defining the colonial occupation, is – in Žižek's terms – objective violence, which is the violence inherent in a system. The colonial system succeeds in part as a result of its sustained and systematic use of force against the colonized. Repression is enforced through physical domination: Governor General Lacoste armed the French, for instance, creating militias in order to 'systematize the repression and organize the Algerian man-hunt' (Fanon, 2001, p. 71). The institution of fear and of military rule further creates a separate terrorized society.[162]

There is a distinction between colonial and anti-colonial violence, then, which can be observed by examining the instance of violence. If the function of colonial violence is the domination and repression of one class of people by another class, then, in opposition to this, anti-colonial violence is focused on the struggle against that oppression – it is organized around a concept of emancipation that results from decolonization. The process of decolonization represents a transformation from domination to liberation: the destruction of the 'native's' place of inferiority under colonial rule.

The French colonizers also hold the monopoly over the 'legitimate' use of force, of course. In a Weberian analysis, applying the concept of state power which sanctions the use of violence, the colonials may be seen as using state violence to maintain superiority as well as territorial control.[163] However, from the perspective of the Algerians, the land does not belong to the French. French colonial superiority is

[162] Lacoste (French politician who was Minister in Algeria from 13 June 1957 to 14 May 1958) achieves legislative approval for the military actions – an example of the law upholding violence. However, as Lacoste and his urban militias subsequently create the colonial laws, the corruption that leads to the criminal function of violence is an example of Derrida's analysis of the 'force of law'.

[163] Fanon provides an example of how the French government authorized the use of force against the Algerians, where he cites the *Resistance algerienne*, No. 4, dated 28 March 1957: '"In reply to the wish expressed by the General Assembly of the United Nations, the French Government has now decided to create urban Militias in Algeria."' Fanon continues: '"Lacoste decrees that henceforward every European will be armed and should open fire on any person who seems to him suspect"' (Fanon, 2001, pp. 70–1). We can see here an overlap with state violence and criminal violence. The violence of the French settlers is sanctioned, as the state holds the monopoly on the legitimate use of force. However, we see in the colonial situation that this violence is used for domination.

unlawful, and the violence used to suppress them is thus criminal – illegitimate. For this reason, Fanon asserts that anti-colonial violence is justified for the liberation of the Algerians; it is the only means to free them from the colonial situation.

Revolutionary violence, in this sense, can be seen to function extra-juridically. To the given current state, revolutionary violence is illegitimate as it is in opposition to the status quo. On its own terms, it is transformative; and the conditions it seeks to change may result in emancipation and possibly the creation of a new state. Violence, which is outside the law, is under certain circumstances permissible and is similar to provocation; it is the 'exceptionality', in other words, of the situation, which inspires and justifies the turn to revolutionary violence.[164] The conditions, which result in the institution of the state of exception, are certainly present in Fanon's colonial Algeria. Fanon describes the revolutionary response to the conditions of oppression:

> [I]t has always happened in the struggle for freedom that such a people, formerly lost in an imaginary maze, prey to unspeakable terrors yet happy to lose themselves in a dreamlike torment, such a people becomes unhinged, reorganizes itself, and in blood and tears gives birth to very real and immediate action ... such are the concrete tasks to which the people is called during the struggle for freedom. (Fanon, 2001, p. 44)

The act of revolutionary violence must precede the new law as 'necessitas legem non habet' –'necessity has no law' (Agamben, 2005, p. 24).[165] The conditions created by the colonial situation necessitate revolutionary violence, and that violence is evaluated in terms of its efficacy – in relation to the accomplishment of its teleological ends. If revolutionary violence succeeds in the emancipation of the people, then the violence is entirely justified and it is acknowledged that its legitimacy comes from the transformation it has produced: a 'just' state. An act of violence may therefore be

[164] The idea that revolutionary violence occurs extra-juridically can be comprehended through the function of the state of exception. See Giorgio Agamben's *State of Exception* (2005). This is discussed further in the case studies and briefly at the end of the methodology, where some brief aspects of Schmitt's and Agamben's thought are introduced.

[165] Necessity is used today to negotiate the use of violence; called upon because these things already happened. For example: 'This is not a war of choice. This is a war of necessity.' See 'Obama Defends Strategy in Afghanistan' (Stolberg, 2009).

identified by the result, not merely the means; by its actual end, not merely the desired end.

The theme of territory figures prominently in the analysis of revolutionary violence and in Fanon's critique:

> For a colonized people the most essential value, because the most concrete, is first and foremost the land: the land which will bring them bread and, above all, dignity. But this dignity has nothing to do with the dignity of the human individual: for that human individual has never heard tell of it. (Fanon, 2001, p. 34)

The condition of oppression that Fanon describes is a product of the dispossession of the land.[166] It is through this lack – this inequity – that they are forced into a condition of inferiority. This perspective will be explored in the case studies and is a familiar theme in films which portray the function of revolutionary violence. This concept also refers back to the function of state violence and the perceived legitimacy of violence within a given territory that was explored above.[167] In revolutionary violence, it is very often a struggle against occupation which undercuts and inspires the use of revolutionary violence. The occupation of the land symbolizes a total position of inferiority for those who are colonized. If they do not have access to the land they do not have access to resources – they do not control any means of production. [168]

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[166] Mikhail Kalatozov's *Soy Cuba* (1964) depicts the colonial situation in the period of the political regime of Batista leading up to the Cuban revolution. The film's narrative contains various sequences of violence, many of which interrogate what this thesis refers to as the function of revolutionary violence. Different sequences show different elements of the revolutionary struggle, and how the use of violence relates to liberation. For example, a farmer will set fire to his crops in an act of revolutionary dissensus. When the tenant farmer receives news that his sugar cane has been sold to the United Fruit Company, for instance, he destroys his crops, setting them and his house ablaze. This is an act of revolutionary violence, aiming at a kind of emancipation through violence. Within this vignette, it is possible to see how the function of revolutionary violence is communicated through the narrative. The loss of land and his livelihood is beyond the farmer's control; therefore, the act of violence is the only action which may be used as expressing his opposition to the force of law that supports the United Fruit Company. Examining the sequence of the sugar-cane farmer permits a reflection on how violence signals revolution. In the film, the country acts as a protagonist, and the violence used against the land becomes emblematic of that which is both the site of destruction, and the site of future emancipation.

[167] The violence of the colonial system, which effectively steals land from one group of people for commercial purposes, interrogates the theory of primitive accumulation. These theories are explored in the case study on criminal violence and the gangster film. The beginning of the film *Soy Cuba* (dir. Kalatozov, 1964) provides a sense that destruction is imminent with this voiceover: 'I am Cuba. My sugar was carried away in ships, but my tears were left behind. Sugar is a strange thing, Mr Columbus. So many tears go into it, and still it's sweet.' This idea is explored in Pontecorvo's *Burn!* when Jose Dolores says, 'Freedom is something you, you alone, must take.'

[168] *Soy Cuba* examines a type of revolutionary violence which is a response to the conditions of a repressive political regime. These stories all take place at the advent of the Cuban revolution. The depiction of the atrocities aimed at

It is important to note that revolutionary violence, even while serving an emancipatory function, is still susceptible to further transformation. By this I mean that, simply because an act of violence aims at liberation or the creation of a new relationship of law and violence, there is quite often an aftermath which effects this particular function of violence.[169] This question will be raised during the case studies, as I examine two different films which portray the emancipatory effects of revolutionary violence. The transformative nature of violence does not dissipate after the emancipation has been achieved. Therefore, there is always the possibility that violence may again transform. This thesis argues that violence is not static, and therefore is susceptible to its transformation into another function. Revolutionary violence produces a new law, but that law is in continuous tension with violence. Now, I turn to the description of a function of violence that absolves itself of a relation with law, by considering the philosophical interpretation of Walter Benjamin.

The function of divine violence through Walter Benjamin

In this next function of violence that I will consider, the theorist I will consult for the development of the concept of divine violence is particularly suited to the task. Although he will not conceive of violence in precisely functional terms, his insistence on the analysis of violence through its relationship to law, and his emphasis on the relationship of means and ends, is central to this thesis. In order to derive a function of violence, this thesis depends on violence's association with law and a construction of a

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the Cuban people by the European capitalists indicates that these vignettes operate largely to set up illustrations of pre-revolutionary Cuba as a way to explore the conditions that lead to revolution.

[169] The ability of film to depict different moments in a violent narrative also allows an examination of the points at which revolutionary violence and criminal violence overlap, and even sublate into one another. It is possible to see aspects of revolutionary violence, not only in films concerning colonialism, but also in the gangster genre. Applying the notion that the function of revolutionary violence is to emancipate, consider the beginning of Brian De Palma's *Scarface* (1983), for example, where we find Tony Montana, the protagonist, and his accomplice/closest friend, Manny Ribera, arriving in Miami's 'Freedom Town' following their flight from Cuba. In the initial moments of the film we see that, for Tony and Manny to be free to live in America, they must commit an act of violence. They have to kill a former Cuban government official who has just arrived. The film shows us the camp, assumes our familiarity with the pre-conditions in Cuba, and establishes our sympathy with their desire to live and work in America. These acts of violence are thus 'rationalized': there is no way out unless through the use of violence. However, as the narrative demonstrates, the momentary use of revolutionary violence is soon transformed by distinctly criminal ends, and eventually by pathological violence, as Tony – in order to maintain prosperity – depends ever more increasingly on the use of violence.

teleology – both of which are integral components of Walter Benjamin's theories of violence, which have profoundly shaped this thesis's methodology.

It is in his essay 'On the Critique of Violence' that Benjamin unfolds his philosophy of violence. While the majority of this text traces the development of Benjamin's concept of mythic violence, it is through a consideration of mythic violence that we can come to understand his concept of divine violence. It is important to note that this thesis intends to interpret Walter Benjamin's concept of divine violence, which is not to be confused with a more literal translation of the term as something explicitly religiously sourced. Benjamin's philosophical interpretations of violence provide this thesis with a device to analyse violence through its association with law. Yet Benjamin also provides the conceptual framework for interrogating a function of violence which considers the possibility of a type of violence that does not maintain this association.

This thesis has already proposed that the function of violence is identified through the relationship of a particular means of violence and the ends that such an act of violence pursues – through its function or telos. However, Benjamin's analysis of violence is unique in that his concept of divine violence offers the possibility for a function of violence that is defined not by its relation to law, but through its break with law and its lack of an attachment to ends: it is 'law-destroying'. And so, even though Benjamin's concept of divine violence is unique in eschewing a relationship with law, it is still defined by law, even through its non-relationality.

Benjamin portrays law in the following terms: the 'fundamental relationship in any legal system is that of ends and means' (Benjamin, 2009, p. 1). While the relationship of law and violence shows how the means (violence) relate to a specific end, it is justice, the third element, which for Benjamin provides a way of assessing the value of violence: 'violence is means to just or unjust ends' (Benjamin, 2009, p. 1). And certainly, in the case of just war theory, as was considered earlier, evaluating the use of violence depends upon a determination of 'just' ends. Throughout this thesis, the concepts legitimacy and justice are at some points conflated and substituted for one another. Benjamin, however, asserts that there is a difference between justice and legitimacy/lawlessness: 'if justice is the criterion of ends, legitimacy/lawfulness is that of means' (Benjamin, 2009, p. 2).

Benjamin poses a key provocation, which he believes to be intrinsic to violence: an analysis of violence, which focuses on the means themselves, and does not attach them to ends (Benjamin, 2009).[170] He examines the way law is analysed through natural and positive law: 'if natural law can assess all existing law only on the basis of a critique of its ends, its positive counterpart can assess all emergent law only on the basis of a critique of its means' (Benjamin, 2009, p. 2). However, Benjamin points out that both of these approaches adhere to the same formula: either the ends justify the means, or the means justify the ends (Benjamin, 2009, pp. 2–3). This similarity eventually contributes to a problem with the relationship that law has with violence, which Benjamin subsequently elucidates.

Benjamin discusses natural law, as does Weber (encountered earlier), identifying a similar issue with the violence of an individual: 'the law sees violence in the hands of individuals as threatening to undermine the legal system' (Benjamin, 2009, p. 5).[171] Therefore, law's control over the legitimacy of violence (as distinct from the individual) is intended for 'safeguarding the law itself' (Benjamin, 2009, p. 5). Benjamin asserts that violence that is not under the province of law threatens law, 'not because of the ends it may pursue but through its very existence outside the law' (Benjamin, 2009, p. 5). Violence is used (by the state) to ensure law is supported and protected. Importantly, Benjamin considers the position that extra-juridical violence is a threat. Although this possession of the legitimacy of the use of violence is similar to Weber's analysis, Benjamin considers the law to be hegemonic, not the state, notwithstanding the fact that law can be interpreted as running parallel to state power.

In order to arrive at his concept of divine violence, Benjamin traces the concept of mythic violence. It is possible to read Benjamin's mythic violence through this thesis's concept of function, in so far as mythic violence conveys two classic teleological aims – it refers either to: (1) the violence that is law-establishing, or (2) the violence that is

[170] An important issue to highlight is that justice is determined through the relationship of means and ends.

[171] Benjamin argues that one of the few instances of the individual's right to violence is the workers' right to strike (Benjamin, 2009, pp. 6–7). 'Strike action … is capable of establishing and modifying legal relations …' (Benjamin, 2009, p. 8).

law-upholding. Simply put, law-establishing violence is violence that results in the establishment of law, while law-upholding violence strengthens and enforces already-existing law. To further these terms, Benjamin uses the duties of the police as an example where, in many instances, both law-upholding and law-establishing violence come together. Benjamin describes the police as: 'law-establishing in that its function, typically, though not the promulgation of laws, is each and every decree that it enacts with legal entitlement. And it is law-upholding for it places itself at the disposal of those ends' (Benjamin, 2009, p. 12). However, Benjamin is skeptical about the police's combination of both law-establishing and law-upholding tasks: 'the police intervene "for security reasons" in countless cases where no clear legal situation exists' (Benjamin, 2009, p. 12). Giving too much power to law allows a surplus of means to be invoked for state ends, resulting in violence and tactics that are not wholly compatible with the interests of the public. Both instances relate violence to its use as means, as Benjamin argues: '[a]ll violence, seen as means, is either law-establishing or law-upholding' (Benjamin, 2009, p. 13). Violence is a means in the service of law, and evidently law (at least in Benjamin's interpretation) is problematic.

Benjamin moves his discussion in the direction of examining a type of violence which exists in means alone: 'the violence of a course of action may be judged neither by its effects nor by its ends but only in accordance with the law of its means' (Benjamin, 2009, p. 18). Benjamin's approach may be distinguished from the other philosophies of violence used in this thesis, through his isolation of violence in terms of its means.[172] The problem of the relationship of law and violence, which Benjamin proposes, is that law manipulates the use of violence, creating a category of sanction for violence. Here, law can be interpreted as a framework, which emerges to justify violence as a 'means' – so violence is in the service of law. Of course, this predetermination of ends is susceptible to corruption: '[F]or ends that are just, merit general recognition, and hold good universally in one situation are not just and have neither of those qualities in any other, no matter how similar the situations may be in other respects' (Benjamin, 2009, p. 20). Here, law functions like power: '[E]stablishing law equates to establishing power, and to that extent it is an act of direct manifestation of violence' (Benjamin,

[172] In his analysis of the general strike he points out that state violence, 'thinking only of effects', opposes strikes (Benjamin, 2009, p. 19). It is clear that Benjamin's concern with revolutionary violence and the workers' right to strike is developed from Georges Sorel's *Reflections on Violence* (1908).

2009, p. 22). The theoretical intentions of law to act as a framework for the use of violence often conflicts with its real-world application.

Finally, towards the end of this essay, Benjamin begins to clarify what he means by a typology of violence, a form of violence that has no relation to ends – that is 'pure' means, which is his concept of divine violence. He derives its identity 'negatively' through the position it assumes against mythic violence: '[j]ustice is the principle of all divine end-establishment, power the principle of all mythic law-establishment' (Benjamin, 2009, p. 22). Thus, for Benjamin, what distinguishes divine violence is that it circulates in the dimension of means alone, and through this detachment from ends, justice is possible. Violence not in the service of law is pure, it is just. Otherwise put, mythic violence is always in the service of ends, and hence power, which it obtains through violence being law-establishing, law-upholding, or both:[173]

> Where mythic violence is law-establishing, divine violence destroys law; where the first sets bounds, the second wreaks boundless destruction; where mythic violence apportions blame and calls for expiation simultaneously, divine violence expiates; where the former threatens, the latter strikes; where one is bloody, the other, albeit lethal, kills without bloodshed. (Benjamin, 2009, p. 24)

Divine violence does not serve law but severs an attachment to ends. While violence is often an action that is manipulated for something, its existence becoming dependent on that qualification, divine violence exists for itself; it is pure violence.[174] What Benjamin means by 'pure' is in the sense that it is not contaminated by power. The real issue with respect to divine violence for Benjamin, however, is the issue of how violence is used to protect law, or, put another way, how law legitimizes the use of violence. The function of divine violence is interpreted by contrast as existing autonomously, and in that way it is a violence that is pure by definition. Divine violence is liberated from any attachment to law; its function recalls that of revolutionary violence in its emancipatory potential. What is unique to divine violence, however, is that it is not composed around

[173] Benjamin argues that law-upholding violence 'eventually weakens the law-establishing aspect' (Benjamin, 2009, p. 27).

the emancipation of the subject, but rather in freedom from law.[175] As Benjamin makes clear in the closing moments of his essay:

> Pure divine violence is free once again to adopt any of the everlasting forms that myth has bastardized with law … But all mythic violence is reprehensible, the violence that establishes law, which may be termed the deciding kind; likewise, reprehensible is the violence that upholds law, the managed violence that serves it. Let divine violence, the insignium and seal, never the means of sacred execution; be called the disposing kind. (Benjamin, 2009, p. 28)

Benjamin's philosophical interpretation of violence offers an understanding of the dependency of the concept of violence on the end it pursues, and that law is used to provide credibility to a diverse range of violent means. This thesis uses Benjamin's philosophical construction of divine violence in order to establish a function of violence, which is independent and separate from law, which does not serve law in the form of the state or in the law of the individual subject. Its function, eschewing a particular end, is violence itself.

The function of pathological violence

In the case of divine violence, its function severs the relationship of law and violence, producing a form of violence which is independent of law. In the next function I will address, pathological violence, violence takes a perverse turn, articulating a different relationship of law and violence, one that aims at the total destruction of the subject of violence. Whereas, in the case of divine violence, the relationship to law is destroyed, but violence remains, in pathological violence its function is destructive of the subjective foundation of the relationship of means and ends – neither law, nor violence, nor their relationship remains. This function of violence emphasizes the internal character of the subject of violence (the person who uses violence), portraying an inner

[175] The connection with revolutionary violence is not surprising, as Benjamin regards divine violence as pure violence, which is revolutionary. In the case study on the function of revolutionary violence, the films considered at points also feature sequences that depict divine violence.

subjective relation to primordial law.[176] While this certainly seems obscure, a brief diversion into the field of psychology will help to develop a conceptual template that will allow us to approach this most complex of functions. To do this, I locate the philosophical interpretation of pathological violence through Žižek's concept of the obscene supplement, which will link psychoanalysis to the relationship of law and violence; thus, we are able to fully comprehend the concept of pathological violence through a Lacanian framework. In this section I will first define what I mean by a pathology in terms of the use of violence. This inaugurates the idea that it is through an insatiable desire that the use of violence transforms something which is criminal or aberrant into something which is self-destructive. What I would also like to highlight in this particular function of violence is the desire for the other and the possibility that the subject's object of desire, or alterity, becomes an object to be destroyed. Hence, the pathological subject's attempt to destroy the object/other leads to the destruction of the very differential by which its own identity as a subject is constituted. This idea will be more explicitly probed in the case study on pathological violence through the destructive potentialities of the gaze. Lacan provides an ideal framework for this function of violence, insofar as his work on desire acknowledges the connection between desire, law, and violence. And so, through a psychoanalytic detour, I am able to return to the fundamental issue at stake in this thesis: the dialectical relationship of violence and law.

These introductions being made, I will now proceed to sketch out a methodological structure for interrogating the function of pathological violence. An analytic template that may be used to address the function of pathological violence originates in the type of subjective violence identified by Žižek earlier in this chapter. In one sense, pathological violence can be grasped as an extreme form of criminal violence, but because this subjective violence aims ultimately at both the destruction of the other and – as a consequence – of the subject itself, it must be designated 'pathological'.

[176] Primordial law refers to an 'original' law, interpreted in this thesis to have a psychological origin, wherein primordial law indicates the first time 'law' is introduced to the subject, through Freud's idea that 'castration is the punishment for incest' (Lacan, Mitchell and Rose, 1985, p. 76). This concept will be further expanded upon through Lacan's concept 'Name-of-the-Father'.

In the function of pathological violence, the desire of the individual proves to be destructive: the male gaze is transformed from something 'scopic' and distanced into an actual sequence of violence. Through Lacan's concept of the Name-of-the-Father, the relationship of law and desire is made manifest, with the law making an appearance through the threat of violence. The origin of the symbolic structure (language/law) coincides with the institution of primordial law, which in turn hinges on the prohibition of desire. It is this relationship of law, desire and violence that comes together to form the narrative function of pathological violence. This thesis proposes that the source of specific functions of pathological violence are located within the essential prohibition of the subject's desire – something developed more extensively in the case study in Chapter Seven, where the narrative function of pathological violence in film is evaluated.

There are other ways, of course, in which 'pathological violence' has been understood – outside of Lacanian psychoanalysis. Pamela Taylor, for instance, in *Violence in Society* (1993), approaches the term from a physical and psychological perspective, which considers the analysis of violence from the position of those who commit violence as well as those who are the objects of violence. Taylor argues that there are various ways to interpret violence, and considers both legitimate and illegitimate framing of the violent act:

> The soldier who kills a designated enemy in a sanctioned war according to the generally accepted rules of combat is unlikely to have committed a pathological act, which would merit psychiatric attention or respond to treatment. A young mother who kills her three children and then attempts to kill herself is unlikely to be acting in a healthy way, and almost certainly will require treatment (Taylor, 1993, p. 3).

For Taylor, the pathology of violence relates to the structure surrounding the act of violence. (As I have argued elsewhere, structure is important in identifying particular functions of violence). In the beginning of her text, Taylor suggests that pathological violence is self-destructive. This presents the possibility that pathological violence is linked to a desire for something which is ultimately inaccessible: desire, characterized by the inability to be fully satisfied. Taylor emphasizes the self-destructive aspect of this form of violence: '[W]hen the balance is such that harm to self is the main result,

and even the primary goal, the violence is more likely than not to be regarded as pathological, and indeed, in turn, to be associated with pathology' (Taylor, 1993, p. 4). Here, violence is used until it destroys everything in its wake, including the person who wields the violence. This differentiates this function of violence from criminal violence: in criminal violence, violence is used for self-interest, but not as an end in itself. In pathological violence, by contrast, violence is ultimately self-destructive – it has no end other than the pleasure derived from employing it.[177]

Pathological violence is characterized by the actor – the individual behind the use of this violence, who is considered to be asocial. Paul Q. Hirst considers a sociological approach through the theories developed by Durkheim: '[p]athology becomes nothing more than the deviation from given social forms. Its social existence is entirely negative; it is defined solely as non-normal (Hirst, 2011, p. 76).[178]

If, according to Durkheim and Hirst, the pathological is in opposition to the social norms, this use of violence may be identified as illegitimate violence. This is not to suggest that pathological violence works to destroy law; rather, it is the violence which the law seeks to contain.[179] For Taylor, it is violence that exists independently of the system, but this does not mean it is unrelated to law. At this point, a distinction is drawn. Pathological violence is not simply that which is categorically outside of the law, but rather that which corrupts the subject at the level of behaviour: pathological violence is rooted in a pathology.[180] Taylor argues that pathology is:

> a violent act, often an extremely destructive act, in itself idiosyncratic and certainly an intensely solitary function,

[177] This is not to say that these two forms of violence will not transform or sublate into each other, as the thesis specifically considers in some gangster films where criminal violence turns pathological. For example, Cody Jarrett (James Cagney) in *White Heat*.

[178] Hirst emphasizes that Durkheim insists that 'normality and pathology become different *states* which do not depend on the same conditions' (Hirst, 2011, p. 76).

[179] What Hirst is careful to point out, however, is that pathology is also process: it is rooted in processes that exist before its physical manifestation. This will figure dramatically in the cinematic representation of violence insofar as the violence of the male protagonist (against the female object of that violence) is developed from a sadistic intensification of visual pleasure within the scopic regime of the gaze. In film, the narrative might also feature a structure which communicates an awareness of the violence before it is physically manifest.

[180] Taylor usefully relates pathology in violence to pathology in behaviour: 'Kraupl Taylor [psychopathologist] defined a psychotic delusion as one based on an absolute conviction of the truth of a proposition which is idiosyncratic, incorrigible, ego-involved and often preoccupying' (Taylor, 1993, p. 3).

> largely unchecked by thoughts of being wrong or of being caught or punished, and often preoccupying to the extent of being rehearsed in imagination both before and after the event and to the exclusion of other, more conventional kinds of activity. Evidence of psychiatric illness may or may not be present additionally. (Taylor, 1993, p. 3)

Taylor also insists that pathological violence is excessive by nature.[181] While the law may be used as a way of structuring violence, pathological violence always exceeds those limits. This quality of excess will play into the case studies, specifically in the similarities which give rise to transformations between the narrative functions of criminal and pathological violence.[182]

In the analysis of the function of pathological violence, the association of law and violence will need to be distinguished. Although I will develop this significantly in Chapter Seven, I will briefly survey Žižek's concept of the *obscene supplement*, as it will supply us with a potentially destructive relation between violence and law. The *obscene supplement* will provide an essential relation of law and violence, through which I will be able to problematize the violence embedded in the law since its inception.

The public law and its Obscene Supplement

In order to understand the obscene supplement and the connection the law has with what it prohibits, I will briefly survey Lacan's concept of the Name-of-the-Father, which initiates the subject into the order of the symbolic through the prohibition on desire. This issue will be probed more profoundly in the case studies; however, it is

[181] In Taylor's distinction of legitimate structural violence from pathological violence, there is also difference in the methods and techniques of that violence. This is evident in the distinction made between just and unjust war, regarding the nature of the violence that is used towards the enemy. Taylor explains, using a quantitative structure: '[O]n a standard of *"x amount" of violence would probably have killed, but "x plus 500%"* was delivered, few would dispute the latter degree of violence is grossly abnormal, but who is to say where the cut-off point should be in such a quantitative definition?' (Taylor, 1993, pp. 4–5).

[182] Many films in the gangster genre feature a transformation from the function of criminal to pathological violence, notably, *Scarface* (1983). Tony Montana, the gangster protagonist, establishes a criminal empire which he regulates largely through the use of violence. However, his insatiable desire for money, drugs and success will lead to use of violence to a pathological degree.

essential to understand the leap from a social scientific definition of pathology to the philosophical and psychoanalytic parameters of the obscene supplement, through a concept which unites the desire of the individual and the use of violence to the apparatus of the law.

Lacan's notion that desire of the subject is the desire of the Other is located in the scene where the child who desires the mother realizes that not only is he not the object of the mother's desire, but that her desire is located elsewhere, in the father. This inaugurates the Oedipal complex, igniting the child's desire to destroy the father, as he represents the figure with whom the child competes for the mother's affection.

However, what is more pertinent to this investigation of pathological violence is how law and violence are first represented to the child through the prohibition of desire – as Lacan remarks: 'the primordial law, given that it is included in that law that castration should be the punishment for incest' (Lacan, Mitchell and Rose, 1985, p. 76). Additionally, the child's desire for the mother is met with the threat of castration: violence is a punishment for incestuous desire. And so, it is the threat of violence (castration) that is the first form of law communicated to the subject. Law is a response to desire and is articulated through violence. From inception, law and violence are related to the subject.

Lacan's concept of the Name-of-the-Father presents an overview of how primordial law is attached to violence as a result of the desires of the subject. Pathological violence is unique in that it is the subject who destroys the relationship of law and violence through an overwhelming and all-consuming use of violence – a teleology which is inherently destructive.

Let's turn now to look more closely at this through the Žižekian notion of the obscene supplement. Žižek develops his concept of the obscene supplement from the prohibition on desire, which he defines in relation to law. It is the obscene side of the superego; the dark underside of the law; the very obscenity it attempts to disavow, which nevertheless supports law. Žižek explains that ideology functions on two levels, the implicit and the explicit. The obscene supplement is the subversive aspect of law, which nevertheless allows law to function.

The concept of the obscene supplement is clearest when Žižek locates this concept within a cinematic narrative. I will therefore expand on this concept through his own film, *The Pervert's Guide to Ideology* (dir. Fiennes, 2012), where he interpolates himself into the cinematic narrative. The film applies his philosophical and cultural theory to the interrogation of ideology through various films (in effect, a film within a film). He uses a few sequences from *Full Metal Jacket* (dir. Kubrick, 1987) and *If...* (dir. Anderson, 1968) to examine the obscene supplement and its filmic representation. In *If...*, the *obscene supplement* presents itself as the implicit rules which support the explicit rules of public-school life. Žižek explains: "it is as if in order to really be a member of a community, you have to render your hands dirty."[183]

Žižek argues that what begins as the obscene supplement is eventually overwhelmed in *Full Metal Jacket*. During basic training, Private Pyle, an overweight Marine, is picked on by the drill sergeant (he picks on most of the soldiers but particularly bullies Pyle). In this film, again, there is a version of the obscene supplement insofar as there are 'explicit rules', but also 'implicit, unwritten rules which are never publicly recognized but are absolutely crucial as the point of identification of the group' (*The Pervert's Guide to Ideology*, 2012).[184] He describes the marching chants and obscene jokes which are part of the film's narrative as instances of 'the obscene supplement to pure military discipline', which work to 'bribe them [Marines in training] with bits of enjoyment' (*The Pervert's Guide to Ideology*, 2012). The enjoyment derives from enjoying 'transgressing' the law. But, like the carnivalesque, transgression is here 'permitted' by the law itself, since it does not threaten it in the least, but is in fact useful to the law (and in preserving the authority which permits its exercise).

[183] Another example of this could be the scene at the beginning of *American Gangster*, when Detective Ritchie Roberts finds one million dollars in the trunk of a car and turns it in. This act (his overemphasis on law and order, and failure to engage in the obscene side of law enforcement) causes him to be ostracized from the rest of the group, who, although cops, unite in these types of subversions. Žižek might say of this that Roberts failed to 'render his hands dirty', placing him outside the cop community.

[184] Jodi Dean, in *Democracy and Other Neoliberal Fantasies: Communicative Capitalism and Left Politics*, depicts the relationship of violence and law in the context of the concept of the obscene supplement. The foundation of all law is 'a violent irrational element … from law's claim that it must be obeyed because it is the law. This violent, irrational, superegoistic side appears as the obscene, nightly or underground, dimension of law sustaining the public ideological edifice, attaching members to a community that unites them in a shared dirty secret' (Dean, 2009, p. 134).

Eventually, Pyle becomes a model recruit, although he does make a crucial mistake: he is caught eating a doughnut.[185] Instead of punishing him, the sergeant decides to punish the entire group. In retaliation for this, the other Marines sneak up on Pyle in the middle of the night and beat him with bars of soap wrapped in towels. Pyle may have become a 'model' recruit, but some of the other recruits, in particular Private Joker, notice that he is acting asocially, talking to his rifle, for instance – his dedication to his rifle reaches a pathological level. Eventually, explosive violence becomes separated from the law it is designed to serve and he is found in the head of the barracks in the middle of the night, talking to his rifle, his eyes devilish – conveying through the cinematic representation of the character, a dissent into mental chaos. When the sergeant finds him, furious, the last thing he expects is what happens next: Private Pyle shoots the sergeant and then turns the gun on himself, destroying both the object he desires (to please Sergeant Hartman) and then himself.[186] Žižek poses the question: 'what went wrong there?' Pyle will end up shooting the drill sergeant, and then turn the gun on himself. Žižek explains this as he imitates Pyle's rationale, by saying: 'but I got too directly identified with these obscene rituals. I lost the distance, I took them seriously' (*The Pervert's Guide to Ideology*, 2012). He warns that it is in 'over-identifying with this superego, that it is self-destructive' (*The Pervert's Guide to Ideology*, 2012). In this case, the obscene supplement enables the transition from state violence to pathological violence.[187] The filmic narrative of *Full Metal Jacket* thus interrogates the function of pathological violence, which takes the form of the overidentification of the subject with the obscene underside of the law.

This transformation from state to pathological violence arises from a split in the very structure of the law. Žižek explains this split in law as arising from a conflict between that which law prohibits but is secretly enjoyed, and the rule designed to prohibit the

[185] This is especially horrible for Private Pyle as he is overweight, a fact frequently ridiculed by the sergeant.

[186] After a sequence shows Private Pyle talking to his rifle, Private Joker admits to another recruit when they are cleaning the head: 'Leonard talks to his rifle … I don't think Leonard can hack it anymore. I think Leonard is a Section 8.'

[187] Sergeant Hartman decides on a collective punishment for Private Pyle in response to discovering Pyle's hidden jelly doughnut: the rest of the recruits will have to do extra physical work, while Pyle is exempt. The rest of the recruits resent this. What Žižek would define as an obscene supplement in the gestures of a group to punish Pyle, or in the obscenities of Sergeant Hartman to yell at all of the Marines in training, ends up having violent consequences, as the obscene does not remain a supplement to the law, but wholly absorbs it.

transgression and its enjoyment. For Žižek, power thus relies on an obscene supplement – that is to say, the obscene 'nightly' law (superego) necessarily accompanies, as its shadowy double, the 'public' law (Žižek, 2008, p. 93). For Žižek, the problem with the obscene supplement arises when its obscenity is made visible, when the person responsible for keeping the law intact becomes involved in the desire, which is prohibited. When what is prohibited is what is desired, there is always the chance that the prohibited can be consumed by desire again. Further, the idea that certain types of violence are permitted makes it more difficult to draw distinctions, particularly when the subject is the representative of the law – the law needs violence to act as a threat, but what happens when the violence overwhelms the law? For example, the cop resorts to violence in order to uphold the law and protect the people, but when he should use violence is not always so clear. What the law needs is capable of turning against the law.

In *Full Metal Jacket*, Private Pyle becomes consumed by the obscene supplement. He is the subject of violence intended to curtail the very prohibitive behaviour he will come to employ. When violence is used systematically, it relies on the obscene supplement, which in this case transforms from a subversive violence, which can't be controlled, into something which is pathological and threatens to overwhelm the system itself, engulfing the subject in the world of violence, which is ultimately self-destructive. The relationship of the law (the symbolic) and its obscene supplement is brought to a point of crisis through the protagonist's pathological relation to violence. The function of pathological violence is ultimately self-destructive, and an overidentification with the obscene supplement in this case transforms from the legal violence of the state to pathological violence. The insatiability of desire and the lack which accompanies this will bring the actions of the protagonist to a state of sheer self-destruction.[188]

Now that I have identified some key terms (dialectic, narrative, and function) and provided a brief overview of the philosophies of violence which will be used as a

[188] In the case study on pathological violence, the thesis demonstrates how the desire embedded in the cinematic gaze transitions from visual pleasure to sadism. This provides a situation which enables the function of pathological violence to turn towards combatting the lack, which is a result of experiencing a desire that is never satisfied

methodological framework for the different functions of violence, I will briefly turn to divulging some of the key theoretical concepts that will intervene to probe and challenge these five functions of violence.

Hannah Arendt, Carl Schmitt, and Giorgio Agamben: theorists who challenge the boundaries of the functions of violence

The theorists discussed under certain 'philosophies of violence' provide an excellent starting point for developing an understanding of the functions of violence. However, they do not always speak as easily to the dialectics of violence. It is through Hannah Arendt, Carl Schmitt, and Giorgio Agamben that I will now seek to outline a conceptual strategy for probing the limits of these functions of violence. By this I mean that through certain concepts – the instrumentality of violence, the exception/state of exception, homo sacer, and anomie – the relationship of law and violence is demonstrated as something which exists in a dialectic and is therefore open to tension and transformation.

Arendt's analysis highlights the transformative nature inherent in an act of violence, which provides grounding for the application of a 'dialectics of violence'. Both Schmitt and Agamben examine the existence of acts which are outside the juridical order and relate specifically to the use of violence. Schmitt's analysis of the exception highlights a key provocation in this thesis: the task of reconciling what is outside the law to the juridical order. The tension underlying the relationship of law and violence within various narrative functions of violence may be read through the application of Agamben's analysis of state of exception, homo sacer, and anomie.

In each case, the conceptual frameworks are used to problematize the above-noted functionalities of violence in the case studies. It will not be necessary, therefore, to provide a concise overview of their theoretical underpinnings, but rather to briefly sketch out the key elements I will subsequently utilize to examine the narrative functions of violence.

Arendt: violence and power

Hannah Arendt's text *On Violence* will be applied to the functions of revolutionary and criminal violence. Her analysis of the nature and causes of violence are essential for understanding the conditions that encourage its use. Arendt echoes the earlier interpretation that violence does not exist in a vacuum [on its own]:

> Power is indeed of the essence of all government, but violence is not. Violence is by nature instrumental; like all means, it always stands in need of guidance and justification through the end it pursues. And what needs justification by something else cannot be the essence of anything. (Arendt, 1970, p. 51)

Arendt does not conceive of the relationship of law and violence in a dialectical form. It is possible to apply her understanding of the relationship of violence and power as analogous to the function of violence, which is a product of both law and violence. Arendt asserts that violence is 'by nature instrumental', connecting her interpretation to this thesis' stipulation that violence is shaped through the end at which it aims. While not using this thesis's term of 'function', her text supports an analysis of violence in terms of teleology.

Arendt provides an insight on violence that helps distinguish how this thesis will conceptualize violence, as an action, not as a tendency or behaviour: 'It is the function, however, of all action, as distinguished from mere behaviour, to interrupt what otherwise would have proceeded automatically and therefore predictably' (Arendt, 1970, pp. 30–1). This is an important qualification this thesis will use, as film violence generally can mean a multitude of things, whereas the specification of violence in terms of its narrative function necessitates a more profound investigation of violence's purpose within the cinematic narrative. An emphasis on violence's 'use-value' supports the notion of teleological ends associated with a function of violence. And even in the case of divine violence, where violence separates itself from law, it nevertheless interrupts the narrative. In film, at times, an even seemingly random act of violence alters not only the world of the character but the course of the narrative.[189]

[189] Although Arendt will not touch on this specifically, the idea of the randomness of an act of violence, an almost 'deus ex machina' rupture of the narrative, occurs in the function of divine violence. This will be explored more fully in the case studies.

In this thesis, violence is examined as an action which serves a particular purpose (whether intended or not) for the protagonist, and demonstrates the ability to change the course of the narrative, thus imbuing its narrative with a function. This is a significant consideration in the chapter on revolutionary violence, where violence is used as a means to change a corrupt relation of law and state violence. Arendt is also careful to distinguish between terms which are frequently conflated with the interpretation of violence, such as power, strength, force, and authority (Arendt, 1970, pp. 43–7). Although in her interpretation Arendt identifies each of these terms separately, she acknowledges the similarity in use in the political realm, contributing to 'the question of [W]ho rules [W]hom' (Arendt, 1979, p. 43).

Arendt's claim that violence is 'instrumental in nature' enables us to see the use-value of violence as means to a given end. However, Arendt is quick to stipulate that 'violence can remain rational only if it pursues short-term goals' (Arendt, 1970, p. 79). Although she will not view this rationality as a form of legitimacy, and therefore does not engage with an analysis of violence through a construct of law, it is impossible not to view Arendt's work on violence as identifying a problem concerning the limits of the use of violence.

Although Arendt differentiates between violence and power, she emphasizes their relation: '[P]ower and violence, although they are distinct phenomena, usually appear together' (Arendt, 1970, p. 52). This helps to differentiate between distinct functions of violence. For example, in the case studies I consider how certain criminal enterprises are constructed around the use of violence. While violence imbues a criminal function, and is used for self-interest, this often creates a climate where the use of violence will fail to be reconciled by the law. This takes us to another point made by Arendt, in her discussion of how the impotence of power breeds violence, that 'the loss of power becomes a temptation to substitute violence for power' (Arendt, 1970, p. 54). Possible applications of this perspective will be examined through the different functions of violence. I consider how this concept of the 'impotence of power' and its connection to the use of violence is a destabilizing factor in the relationship of violence and law.

Arendt acknowledges that violence can be successful in producing systemic change, and yet she warns of the ineffectuality of violence as a substitution for power in the long term: 'Violence can destroy power; it is utterly incapable of creating it' (Arendt, 1970, p. 56). She also understands that violence possesses the ability to overwhelm the ends it justifies as means:

> Neither violence nor power is a natural phenomenon, that is, a manifestation of the life process; they belong to the political realm of human affairs whose essentially human quality is guaranteed by man's faculty of action, the ability to begin something new. (Arendt, 1970, p. 82)

In revolutionary violence, the transformative function of violence takes an individual from a condition of oppression to one of emancipation. The destruction of one form of violence and law, and its replacement with another, provides a situation where an individual's humanity can be asserted: to begin something new, a teleological function of revolutionary violence. I will apply Arendt's interpretation of violence – the 'faculty of action, the ability to begin something new' – as an opening into the analysis of revolutionary violence and its transformative potential on an individual level. It is possible to relate Fanon's work on violence to an Arendtian framework. Although she will not defend the use of violence in Fanon's terms, her awareness of violence's instrumental quality allows us to see how violence may traverse different functions, within the colonial situation, for example.

Arendt's argument that the impotence of power invokes the use of violence allows the thesis to comprehend how, in situations (of oppression), violence is often both the problem and the solution to human oppression. However, she emphasizes the dangerous tendency of violence's radical potential: the character of excess which underlies violence may at times prove a pervasive threat in human relations. At the end of her text she quotes the French philosopher Paul Valery: '"One can say that all we know, that is, all we have the power to do, has finally turned against what we are"' (Arendt, 1970, pp. 86–7). She closes her text on violence with this point – and at the same time presents one of the key challenges in the narrative function of revolutionary violence: how does one ensure that the 'revolutionary' relationship of law and violence is more

just than the former – and that this new law will succeed in mediating the use of violence?

Schmitt and the exception

As this thesis develops the function of violence through its relationship with law, it is important to not only provide insight into the concrete forms of this relationship, but also to provide a methodological template for analysing those moments when this relationship is explicitly challenged. Therefore, I would next like to consider Carl Schmitt's use of the exception, in order to illustrate how, through the suspension of the legal constitution, which I will interpret as indicative of a suspension of 'law', an opening for the 'legitimate' use of violence emerges. Schmitt opens *Political Theology* (Schmitt, 2005, p. 5) with the famous statement '[S]overeign is he who decides on the exception', thereby delineating the power of the sovereign to suspend the law while still maintaining a relation to the legal framework (Agamben, 2005, pp. 34–5). While Schmitt does not write his text in an explicit effort to define the exception, this thesis is interested in how this concept emerges in his book on sovereignty, *Politische Theologie* (*Political Theology*). In order to expand on how I will utilize this concept, further clarification will be obtained through Agamben's analysis of Schmitt's use of the term in his own book, *State of Exception* (2005).

Schmitt's theory of the state of exception was written in an effort to establish a theory of political power, based not on parliamentary discourse but on authority – a question that became particularly acute during the final years of the Weimar Republic.[190] Schmitt

[190] The Weimar Republic was a democratic form of government in power in Germany from 1919 until 1933. The Republic was governed by the Weimar Constitution. It was made up of three parts: the President, the Chancellor, and the Reichstag. It aimed to derive the legitimacy of the German state from the people, wishing to remedy the authoritarian imperialism of the War period. However, the Weimar republic was fraught with division – the rise of extremist parties on the left and right made it difficult to maintain a political majority during this period. Additionally, many people blamed the Weimar Republic for the humiliating demands placed on Germany as a result of the Versailles Treaty. As a result of this, the population turned against democracy. The period of the Weimar Republic was beset by financial depression – both high levels of inflation (the government printed more money in order to pay reparations, causing the currency to fall) and unemployment characterized it. The grave economic burdens from the War – the Allies charged Germany large reparations and occupied territories essential to the German production capacity – furthered this economic decline. ('United States Holocaust Memorial Museum: The Weimar Republic, 2017).

Article 48 of the Weimar Constitution allowed the president to suspend civil liberties and declare a state of emergency in times of political or financial threat to the state. While in the early 1920s this provision allowed President Friedrich Ebert to deal with the severe economic crises, it became problematic under President Hindenburg, who used Article 48 (which permitted suspension of the constitution during periods of state emergency) to push through his agenda without the approval of the Reichstag (parliament). 'Rather than a solution for national

interpreted the role of a political leader as being through the power vested in him to decide when to suspend the constitution of the state. During the crisis years of the Weimar Republic, Schmitt interpreted the authority of the President, for instance, as being greater than that of the Reichstag:[191] in times of existential threat to the state, the sovereign must be able to act swiftly (without the deliberation of the legislature) in the interests of preserving the integrity of the state. Through his two texts *On Dictatorship* (*Die Diktatur*, 1921) and *Political Theology* (*Politische Theologie*, 1922) Schmitt developed his theory of sovereignty around the distinguishing feature of the sovereign to decide when the constitution could be suspended. Both texts correspond to the development of this theory, and Agamben grasps Schmitt's essential aim: '[I]n both books, the *telos* of the theory is the inscription of the state of exception within a juridical context' (Agamben, 2005, p. 32). What was of great importance to Schmitt was the fact that this suspension of law was not anarchy or chaos, but was still linked to the juridical order. What is unique, and which will feature in the case studies to come, is the theoretical positioning of the ability to break the law as an identifying feature of the sovereign, the idea that, for a certain person at a precise moment, the law can be broken while still remaining intact.

This thesis is not just interested in those historical periods when the state of exception is instituted, but also in the distinction of a person, or leader, who is given the authority to decide – in effect, what Schmitt has articulated as the sovereign decision. In the case study on the war film, I will consider how war provides a setting in which to examine how the decision to use violence outside the juridical order nevertheless maintains a connection to a juridical framework. As Agamben articulates Schmitt's logic: '[B]ecause the state of exception is always something different from anarchy and chaos, in a juridical sense, an order still exists in it, even if it is not a juridical order' (Agamben, 2005, p. 33). Schmitt develops his theory of sovereignty within *Political Theology* through the distinction that it is the sovereign who decides on the exception, which

emergencies, it became a crutch for authoritarian elites to resume ruling by decree' ('United States Holocaust Memorial Museum: Article 48', 2017). I will develop the importance of Article 48 momentarily, as this very provision in the constitution which allows for its suspension parallels Schmitt's theory of the sovereign exception. Agamben will reflect on this point as well in his text *State of Exception*. In 1933, the Weimar Republic ended with the beginning of Nazi Germany and Hitler's ascension to Chancellor of Germany. Hitler would eventually use the powers of Article 48 to pass the 'Enabling Act', which granted him unlimited powers (he no longer had to consult the President or the Reichstag to pass laws). ('United States Holocaust Memorial Museum: Article 48, 2017).

[191] The Reichstag was a legislative body of the Weimar Republic in Germany from 1919 until 1933.

Agamben qualifies: '[T]he sovereign, who can decide on the state of exception, guarantees its anchorage to the juridical order' (Agamben, 2005, p. 35). What will then be problematized in the case studies is this proposed reconciliation of what would seem to be an aporia – that through the ability to decide when the law can in effect be suspended, 'legitimate' power is established. What is essential, of course, is the fact that it is quite often a link to violence that ushers in the invocation of the exception: '[T]he exception, which is not codified in the existing legal order, can at best be characterized as a case of extreme peril, a danger to the existence of the state, or the like' (Schmitt, 2005, p. 6). While it is in the case studies that I will explicitly consider the situation which calls for the state of exception, it is in this way that the exception is identified through its concurrence of violence – and it is not surprising that Agamben traces the evolution of the term state of exception through a history of the state of siege.[192] Agamben also draws this connection: '[B]ecause the sovereign power of the president is essentially grounded in the emergency linked to a state of war, over the course of the twentieth century the metaphor of war becomes an integral part of the presidential political vocabulary whenever decisions considered to be of vital importance are being imposed' (Agamben, 2005, p. 21).[193]

In order to flesh out this theory, let us consider a practical example of the state of exception around the time of Schmitt's work as a constitutional lawyer during the Weimar Republic, a point which Agamben highlights in the first section of his book, entitled 'The State of Exception as a Paradigm of Government', with the following excerpt from Article 48 of the Weimar Constitution:

[192] The first section of Agamben's book *State of Exception* traces the historical evolution of the theory of the state of exception in the United States, the United Kingdom, and Europe. He is most concise when he cites the French Constituent Assembly's decree of 8 July 1791: '… which distinguished among *etat de paix*, in which military authority and civil authority each acts in its own sphere; *etat de guerre*, in which civil authority must act in concert with military authority; and *etat de siege*, in which "all the functions entrusted to the civil authority for maintaining order and internal policing pass to the military commander, who exercises them under his exclusive responsibility"' (Agamben [citing Reinach], 2005, p. 5).

[193] Agamben connects the emergency situation presented by war to the one created by economic depression through the example of Franklin D. Roosevelt's embrace of extreme powers to combat the economic crisis presented by the Great Depression. Agamben quotes Roosevelt (1938, 14–15): '"I shall ask the Congress for the one remaining instrument to meet the crisis – broad Executive power to wage war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign Foe"' (Agamben, 2005, p. 22). Agamben also points out numerous occasions in the 1920s where the German government utilized Article 48 in order to deal with the decreasing value of the German mark (Agamben, 2005, p. 15).

> If security and public order are seriously [*erheblich*] disturbed or threatened in the German Reich, the president of the Reich may take the measures necessary to reestablish security and public order, with the help of the armed forces if required. To this end he may wholly or partially suspend the fundamental rights [*Grundrechte*] established in Articles 114, 115, 117, 118, 123, 124, and 153. (Agamben, 2005, pp. 14–15)

Agamben points out that although a law was intended to accompany this Article in order to clarify precisely (and guard) how this 'presidential power was to be exercised', the law did not come to fruition. Agamben quotes Schmitt's statement on Article 48 in 1925, when he writes: '"no constitution on earth had so easily legalized a coup d'etat as did the Weimar Constitution"' (Agamben, 2005, p. 15).[194]

Through the ability to decide on the exception, ultimate power is located in the sovereign. If the sovereign is the one who is allowed to decide when the law is suspended, then he is the one who makes the law and is in effect superior to law. This perspective recalls Benjamin's development of mythic violence: consisting of both law-establishing and law-upholding violence.[195] How this contributes to this thesis' argument is through the connection law and violence have in the institution of the exception.

Schmitt's theory in effect localizes an interpretation of Weber's claim, consolidating the legitimacy of the state into the power of the sovereign, through a monopoly on use of legitimate violence:

> The exception, which is not codified in the existing legal order, can at best be characterized as a case of extreme peril, a danger to the existence of the state, or the like.

[194] Agamben will also argue that the '… last years of the Weimar Republic passed entirely under a regime of the state of exception; it is less obvious to note that Hitler could probably not have taken power had the country not been under a regime of presidential dictatorship for nearly three years and had parliament been functioning' (Agamben, 2005, p. 15).

[195] Benjamin's essay 'On the Critique of Violence' was published a year earlier (1921) than Schmitt's *Political Theology* (1922). There is undoubtedly a connection and the influence of this particular essay on Schmitt is evident, notwithstanding the more obvious fact that Schmitt was an avid reader of the journal in which the infamous essay was published. Agamben devotes a chapter of *State of Exception* to interpreting Schmitt's 'theory as a response to Benjamin's critique of violence' (Agamben, 2005, p. 53).

> But it cannot be circumscribed factually and made to conform to a preformed law. (Schmitt, 2005, p. 6)

If the exception is viewed as an act of violence exercised on behalf of the state, then the exception demonstrates a situation where the acts of the sovereign become superior to the law in the case of the emergency: that the power of the sovereign is not derivative or dependent on the state, but supersedes this – which creates a level of untouchability with regard to the sovereign decision. In this way, the ability to decide on the exception, the sovereign decision inhabits the position of a critical aporia: it does not destroy the juridical order, but rather sustains it through the provision of a transgression, which is the unique power of the sovereign. Schmitt continues: '[H]e decides whether there is an extreme emergency as well as what must be done to eliminate it' (Schmitt, 2005, p. 7). The essence of sovereignty for Schmitt is to decide what constitutes an exception and to make the decisions which respond to the exception.

It is possible to use Schmitt's interpretation of the exception and read this as an explicit relation to violence. In many instances, the situation which produces the conditions for declaring an emergency involve violence or a threat of violence. In this case, it is an act of violence which causes the law to recede (its suspension). The second overt connection to violence can appear in the form of the sovereign's ability to act with impunity: during the period of the exception, the sovereign is granted extraordinary powers in order to ensure the protection of the state. While this may result in the 'good' being done swiftly, it provides an opening (a gap) in the law and its relation to violence. It is possible to think of the exception as the ability of the sovereign to use violence in an extra-juridical framework – that is, outside the normative parameters of law, and yet, through the provision of the exception and sovereign decision, such acts are nevertheless still reconciled to the law.

While this idea may still seem somewhat obscure at this point, it is precisely these limits of the relationship of law and violence which will be addressed in the case studies to come. I will examine the theoretical presuppositions of the Schmittian exception, through the situation of emergency created by the provision of of war. The first film considered in the case study on the war film, *Saving Private Ryan*, presents a challenge to the theoretical presuppositions of Schmitt, Weber, and just war theory. Although

order may ultimately be interpreted as being restored in the World War II film (emblematic of the good war narrative in the Hollywood war film, where the exception is presented as a logical necessity), the narrative nevertheless depicts challenges to the use of violence against the enemy in wartime. The thematic concerns of the treatment of the enemy in different military campaigns provides a practical example of the repercussions of the state of exception and the limits of the relationship of law and violence in the situation of war. Specifically, as this thesis will go on to show, the prisoner of war in the World War II film is portrayed as distinct from the terrorist suspect in the War on Terror film. This perspective will be explored further and the limits of the state of exception and legalized violence will be probed and challenged within the narrative of the second film, providing a further opening into the assessment of the relationship of law and violence, and in particular the function of state violence, in the War on Terror film.

An essential feature of the relationship of law and violence is that law intends (under the guidance of the state, in the normative sense) to mediate the use of violence. However, when power over the law is located in an individual, this can pose a problem for the regulatory boundaries of law with respect to the use of violence. Here, some similarities with Weber's concept of statehood emerge – certainly with his argument that the state possesses the legitimate use of violence, which supports an interpretation of a level of authority with regard to violence. However, this thesis will employ Schmitt's thinking in such a way that it departs from Weber's concept of state power (while at the same time distinguishing certain features) to depict a more abstract moment where although there is a suspension of the juridical order, this suspension is still very much linked to the law. And so, what is up for examination is the aspect of law which provides for transgression.

Although Weber indicates that the state may exercise violence legitimately, he warns against the use of violence by an individual. Schmitt's interpretation of the superiority of the sovereign in the case of the decision is quite different: '[H]e decides whether there is an extreme emergency as well as what must be done to eliminate it' (Schmitt, 2005, p. 7). Where Weber entrusted the monopoly of legitimate violence to the state, Schmitt endeavours to locate this so-called legitimate violence in the figure of the sovereign. This critical difference exposes the problem of the individual's use of

violence. Although Schmitt endows the sovereign as the guardian of the constitution, he is nevertheless placing an individual at the helm of the decision – the sovereign as the figure of law is allowed to decide on violence. Again, Benjamin's concept of mythic violence exposes the problematic relationship of violence and law – when both law-establishing and law-upholding violence are located in one figure, the sovereign.

This is an important point to consider in light of the dialectical function of violence, where functions of violence may transform and sublate into one another. If the function of state violence portrays a relationship of law and violence, where law intervenes to mediate the use of violence, where does the exception fit in, if what is the exception is an act of violence? Further, if the exception is an act of violence, how is this distinguished from the criminal function of violence – where the relationship of law and violence are one where violence structures law? These ideas will be explored further in the case studies.

A difference arises around the notion of the 'ends' of violence. For example, for what reason is the law being suspended? Schmitt proposes that the sovereign is in such a way superior to the law. However, it is equally possible that the acts of a sovereign can pursue ends which are not in the interest of the state – adhering to other 'laws', such as the law of profit, for example, may have the effect of pursuing what is good for the individual, not the whole.

Giorgio Agamben: state of exception, homo sacer, and anomie

In this final section on methodology, I will consider three concepts developed by the Italian philosopher Giorgio Agamben: state of exception, homo sacer, and anomie. Each of these terms provides insight into moments of destabilization in the relationship of law and violence – or, to utilize a term central to this thesis, these concepts explore the dialectical underpinnings of the function of violence (that the relationship of law and violence is not fixed, but is susceptible to transformation). It is through an interrogation of the limits of the relationship of law and violence that its dialectical nature is exposed within the films I analyse.

State of exception

As mentioned in the previous section, Agamben analyses Schmitt's work on sovereignty, specifically the concept of the exception, through his own text, *State of Exception*. In this text he not only draws out Schmitt's use of the term, but also traces the historical evolution of the concept in the United Kingdom and Europe. After setting up these theoretical foundations, he moves on to explore more abstractly the relationship of law and violence, paying close attention to the themes generated in Walter Benjamin's *Critique of Violence* (1921). He also explores the more abstract ramifications of the state of exception and the gap in the law this concept provides. While Schmitt's approach is to reconcile this extra-juridical space of the exception to a legal framework, Agamben will explore the anomic quality of the sovereign during the exception.

In the beginning of his book, Agamben remarks that it is possible to interpret the exception as a moment of the 'suspension of law itself … [T]hen a theory of the state of exception is the preliminary condition for any definition of the relation that binds and, at the same time, abandons the living being to law' (Agamben, 2005, p. 1). Agamben introduces the state of exception through the French philosopher Saint-Bonnet as a 'point of imbalance between public law and political fact' (Agamben, 2005, p. 1), articulating the idea that there is a gap between the theoretical promises of the law and the practical realities of the execution of that law. Agamben's examination of the state of exception surveys the irreconcilability of the legal provision of what amounts to a transgression, which, for Agamben, exposes a point of contradiction in the law.

Agamben situates his interpretation within the context of 'necessity' – in other words, that which ushers in the institution of the exception is a situation of extreme emergency, and under these conditions it is *necessary* to temporarily transgress the law. While Agamben will devote his entire text to the exploration of the term state of exception, he is most succinct in his citation of the jurist Gratian's collection of canon law, the *Decretum*, where he briefly unpacks the phrase *necessitas legem non habet*. Agamben explains:

> The gloss (which refers to a passage in which Gratian limits himself to stating generically that 'many things are done against the rule out of necessity or for whatever other cause' [*pars I. dist.48*]) appears to attribute to necessity the power to render the illicit licit. (Agamben, 2005, p. 24)

He continues by asserting: '[M]ore than rendering the illicit licit, necessity acts here to justify a single, specific case of transgression by means of an exception' (Agamben, 2005, p. 24). What I would like to tease out of this concept is the idea that what is normatively illicit is permitted during the exception. If we consider that what is illicit is an act of violence, then for the purpose of my enquiry, violence is permitted during the exception. What complicates this idea is precisely the idea of 'necessity' – that there is a level of rationality that exists in many extra-juridical acts. Schmitt isolates this in the power of the sovereign, who has authority when 'deciding' on the necessity: translating this into his ability to both establish and enforce law.[196] This concept of necessity will be problematized in the case study on the war film, as the theoretical presuppositions of just war provide instances where 'necessity has no law' is turned into a military strategy. This becomes problematic because even though violence may be a necessary component of waging war, there are nevertheless limits to the way violence is exercised. In the case studies I will consider how even though war adheres to different regulations regarding the use of force, this does not mean that there is no law to the acts of violence perpetrated against the enemy. What becomes increasingly problematic, as the case studies will also demonstrate, is how, as a result of the fact that the nature of declaring war is become increasingly less defined, the tactics for fighting war are becoming decidedly less regulated.

Agamben sees a problem in Schmitt's argument that the sovereign is allowed to exercise the exception and to possess the unique ability to suspend the constitution, and therefore the ability to transgress the law. While Schmitt's efforts are to ensure that the exception is indeed tied to the juridical order (notwithstanding the idea that the sovereign does transgress the juridical order), Agamben reiterates Benjamin's warning that the exception threatens the very force of the law (Agamben, 2005, p. 32). Agamben quotes Benjamin's warning: '"the state of exception … has become the rule"'

[196] This constitutes what Benjamin (1921) describes as *mythic violence*.

(Agamben, 2005, p. 6).[197] What is important to both Benjamin and Agamben is to examine the provision of the exception, not as something which strengthens the ability of the sovereign to protect the people, but as a move to grant almost absolute powers to the sovereign:

> [T]he normative aspect of law can thus be obliterated and contradicted with impunity by a governmental violence that – while ignoring international law externally and producing a permanent state of exception internally – nevertheless still claims to be applying the law. (Agamben, 2005, p. 87)

What these powers do is provide the sovereign with a legitimate framework to engage in the illicit. Agamben's analysis highlights that Schmitt's definition of sovereignty relies on the exception insofar as the sovereign is defined through his ability to determine the exception. As Agamben states: '… sovereignty presents itself in Schmitt in the form of a decision on the exception' (Agamben, 1998, p. 25). This has a particular relevance in the investigations of this thesis, as I will explore the relationship of violence and law – and these concepts highlight how law and violence can be dangerously associated through concepts like the exception. While not precisely in the same terms, both Benjamin and Agamben explore the dangers associated with a predetermined relationship of law and violence. This is something the thesis intends to complicate by analysing violence dialectically – to resist the temptation to see law and violence as fixed, but instead as dialectical.

Homo sacer

In his text *State of Exception*, Agamben explores the ramifications of the state of exception on the status of the individual. He references the recent history of the United States, looking at the military order by the US President, on 13 November 2001, 'which authorized the "indefinite detention" and trial by "military commissions" (not to be confused with the military tribunals provided for by the law of war) of noncitizens

[197] Walter Benjamin made this argument in his essay 'On the Concept of History' (written in 1940, published in 1942, and also called *Theses on the Philosophy of History* [1942]).

suspected of involvement in terrorist activities' (Agamben, 2005, p. 3).[198] What is evident in this passage of Agamben is the creation of a category of people for whom the law offers no protection. Not only are these people abandoned by the law, in that they have no recourse to a trial, but a gap opens up in the law and, in effect, relinquishes (or removes) its normative duty to protect for a specific person or people. What emerges is a concept of homo sacer, which is discussed and interrogated by Agamben in his book *Homo Sacer: Sovereign Power and Bare Life* (1995). What I propose to utilize in Agamben's development of the term homo sacer is how a gap in the law allows for violence to be perpetrated against these people with impunity. Here, we can see how the space created by the exception can give way to the use of violence, normatively considered illicit – and how this level of sanctioned violence turns itself against a certain category of people. These ideas begin to unveil one of the key points which will be interrogated in the case studies – how the theoretical interpretation of the relationship of law and violence can be negotiated to assume different forms in its practical application.

While Agamben will probe the meaning and use of the term homo sacer throughout his book, for the purpose of this thesis it is suitable to begin with Agamben's concise reference to the term homo sacer (the sacred man) in the work of Pompeius Festus in *On the Significance of Words*:

> The sacred man is the one whom the people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned for homicide; in the first tribunitian law, in fact, it is noted that 'if someone kills the one who is sacred according to the plebiscite, it will not be considered homicide.' This is why it is customary for a bad or impure man to be called sacred. (Agamben, 1998, p. 71)

The concept homo sacer identifies a figure 'whom the people have judged on account of a crime'; guilty of a crime, unworthy of protection by the law. This will play an important role in the coming case studies as it distinguishes a character who, being

[198] Agamben emphasizes the distinction between the terrorist suspect and the prisoner of war: '[N]ot only do the Taliban captured in Afghanistan not enjoy the status of POWs as defined by the Geneva Convention, they do not even have the status of persons charged with a crime according to American laws' (Agamben, 2005, p. 3).

'guilty', is located somewhere outside the law. With this externality, it is possible to view this figure of homo sacer as someone for whom the law does not offer protection. I propose that this opens a gap in the law over a certain group of human beings – it is the type of life, which is not qualified by being protected by a state or legal entity. This is important, as Agamben's citation of Pompeius Festus continues to explain that this gap also relates to violence. For a key identifying feature of homo sacer is the fact that their death is not considered 'homicide', and so, with the removal of law, there simultaneously opens up a space where violence is allowed. Violence eclipses law in the case of homo sacer.

The creation of a presupposed 'guilty' subject will play a significant role in understanding the means of designating an enemy in the wider parameters of war, and in particular the terrorist suspect in the 'War on Terror' film. The tension Agamben highlights in the law regarding the use of violence and the exception draws out an essential conflict which is central to this thesis: that law and violence are not in a fixed relationship. What I mean to examine, taking Agamben's theories as a key provocation, is violence in terms of its function: the idea that an act of violence serves different purposes depending on its telos. Where Agamben sees a conflict with the relationship of law and violence – something which is derived from Benjamin's own critique of violence – this is something I intend to utilize as a key provocation in the examination of violence through a relationship with law that is not fixed, but dialectical.

Anomie

Agamben's concept of anomie serves as a lens through which to examine a proposed third paradigmatic shift in the analysis of the war film. While the term anomie refers to a condition of lawlessness, Agamben relates this condition to a definition of the sovereign – the idea that, through the exception, a space opens up between law and life, where the sovereign is capable of creating law and also acting outside the law: 'The identification between sovereign and law represents, that is, the first attempt to assert the anomie of the sovereign and, at the same time, his essential link to the juridical order' (Agamben, 2005, p. 69).

Agamben relates this concept of anomie specifically to the problem of the exception, when he states:

> The constitutional novelty of the principate can thus be seen as an incorporation of the state of exception and anomie directly into the person of the sovereign, who begins to free himself from all subordination to the law and asserts himself as *legibus solutus* [unbound by the laws]. (Agamben, 2005, p. 69)

This concept is important not only in the sense of establishing characters who are 'sovereigns' within the cinematic narrative, but also in terms of how it discloses, through the sovereign's monopoly on the ability to *decide*, the existence of a zone where what is normatively illegitimate is nevertheless reconciled to the law. Within the filmic story this presents itself as characters who are allowed to transgress law after a perceived threat is portrayed. Here, the necessity of examining the relationship of law and violence in the form of a dialectic is important, as law is seen as something that is mutable, that shifts according to violence's function. The fact that these situations are produced or necessitated by an emergency situation[199] intensifies this relationship, as violence acts as both the cause and proposed resolution of these extreme situations.

The case study, which specifically interrogates this narrative function of state violence, examines how the use of torture in the War on Terror has produced a similar suspension of the juridical order that is still purportedly reconciled with the law, and at least supposedly aims at the good of the state.

[199] Article 48 of the constitution of the Weimar Republic allowed the President to take emergency measures. This was used to curtail constitutional rights during issues both violent and financial. For example, after the Reichstag (German parliament) building burned down, President Hindenburg issued a Decree for the Protection of the People and the Reich, which, among many things, allowed the regime to detain political opponents without specific charge ('United States Holocaust Memorial Museum: Reichstag Fire Decree', 2017).

CHAPTER THREE – State Violence

The Narrative Function of State Violence: *Saving Private Ryan* and *Zero Dark Thirty*

Introduction

This chapter will examine the narrative function of state violence in the Hollywood war film. State violence represents the most 'normative' relation of law and violence out of the presented case studies. By 'normative' I mean to suggest the use of Weber's phrase (presented in the methodology) that the state possesses a 'monopoly of legitimate physical violence within a particular territory' (Weber et al., 2004, p. 33). In terms of the dialectics of violence, this translates to an example of where law mediates the use of violence. And so our examination begins where the relationship of law and violence is purportedly intact. Weber (1919) defines violence as the 'means specific to the state' (Weber et al., 2004, p. 33). In the war film, a 'normative' approach recognizes the function of state violence as the defence of state interests and the protection of its people.

State violence wields legitimacy because it adheres to a predetermined structure, which provides a set of laws controlling how violence is used. This chapter will use the theories of just war as a framework to consider the interpretation of state violence in the war film, as it presupposes a rational structure for the use of violence in the military situation. The theory of just war is represented in film by the categorization of the 'good' and 'bad' war film. In 'good' war films, the dialectic of law and violence is portrayed as resolved: law successfully mediates the use of violence. On the other hand, in the 'bad' war film, the war is presented as unjust and does not adhere to a legal framework. In recent cinema, these two distinctions are illustrated through 'good' war films that represent World War II from the perspective of the Americans and their allies, while the narrative of the 'bad' war film examines the Vietnam War.

However, at a level internal to the narrative, the two films this case study examines, *Saving Private Ryan* and *Zero Dark Thirty*,[200] challenge the normative approach to the relationship of law and violence. *Ryan* is a 'good' war film, produced after the 'bad' war, and so, although the film will end in such a way that the dialectic of law and violence is resolved, it will nevertheless at times question the use of state violence. Within *Ryan*, there is a conflict between the ideology of the film and the realistic stylization of the actualities of combat.

In order to interrogate these challenges within the narrative function of state violence, I will again turn to philosophy. In *Ryan*, Carl Schmitt's concept of the exception, and Giorgio Agamben's interpretation of the state of exception, will be used to examine how the law provides for its own suspension while remaining intact. In film, this idea is illustrated by the representation of extreme acts of violence that are embedded in the military campaign. Even though the film depicts a 'good' war, I argue that *Ryan* momentarily asks the question of how the state can be behind extreme acts of violence. This is, of course, part of a larger debate on the limits of the relationship of law and violence – or, more simply, how much violence is allowed by law? Through both the mission to save Private Ryan and the wider construct of World War II as a necessary campaign to destroy tyranny and defeat Nazism, the exception is shown to be integral to law. The film therefore interrogates an aspect of state violence, illustrating that in times of extreme emergency it is necessary to suspend the law.

Zero, on the other hand, is a film whose narrative portrays a conflict in the 'War on Terror' and specifically the hunt for Osama bin Laden. I will use this film to argue that the relationship of law and violence has, at this point, a condition of anomie, where violence supersedes law as a structuring device. In *Zero*, the institutionalization of torture as an interrogation method creates an enemy whose life has no value (being judged on account of a crime). The enemy in *Ryan* still maintains a relationship to law through its depiction of the prisoner of war, a relationship that has essentially arrived at a point of no return in the case of the terrorist suspect. Using Agamben's concept of homo sacer, I will argue that, through sequences of the cinematic representation of torture as an institutionalized method of the 'War on Terror', the form of violence,

[200] This thesis will refer to *Saving Private Ryan* as *Ryan* and *Zero Dark Thirty* as *Zero*.

represented as an exception in *Ryan*, becomes the rule in *Zero*. This results in the creation of an inverse of the normative relation of law and violence: where once law mediated the use of violence in the form of just war, now the telos of the function of state violence is that violence mediates law.

When the exception becomes the rule (Benjamin in Agamben, 2005, p. 6), the rational structure supplied by law cannot contain the level of violence used. The function of state violence then becomes anomic. Therefore, it is possible to argue that we are in the course of a third paradigmatic shift in the war film after September 11, where the function of state violence does not mediate the use of violence through law, but rather makes instances of extreme violence licit through a perversion of law. This produces films where, although the use of violence by the state once attained its purest legal form in the context of war, now the representation of state violence has transformed into anomie.

'Good' Versus 'Bad'

Now, I will introduce a few approaches of film theory to the analysis of the Hollywood war film, through which this chapter's position is orientated. First, I will address the idea of the 'good' versus 'bad' war film in order to demonstrate how the use of violence is held accountable by law, through producing legitimate or necessary forms of violence. In the 'good' war film, violence is acceptable, whereas the 'bad' war film questions this legitimacy. Next, by looking explicitly at film theory that focuses on the 'War on Terror' narratives, it is demonstrated that an examination of the cinematic representation of torture presents the opportunity to problematize Weber's identification of the state as holding a monopoly on the legitimate use of force. Although torture has not been analysed in film theory in terms of its ability to interrogate the function of state violence, contemporary theory's examination of the role of torture in political violence challenges the perception that violence in the hands of the state is legitimate.

J. David Slocum, in *Hollywood and War: The Film Reader*, argues that war is 'the most overt illustration of how violence is deployed by the modern nation-state in the name

of order and civilization' (Slocum, 2006, p. 2). From its outset, war is approached as an extension of the state, which promotes justice. The war film begins with the creation of an alternate space for the analysis of violence. For example, even though death and violence would normatively be considered illicit, within the narrative construction of the war film the audience is able to attribute these actions to a higher moral purpose. Accordingly, just war theory may be applied to interpret the normative approach to film violence in the war film.

There are two main reasons to consider the construction of the good-versus-bad war in analysing the use of violence in this film genre. First, it establishes a moral framework which sees the use of violence as either legitimate or illegitimate, and which views violence as either necessary and rational or unnecessary and irrational. Second, through this moral positioning of good and bad, a construction of the enemy as the other assumes a position of antagonism. Tracing the depiction of the enemy plays an important role in the second half of the filmic analysis in this chapter.[201]

Trevor McCrisken and Andrew Pepper, in *American History and Contemporary Hollywood Film*, argue that Hollywood films are an evaluation of American history. The war film contributes to the message that America is a force for good in the world. For example, in classic World War II films, American soldiers, as part of the Allied front, use violence against an abhorrent manifestation of evil (McCrisken and Pepper, 2005) – the German Nazi regime and its military forces. This represents the 'dominant "official" view of American history … which sees the US as a leading force for forwarding human progress' (McCrisken and Pepper, 2005, p. 7). They contend that historians either accept or refute this perspective, but regardless of which position they take, Hollywood plays an important role in the 'construction and revision of this public history or "benign meta-narrative"' (McCrisken and Pepper, 2005, p. 7).

McCrisken and Pepper identify two general approaches taken in American films depicting military conflicts: those that confirm the benign meta-narrative, and those that take a more complicated view of history, questioning and challenging the representation

[201] Even though the role of the terrorist suspect as the 'enemy' is an ambiguous concept in the film *Zero Dark Thirty*, this ambiguity is based on the distinction between good and bad, legitimate and illegitimate, categories of violence present in the war film since its inception.

of the conflict on-screen (McCrisken and Pepper, 2005, pp. 9–10).[202] They observe a shift in the representation of war on-screen after the end of the Cold War (1991). To support the argument of a good-bad war classification, their interpretation of the World War II versus Vietnam War film is particularly pertinent. For McCrisken and Pepper, the Second World War is emblematic of:

> [t]he benign meta-narrative of American foreign relations. This narrative holds that the United States is a benevolent nation whose foreign policy is based not on pure self-interest but rather on the greater good of all humankind … World War II was designed to defeat the evils of Nazism and Japanese expansionism whilst establishing the 'Four Freedoms' for all peoples … (McCrisken and Pepper, 2005, p. 89)

The narrative function of state violence in the World War II film promotes the interpretation of the violence used by the military in order to defend the Allies from the Nazis as a legitimate use of violence. The relationship of law and violence in this situation is stable: law controls the use of violence to good ends. Here, what normally would be considered 'illegitimate' violence is reconciled to the juridical order through the exception, which sanctions violence in order to preserve the state.[203]

In McCrisken and Pepper, the Vietnam War represents the 'bad' war, a view reflected in many of the films made after the war ended. The narratives of these films question the purpose of military involvement in Vietnam, portraying a meaningless violence through the depiction of civilian and military casualties. The Vietnam War is not presented in the traditional sense of the World War II combat genre films, where the storyline depicts a group of soldiers banding together for a common cause. Rather, the depiction of camaraderie in the Vietnam War film conveys the insignificance of violence, as few members of the military group will survive.[204]

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[202] This binary of the benign meta-narrative versus a more nuanced and complicated history will play out in our analysis of just war theory. Just war theory at times foregoes the complexities of battle in favour of attributing a just determination for waging war.

[203] 'The cultural memory of World War II, which has been "converted over time from a complex, problematic event, full of nuance and debatable meaning, to a simple shining legend of the Good War"" (Adams, M.C.C., 1994, p. 2, cited in McCrisken and Pepper, 2005, p. 90).

[204] In *The Deer Hunter*, for example, out of three best friends, only one survives; of the remaining two, one is lost to the war entirely, while the other returns having lost the ability to walk and suffering severe PTSD.

In the Vietnam War film, the legitimate use of violence by the state is rather more ambiguous. No easy distinction between victim/perpetrator, aggressor/non-aggressor, and combatant/non-combatant can be made. Many of the casualties lie outside the boundary of the conventional approach to the separation of combatants and non-combatants, which helps to distinguish the enemy from the ally.[205] Further, the conditions which led to this conflict will later be shown to problematize the first condition of just war theory. This is evident in the 1989 Vietnam War film *Casualties of War* (dir. De Palma, 1989), where the nature of that conflict blurred the lines of fighting a just war – specifically, through the lack of distinction between combatants and non-combatants.

A common issue presented in the Vietnam War film is the debate as to whether an individual's life has any consequence when weighed against the greater aims of the war (McCrisken and Pepper, 2005, p. 94).[206] Films such as *Apocalypse Now* (dir. Coppola, 1979), *The Deer Hunter* (dir. Cimino, 1978), and *Full Metal Jacket* explore war through the experience of individual soldiers, together with the conflicts presented by the reality of war and the ideology of the political campaign. These filmic depictions of war challenge the concept of the military machine, where the value of individual mortality is negligible in relation to legitimating notions such as the 'cause' or the 'greater good' (McCrisken and Pepper, 2005, p. 94).

After setting up the good-versus-bad war opposition, McCrisken and Pepper address *Saving Private Ryan*. *Ryan* is a World War II film made in 1998, after the Vietnam War. It thus occupies a particular moment in American history: it follows the Gulf War and yet was made before the September 11 terrorist attacks in America. Critics observed an effort to 'recapture a pre-Vietnam innocence'. McCrisken and Pepper propose that, in *Ryan*: '[W]ar can be good, was good in World War II, and redemption can come through violence. It is an American liberal view of war as something that is sometimes

[205] The lack of clarity distinguishing the enemy is a key plot device in the Vietnam War film.

[206] See, for example, the trailer for *The Boys in Company C* (dir. Furie, 1978): 'They're gonna learn what life is all about, only some of them won't live long enough to find out.'

necessary in order to achieve some higher purpose' (McCrisken and Pepper, 2005 p. 122).

A tendency in war films that portray World War II but were made after the Vietnam War is that they begin to question the value of fighting that war and to evaluate the costs associated with the violence, even if, ultimately, they portray a 'good' war. For example, although *Ryan* retreats into convention by the end, the film asks whether the war was 'worth it'. Through the narrative, the film dramatizes the idea that, in all the loss of life and human suffering, ultimately a good deed was performed, on the individual level, by this group of men who succeeded in their mission to save Private Ryan. This theme is echoed, also, at a larger historical level throughout the narrative, which traces the heroic efforts of those men who willingly sacrificed themselves in order to 'defeat the evil of European fascism'. The question of whether the war was worth it is essentially resolved in *Ryan*.

This is not to suggest that there are no World War II films which critique the Second World War. In *The Thin Red Line* (dir. Malick, 1998), the moral ambivalence of war, and deeper insecurities over the use of force, are more troubling. McCrisken and Pepper acknowledge this as a caveat, in contrast to 'the perception of World War II as the Good War, or indeed as the Best War Ever in American history' (McCrisken and Pepper, 2005, p. 125).

The construction of 'good' and 'bad' wars may be analysed through the depiction of the enemy as the primary antagonist: 'social difference[s] substantiate and drive the "war stories of the nation-state" at the heart of American mythology … often proceed[ing] from the overt imaging of sameness and belonging or otherness and separation that mythologize antagonisms with distant enemies' (Slocum, 2006, p. 10). The shift in the portrayal of the enemy is essential to the paradigmatic shift in the cinematic representation of state violence in the war film post the September 11th, 2001 terrorist attacks.[207]

[207] Another September 11 refers to the Chilean coup d'etat in 1973.

In one sequence of *Ryan*, a German soldier illustrates the conflict over the treatment of the enemy. After a short firefight that leaves their medic (Wade) dead, the platoon realizes there is one German soldier left alive. While the soldier surrenders immediately, a debate ensues over how he should be treated. Should he be punished because he is the one responsible for Wade's death? Or should he be kept alive, because that is how just war theory requires you to treat a prisoner of war? Captain Miller decides against killing him, and instead for letting him go, for two reasons: practically speaking, they are too small a group, whose mission would not allow them to easily transport a POW. Additionally, Captain Miller describes how killing another person is an experience that places him further and further from home.[208] However, in the final battle sequence, they encounter this same soldier once more, who has by now been reunited with his German comrades. The film shows this German soldier shoot and kill Captain Miller. The decision to pardon the enemy thus results in the death of the group's leader and the film's hero. Unresolved, it is nevertheless brought to a conclusion, as Corporal Upham kills the German soldier. The fact that it is Upham who kills him is poignant, as Upham was a staunch defender of allowing the German soldier to live in the earlier sequence. These two sequences illustrate the debate around just war, specifically the principle of jus in bello (introduced below): how should the (captured) enemy be treated once war is declared?

Zero's narrative portrays the ten-year hunt for Osama bin Laden, and is positioned within the framework of the 'War on Terror' film, which, I argue, resides in a zone of indistinction between 'good' and 'bad' wars. The military campaign in response to the terrorist attacks in America on September 11th, 2001 produces a war that is characterized by clandestine activity. Not only is the combatant/non-combatant distinction blurred, but also traditional military engagement becomes increasingly opaque. To begin to grasp how the figure of the enemy will be treated in the 'War on Terror', let's consider the State Department's definition of terrorism: 'the term "terrorism" means premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents' (US Department of State, 2016). Wars to combat terrorism require a different form of organization, due in

[208] Captain Miller decides on his punishment: the German POW will be blindfolded and told to walk in the opposite direction, insisting that he surrender to the next group of Allied troops he comes across.

part to the fact that they are often carried out by 'clandestine agents' (US Department of State, 2016). This departure from traditional warfare is reflected in the filmic depiction of these campaigns. In this chapter I focus on the shift in the treatment of the enemy in the War on Terror as it is represented on-screen, reflecting a marked change in the relationship of law and violence in the function of state violence. By examining how the law, today, provides an extra-juridical space for the use of violence perpetrated on the terrorist suspect, the argument can be made that we are witnessing a paradigmatic shift in the cinematic representation of the function of state violence, because there is a paradigmatic shift in the relation of law to state uses of violence. Previously, law successfully mediated violence, but in *Zero* the state's relation to violence is in a condition of anomie.

In the introduction, the thesis considered Shohini Chaudhuri's text, *Cinema of the Dark Side*, and its analysis of states' systematic use of violence. In her first chapter she addresses *Zero Dark Thirty*.[209] The thesis will not attempt to duplicate Chaudhuri's analysis here, although it is essential to acknowledge that her argument introduces an important awareness of the 'dark side' of US military campaigns, particularly those taking place during the 'War on Terror', and the representation of torture on film. Her identification of the shift from the term torture to 'enhanced interrogation techniques' illustrates how a moral universe is constructed in film, which accepts the use of torture as part of a legitimate military campaign (Chaudhuri, 2014, p. 26).[210] Here, 'dirty methods, involving torture, kidnapping and assassinations, are legitimate, their ostensible purpose to prevent the USA from further attacks' (Chaudhuri, 2014, p. 25).[211]

Chaudhuri's analysis of political violence examines ethics to: 'reflect on these normative viewpoints and how they are constructed and reconstructed under different circumstances, it is a reflection on morality, revealed from this meta-perspective to be a malleable framework' (Chaudhuri, 2014, p. 23). This introduces the idea that, while

[209] In addition to *Zero Dark Thirty*, in this chapter Chaudhuri also considers documentaries questioning the use of torture in the 'War on Terror': *Taxi to the Dark Side* and *Standard Operating Procedure*.

[210] According to Chaudhuri, moral viewpoints are about right and wrong, which could be used to interpret just war theory's application to film.

[211] Even though torture is forbidden under both the Geneva Conventions (1949) and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), these methods are still used (United Nations General Assembly, 2016). Chaudhuri emphasizes these practices in her analysis.

a military campaign may be justified conceptually, tactics used to conduct these wars can still be illegitimate. Through an evaluation of just war theory, in addition to the application of Schmitt's interpretation of the exception, this chapter will investigate how *Zero Dark Thirty* remade an ethical construct in order to sanction the use of torture. This chapter also considers what this means for the function of state violence, and its relationship to the law it purports to protect.

Chaudhuri's consideration of how 'dehumanisation is part of the torture' (2015, p. 30), illuminates, importantly, how films portraying the 'War on Terror' create a depiction of an enemy who is essentially non-human. This attribute of 'non-human' is examined in this chapter through the application of Agamben's concept of homo sacer to the figure of the terrorist suspect. These depictions interrogate how the state attempts to preserve the relationship between law and violence by creating a category for the enemy which is outside the law. Creating a life not under the jurisdiction of a state, the law does not mediate the use of violence perpetrated against the enemy.

Further, I propose to expand on this through the application of two philosophical constructs, by which torture may be analysed with respect to the function of state violence. The cinematic depiction of torture in *Zero Dark Thirty* represents, as this chapter shall argue, the idea that, after September 11, 2001, the war film represents a situation of anomie. Although Schmitt's interpretation of the exception attempts to reconcile the torture of the terrorist suspect to the juridical order through terming it 'enhanced interrogation', *Zero* produces a representation of the enemy as one who is now homo sacer. This results in the dialectic of law and violence, which, in the case of state violence, pushes it into the dimension of the anomic – and what results is contrary to the normative function ascribed to state violence by Weber.

In the case of the exception, in order to re-establish the juridical order, the constitution is suspended for the sake of preserving it. The state emerges specifically from a mortal threat (war). In this war, a fundamental condition exists which calls for the suspension of the juridical order. This may result in ethics shifting in order to satisfy a moral pursuit of right or wrong. In this way, ethics are at the heart of the exception. The head of state, the authority on right or wrong, is able to alter the ethical framework (i.e. institute a state of exception) in order to satisfy a moral end. In *Zero Dark Thirty*, the relationship

of law and violence is adjusted for the treatment of a terrorist suspect; as this case study will argue, an exception is created which constitutes a gap between the law and its realization.

I do not, of course, dispute Chaudhuri's claim that *Zero Dark Thirty* 'normalises torture and other extrajudicial measures' (Chaudhuri, 2015, p. 33).[212] However, what this chapter proposes to emphasize is not whether this film endorses torture (perhaps a question of morality), but how the practice of torture relates to the narrative function of state violence in the 'War on Terror' film. To accomplish this, the analysis of the narrative of *Zero Dark Thirty* explores illegitimate acts of violence that are systematically exercised through the legal framework of the state. To begin to reveal how this works, I apply just war theory in order to examine a normative structure for considering state violence's cinematic representation. Problematizing this structure, the case study is able to make an intervention in current war film theory by interrogating the narrative function of state violence.

I have said that, conventionally, the war film can be categorized as involving either a 'good' or 'bad' war. However, as I will argue, after the September 11, 2001 terrorist attacks, there was a paradigmatic shift in narrative film through the emergence of new forms of non-standard warfare, exacerbated by the fact that these wars appear to have no recognizable end. The functions of state violence have consequently become transformed, and are increasingly represented in film as necessitating an extreme use of state-sanctioned (if not extra-juridical) violence. As per Benjamin's warning, to which Agamben often refers: what was once the exception has become the rule (Agamben, 2005, p. 6).

Just War Theory

I have introduced just war theory in the previous chapter on methodology and have indicated how the analysis of state violence from a perspective of just war theory

[212] The connection of the torture sequences to instances of terrorism works to legitimize the use of violence involved in torture, by consistently reminding the audience of the cost to the public if this information is not obtained.

provides a normative framework for examining the function of state violence, where laws are used to predict the appropriate use of violence in the case of war. This theoretical framework presupposes that violence, the choice of means for fighting war, is ultimately rational or serves a rational purpose. A philosophical examination of violence is problematic, however, precisely because violence is not rational. Indeed, if violence is irrational, can it be fixed to or determined by a certain end, however 'rational' that end might be? When violence is the means employed, the danger arises that the means will overwhelm the ends – or corrupt them. The idea of a just war, then, is inherently problematic: a war may be waged for a just reason, but techniques of fighting, in order to attain specific military goals, can be unjust, and even overtly immoral.

In the next section, the theory of just war is problematized through *Ryan*. Just war represents a normative structure for evaluating the narrative function of state violence and the war film. In *Ryan*, just war theory provides the ideological message of the film, even though there are moments where it appears to be challenged. For example, even though there is a clear aggressor (Nazis), the actions of the American soldiers at times transgress jus in bello criteria. The ideological aims of the war film often coincide with the theoretical propositions of just war, which aim at negotiating any questionable acts of violence into waging a just war. The challenge that ensues is that the theoretical framework lives in the abstract, and is sacrificed when the irrationality of violence presents itself in its realistic application.

In the second film, *Zero*, the relationship of law and violence (which presents itself as a normative relation in just war theories' extension of state violence) is taken to the point of anomie. The violence directed at the terrorist suspect in *Zero*, although reconciled to the juridical order through the Schmittian exception, splits the relationship of law and violence by rendering the enemy homo sacer. At this point, the treatment of the enemy far surpasses just war theorist Walzer's stipulation that soldiers are 'not criminals; they face one another as moral equals' (Walzer, 2006, p. 127). Through the application of Schmitt's and Agamben's philosophical interpretations of the limits of law and violence, an interrogation of the function of state violence is initiated through *Zero Dark Thirty*.

Film Analysis and Philosophical Intervention

Saving Private Ryan

In this section I have selected specific sequences from the film *Saving Private Ryan* to illustrate and problematize the theoretical premise of just war. Carl Schmitt's interpretation of the exception is utilized to introduce political philosophical principles into the relationship of law and violence as it appears in the war film. In many ways, *Ryan* is a film that investigates the second criteria of just war theory, jus in bello, focusing on a specific American military mission during World War II. The film largely supports the interpretation of this war as the 'good' war, although it is produced well after the Vietnam War. However, the ability of law to mediate violence in the situation of war may nevertheless still be debated at certain moments in the story. Walzer's concept of a 'wager' (Walzer, 2006, p. 260), and his critical evaluation of violence in World War II with regard to the terror-bombing of German cities,[213] as well as Schmitt's interpretation of the exception, may be applied to demonstrate that the narrative in *Ryan* is able to handle ruptures of the theory of just war and yet ultimately conform to its theoretical premises.

In the film, there is a conflict between the ideological message and the realistically stylized portrayals of war: more simply, it is a just war waged against the Nazis, but the graphic actualities of war are reproduced in detail. Through a just war ideological message, maintained through Schmitt's exception, the gruesome cost of war is reconciled within the overarching necessity to defeat this enemy.

Overview of the narrative

Saving Private Ryan is a World War II movie that portrays the Normandy invasion and European theatre of the Allied war against Nazi Germany. The action follows a select group of American soldiers under the direction of Captain Miller (Tom Hanks), from

[213] Walzer's section on the Supreme Emergency, and especially the analysis of the firebombing of Dresden, is a great case study on the limits of just war theory.

the Omaha Beach Landings on 6 June 1944. After the first battle they are given a unique assignment, to discover the whereabouts of a soldier named James Ryan (Matt Damon) and bring him home safely.[214] The only information they have is that Ryan was dropped in with the 506th infantry regiment in the 101st Airborne Division in Normandy. However, due to the chaotic nature of these landings, his whereabouts are currently unknown.[215]

The narrative follows Captain Miller and a group of seven American soldiers through various combat situations and battles, against the backdrop of the Second World War on the European front. Each of the seven soldiers possesses a unique backstory and approach to the war, while Captain Miller, as their leader, acts as the group's (and the film's) moral compass. The film encounters several different combat situations, from deciding whether or not to take down a German machine-gun stronghold, when they could sneak around it, to saving a French family from a bombed-out house in a town under Nazi control, to securing a key strategic point to slow the Nazis' advance. During these encounters, members of the troop perish, prompting a reflective tone on the costs and morality of war, against a backdrop of violence. Before the final battle in the film, they do in fact find Private Ryan, who insists on staying to fight with the group of soldiers. In the last combat sequence, the same German soldier they had captured and released earlier in the story kills Captain Miller. While both the first and final sequences are the most violent, the film ends on a note of promise and impending victory, as the Allied air forces have arrived, signalling a decisive shift in the balance of the war. Although the costs of war are depicted in great detail, an overwhelming message of worthy sacrifice is communicated on the individual level through the epilogue. As a much older Private Ryan pays his respects at Captain Miller's grave, he remembers Miller's final words to him that he should 'earn this', and asks his wife if he is a good man (the film portrays this as true), thus confirming on a representational level that the

[214] Private Ryan is one of four brothers from Iowa, all of whom have been sent to fight in World War II. It is revealed that three of the four Ryan brothers have recently died in combat and their mother is to receive a telegram about their deaths on the same day. As James Ryan is the one brother believed to still be alive, it is then ordered by the high command of General George C. Marshall, United States Army Chief of Staff, that a group be assembled to retrieve from battle the mother's only remaining son, Private James Ryan, and send him home to be reunited with his family.

[215] Later in the film, one of the soldiers they consult with for information on Ryan tells the group they missed their drop zone by 20 miles.

high cost in individual human lives of ridding the world of 'tyranny and oppression' was indeed a noble sacrifice.

Within the narrative, a conflict emerges between violence and law: how is the law able to contain the level of violence that appears in the war film? In this film, through the policies of just war, state violence functions to promote the legitimate use of violence. Law as an extension of the state works as a mediating force in the use of violence in the military campaign. However, it is the problematization of this theory that enables us to interrogate the narrative function of violence in *Ryan*. Walzer states: '[W]ar is always judged twice, first with reference to the reasons states have for fighting, secondly with reference to the means they adopt' (Walzer, 2006, p. 21). *Ryan* takes the historical context as a precondition, the enemy in the form of Nazism, but the narrative focuses on the period of jus in bello.

In *Ryan*, there is a conflict between the style and ideology of the film: the ideological message of just war theory contrasts with the realistic portrayal of the costs of war. This creates a structural contradiction in the representation of the function of state violence, where those perpetrating extreme acts of violence are supposedly on the side of the 'heroes' in the film. Through the cinematic representation of violence in this film, two issues complicate the function of state violence. The first issue is the conflict between the style and ideology of the film. Stylistically, the film endeavours to present war 'as it really is' through a brutal representation of the costs of combat, quite literally through the depiction of soldiers' lives, which are reduced to mere flesh. And yet, the film's ideology subscribes to the notion that this war was a good war, interpreting the sacrifice of these soldiers as necessary in order to defeat an even greater evil. The film largely evokes the idea that war is 'a moral world, therefore, in the midst of hell' (Walzer, 2006, p. 36).



Figure 6. *Saving Private Ryan* (dir. Spielberg, 1998)

The second issue this section on *Saving Private Ryan* will examine is the relationship between law and violence in the form of the enemy. Walzer suggests that a common morality exists in war, where the enemy is distinguished from a criminal. The use of violence shifts within battle: '[T]hey can try to kill me, and I can try to kill them. But it is wrong to cut the throats of their wounded or to shoot them down when they are trying to surrender' (Walzer, 2006, p. 36). However, I propose that, although predominantly consistent with the theories of just war, in the final sequence of the film, the argument is made against the morality of war,[216] illuminating the shortcomings of an abstract theory of just war. It presents the possibility – which, I argue, is taken to a critical point in *Zero* – that the relationship of law and violence, purportedly intact through the application of just war theory, in fact reveals itself as anomic in the case of war.

June 6, 1944: Dog Green Sector, Omaha Beach

The first sequence of battle lasts for roughly 24 minutes and depicts the intense fighting between the Allied soldiers and the Germans.[217] As the Americans approach from boats

[216] However, this conflict is largely absorbed by the greater context of the war – the high body count of the last scene and the arrival of aerial bombardment signalling that the end of the war and the defeat of the Nazis is imminent.

[217] In *Ryan*, the Allied soldiers are the Americans.

and attempt to land on the beach, they are bombarded – shot as soon as they step off the boat. Other soldiers leap overboard, only to drown from the weight of their packs, bullets reaching them underwater as well. As the soldiers attempt to move up the beach, bodies and limbs are blown off; pieces of flesh go flying in mid-air. At one point a soldier whose arm has been severed from his body looks around for it – he finds it lying a little distance away, across the beach. Over-the-shoulder shots of the assault are depicted from the German position up on the cliff overlooking the beach. Wounded soldiers lie screaming in agony as their guts spill out onto the sand. Little by little, the American army starts to make progress and the camera begins to focus in on the soldiers who will form the squad assembled to retrieve Private Ryan (the main mission in terms of the film's narrative). As the Americans gain ground, they surround one of the German bunkers portrayed as providing a key fort for the German defence and set fire to it. The German soldiers spill out of the bunker, their bodies ablaze, toppling out over the sides of the trench. One of the American soldiers calls out to his comrades, 'Don't shoot! Let them burn!' While the American soldiers clear the beach, some of the enemy's troops attempt to surrender. Another set of American soldiers executes a few of the German soldiers who approach them, even though their hands are held up as a sign of surrender. Eventually the fighting dies down as the American forces take control of the beach.

Now, the extreme use of violence is justified in the war film through just war's perspective that war may be waged as 'self-defence from aggression' and 'other-defence from aggression' (Orend, 2013, p. 34).[218] Orend (as does Walzer) points to World War II and America's involvement in this conflict as clearly advocating the principles of jus ad bellum:

> It is clear that, in the European theatre, Nazi Germany was the embodiment of precisely that kind of ultra-aggressive, totalitarian, outlaw state which just war theory holds up as the kind of threat against which the resort to armed self- and other-defence seems most plausibly grounded. (Orend, 2013, pp. 64–5)[219]

[218] Orend also calls this 'war of law enforcement' or 'collective security' (Orend, 2013, p. 34).

[219] Orend's comment concurs with Walzer's statement, used earlier, explaining the aggressor in just war theory, and the Nazi regime as the pre-eminent example of the evil enemy.

This perspective is represented in the first sequence: German soldiers are an enemy devoted to the destruction of the Allies. The discovery of the Hitler Youth knife on one of the German soldiers reminds us of the dangerous racist politics of the enemy – this isn't merely a battle of limb for limb between these two sides; the ideology of Nazism, which the success of the German soldiers represents, extends beyond this particular battlefield.

This sequence is thus rationalized through the theoretical propositions of just war's second criteria: jus ad bellum. The depiction of this battle exposes the aggression of the enemy, beginning with a series of over-the-shoulder shots from the German firing position as they annihilate American soldiers. This scene shows the destruction of American life, whereas the German casualties are limited. The Americans' violence against the Germans is shown from a long range, whereas the deaths of American soldiers are shown close up or in a multitude of bloodied bodies and torn limbs: the film conveys their loss. The camera is distanced from the Americans' use of force, creating a space between the American soldier and the violence he commits. The camera does not show a close-up of the effects of American violence – no German guts spill out onto the sand, no German limbs are blown off. While the shots of their falling out of their bunker is chilling, the reduction of the soldier to flesh – literally blown apart from the savagery of war – demonstrates the perspective that the German soldier is responsible for this violence.[220] The Germans are portrayed as butchering helpless US forces pinned down on the beach.

[220] During one of the quiet moments, we see Private Mellish reduced to tears when Private Caparzo gives him a Hitler Youth knife he found on one of the German corpses.



Figure 7. ***Saving Private Ryan*** **(dir. Spielberg, 1998)**

However, the film does illuminate a conflict within the 'good' war narrative, violating a principle of jus in bello, through two parts of the first battle sequence. First, the film portrays two soldiers clearly surrendering when the American soldiers decide to shoot them. And second, there is the sadism perpetrated by the Americans as they are depicted enjoying the spectacle of Germans burning alive inside the bunker. These two violent responses pose a challenge to the theory of just war through the film's attempt to render war 'realistic'. The theory of just war appears to be incompatible with its application. Does violence showing its irrational nature still conform to law? These sequences depict the perspective that violence in the hands of individuals (even soldiers, who are instruments of the state) is incompatible with law. The ability for just war theory to contain violence is inadequate.

Orend reconciles the use of extreme violence by locating war in a state of emergency: '[S]oldiers bear arms effectively, are trained to kill for political reasons, and are "dangerous men": they pose serious threats to the lives and interest of those they are deployed against whether for a just cause or no' (Orend, 2013, p. 116). Orend creates within the criteria of just war the sanctioned suspension of law. He describes a new relation of the soldier to violence, where 'normative' forms of law are suspended. He describes Walzer's articulation that a transition occurs:

> ‘an armed man trying to kill me “liberates himself from me … and from our common humanity” and in doing so forfeits his right to life. This establishes, I believe, a strong prima facie (i.e., “first glance”) case that soldiers targeting other soldiers with lethal force is justified.’ (Orend, 2013, p. 116)

While Orend believes there is an additional ethical category, which organizes the relationship of law and violence for the soldier, in just war theory this provision creates a space for anomie in the function of state violence.

Agamben, in *State of Exception*, interprets the concept, the state of exception, which is the result of both the ‘extension of military authority’s wartime powers into the civil sphere, and ... a suspension of the constitution’ (Agamben, 2005, p. 5). He proposes that Schmitt’s efforts to reconcile the exception to the juridical order bring the limits of law into question (Agamben, 2005, p. 23). How does this concept relate to the function of state violence in the war film? By understanding the preconditions, which lead to the institution of the exception, it is possible to see how war necessitates the suspension of the law. Agamben explains the situation of emergency, which ushers in the need for the exception, tracing its historical occurrence in the first chapter of his book. He is most succinct when he refers to Theodor Reinach’s text *De l’etat de siege. Etude historique et juridique*, describing Reinach’s French Constituent Assembly’s decree in 1791, which differentiates between three states:

> etat de paix, in which military authority and civil authority each acts in its own sphere; etat de guerre, in which civil authority must act in concert with military authority; and etat de siege, in which ‘all the functions entrusted to the civil authority for maintaining order and internal policing pass to the military commander, who exercises them under his exclusive responsibility’. (Agamben, 2005, p. 5)

Although this example refers to the relationship of the government and its use of power, the fact that these ‘states’ are determined by the situation of violence, in this case related directly to war, provides an example of the exception applied to the war film. Here, I apply the exception to the analysis of the war film in order to illustrate a sequence of violence: the threat of violence arriving in the form of an antagonist or an enemy in the

narrative produces a situation where law is eclipsed by the very violence it has sanctioned. The response of the state becomes violence executed on behalf of the state in the form of the protagonist. In the next sequence I consider the transition of Corporal Upham and the situation of the German prisoner of war, which portray the structural contradiction of law and violence in the war film when the state of exception is instituted.

In order to fully consider how the German prisoner of war[221] figures in the narrative, two sequences will be examined. In the first sequence, Captain Miller and his group stumble upon a German sandbag bunker and a battle ensues. During this firefight, their medic, Wade, is wounded and, soon after the fighting stops, he dies.[222] After Wade is pronounced dead, some of the soldiers realize that one German soldier remains. At first, two of the American soldiers start attacking him – some of the men want to know if he is the one who shot Wade. It quickly turns into a standoff among the group over what to do with him. Corporal Upham is a proponent of what he considers the 'rules of war' (which are in line with just war theory), which dictate that, since the German soldier has surrendered,[223] they cannot execute him. Others in the group, such as Private Reiben, vigorously disagree. Eventually, Captain Miller takes the German soldier and blindfolds him, ordering that he march one thousand paces in the direction they point him towards, after which he can remove his blindfold and turn himself in to the first Allied patrol he comes across. Miller states that, due to their mission and size, they are unable to carry prisoners of war along with them. At this point an intense argument breaks out among the group – between those who agree with the release and those who believe that, as he is the enemy, and responsible for the death of Wade, and as he could quite possibly run into a group of German troops first and be thrown back into circulation, he should be killed.[224] Captain Miller eventually reconciles the group to his

[221] Of course, the German soldier never officially becomes a prisoner of war because they release him, but it seems appropriate to refer to him as a POW, because it is during a ceasefire that they have the opportunity to kill him or take him as a POW.

[222] As he dies, he is surrounded by his fellow soldiers, who offer him morphine and plead with him to tell them how they can help him. As he suffers, he calls out for his mother, which eerily reminds the audience just how young these men were that fought in World War II.

[223] The German soldier surrenders: he renounces Hitler and claims that he loves America. He proceeds to list elements of American popular culture to demonstrate this. For this reason, he is credited in the film as 'Steamboat Willie'.

[224] Besides this speech, the characters in *Ryan* rarely speak about a higher purpose to the fighting; it is more about falling in line and following orders. Most often their courage comes from their familial links and the brotherly bonds

decision by further clarifying that each person he kills makes him feel further from home; from his wife and from the life he led before the war.[225]

In this sequence, law intervenes to curb the use of violence – Corporal Upham insists that killing the prisoner would be against the rules. Law mediates violence and the rational structure is imposed around the use of force. Ultimately, this perspective is refuted in the final battle sequence. By this point, two of the soldiers in Captain Miller's group have perished. They have located Private Ryan, though he refuses to go home until his regiment receives more help. This scene turns quickly into a decisive last battle of the film. In many ways, the first and final sequences of the film are similar: extensive depictions of the gruesome realities of violence during war.[226]

In this final battle sequence, a German soldier stabs Private Mellish to death, Private Jackson is blown to pieces by a tank while he is in his sniper position in a tower, and Sergeant Horvath and Captain Miller are shot.

Many of the deaths occur during this final sequence, which runs over 30 minutes and is similar in scope to the first battle sequence, although the gruesome brutality of each death is less accentuated than in the first sequence. However, the entirety of the film has made the audience more familiar with each individual soldier and so their deaths are given more weight. For the majority of the sequence, Corporal Upham shows his cowardice, barely even making it to the end, as he is paralysed in an attempt to bring more ammunition to the other soldiers.

Towards the end, he hides in a ditch as he spies on the enemy. We see a group of German soldiers approach. Through the next series of shots, the audience, through the eyes of Corporal Upham, recognize that one of the German soldiers is in fact the

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they have forged during the war. They mostly hate the enemy because they have witnessed the murder of fellow soldiers. The higher purpose will come at the end, when, after Captain Miller has been shot and is about to die, he tells Private Ryan to 'earn this'.

[225] He reveals to them that he is a local schoolteacher in Pennsylvania. The normalcy of his life prior to this provides the spectator with an insight into the realities of the soldiers involved in World War II. They were not superhuman fighting forces but humble, honest men whose courage and love of country drove them to fight.

[226] There are scenes which precede and follow these two sequences; however, as they exist in the present, and the majority of the film is confined to the past, I will consider those scenes taking place in the present day, where Ryan is a grandfather, as the prologue and epilogue to the film.

German prisoner of war they let go. After this moment of recognition, we see the German soldier shoot Captain Miller, killing him. Once Upham registers this, we see a shot of his reaction, his eyes finally appearing not to shy away from violent action. This sequence is intercut with loud sounds from above: Allied warplanes have arrived, beginning to drop bombs on the Germans, who immediately disperse once this starts happening. At this point, Upham finally emerges from his ditch with his gun, which he aims at a group of Germans. They all put their hands up and surrender. The German soldier (POW) recognizes him and speaks to him – they exchange a few words, he calls out Upham's name, and then Upham shoots him dead. He then lets the other Germans run off.

Corporal Upham is portrayed as the soldier who is least inclined to use violence. His conversion at the end of the film, from emphasizing law to dealing in violence, indicates that violence becomes law in the war film. Corporal Upham's actions work to reinforce the sense that war constitutes a state of exception and are distinct from his normal conditions of existence. For example, throughout the film he is depicted as hesitating to use violence. Only when he later converts to the use of violence does he carry out the duties depicted as a requirement of the true soldier. The film proposes that, in war, the enemy should always be destroyed: the function of state violence absorbs or rather suspends the normative basis of law, its 'rational' ground. Schmitt notes:

> The exception, which is not codified in the existing legal order, can at best be characterized as a case of extreme peril, a danger to the existence of the state, or the like. But it cannot be circumscribed factually and made to conform to a preformed law. (Schmitt, 2005, p. 6)

It is possible to see how the use of violence, existing in the form of the exception in *Ryan*, represents the inability of law to mediate the use of violence in the war film. The two sequences involving the German prisoner of war constitute the beginnings of a rupture in the theory of just war. The exceptional use of violence proves that the law is wholly inadequate to mediate the use of violence in the case of war.

Notwithstanding these contradictions created in the film, the conventional ideology of World War II as the 'good' war is in fact asserted at the end of *Ryan*. The parameters

of just war ensure that whatever discrepancies arise during jus in bello are remedied by the overwhelming necessity to defeat the enemy that was Nazi Germany. This is clarified in the film through the specific odyssey to find Ryan: the journey provides tangible evidence that their mission was a success. Shortly before they are both shot, Sergeant Horvath discusses the mission with Captain Miller:

> 'What if by some miracle we stay, then actually make it out of here. Someday we might look back on this and decide that saving Private Ryan was the one decent thing we were able to pull out of this whole God-awful, shitty mess.' (*Saving Private Ryan*, 1998)

This speech not only sanitizes the mission to find Private Ryan but evokes the argument of a higher calling for the characters.[227] The wider implication of their mission is reinforced through the film's epilogue where, in a voiceover, the General Chief of Staff of the United States Army describes the war as 'this great campaign to rid the world of tyranny and oppression'.[228]

The exception created in *Ryan* is reconciled to the law through the theories of just war: '[T]he rules are not absolute … it is possible to imagine situations where one would break the rules and accept the moral consequences of doing so' (Walzer, 1971, p. 21). Notwithstanding the moments of ambiguity in *Ryan* regarding the violence of the state and its relationship with law, the pursuit of good ends, resulting in the defeat of the Nazis and, in this film, the retrieval of Private Ryan, ensures that the rules may be suspended for a higher purpose: the fight – for God and country – beyond Private Ryan, to win the war.

The functions of state violence will shift in the narrative of *Zero*. Specifically, I argue that the transformation from the prisoner of war to the terrorist suspect is indicative of a critical turning point in the function of state violence in relation to the war film.

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[227] The end of the film returns to the images of the much older Private Ryan, who goes to pay his respects at the grave of Captain Miller. Through this scene, it is shown that Ryan went on to live in accordance with Captain Miller's dying words that he 'earn this'.

[228] In case the legitimacy of World War II's aggressor isn't enough, the film invokes a comparison with the Civil War, through the recitation of the words of Abraham Lincoln: 'to have laid so costly a sacrifice along the altar of freedom'.

Zero Dark Thirty

In *Ryan*, the ability of the law to mediate the use of violence during war is nevertheless reconciled to the law through the state of exception. What appears as the exception in *Ryan* becomes the rule in *Zero*. Whereas in the normative situation the law successfully mediates the use of violence, when the exception becomes the rule, the function of state violence is to use violence instead of law, creating a condition of anomie, or lawlessness. The systematic use of torture in the 'War on Terror' film indicates that the law is absent in this function of state violence. In this section I will address the use of torture in *Zero* to demonstrate that the enemy becomes the figure of homo sacer, which results when law does not intervene.



Figure 8. *Zero Dark Thirty* (dir. Bigelow, 2013)

The dissolution of the relationship of law and violence produces a condition of anomie in the 'War on Terror' film. The use of torture, described as an 'enhanced interrogation technique', demonstrates that the law has systematically inscribed this form of violence into law. Agamben's argument (2005, p. 6) that society has before it an exception that has become the rule repeats Benjamin's earlier warning: that 'the tradition of the oppressed teaches us that the "emergency situation" in which we live is the rule' (Benjamin and Arend, 1986, p. 257). What *Zero* demonstrates, through the depiction of torture as an institutionalized method of conducting operations in the 'War on Terror', is that instead of the law intervening to mediate the use of violence, violence is

portrayed as dictating law; violence is law's source. In the 'War on Terror', which effectively has no end, a permanent state of exception finds its correlate in an interminable war.

Zero portrays the hunt for Osama bin Laden following the September 11 terrorist attacks in the United States. The action follows the efforts of a group of CIA operatives as they attempt to track down Osama bin Laden's trusted courier, Abu Ahmed, in the hope that his whereabouts will lead them to bin Laden. The pursuit relies heavily on testimony obtained through the interrogation of terrorist suspects led by a team of CIA operatives stationed in Pakistan. Two CIA operatives, Dan and Maya, who will be our protagonists, question a terrorist suspect, Ammar, in order to get the information that will lead them to Abu Ahmed, bin Laden's courier. The film will follow the ten-year search that unfolds as a result of this lead, culminating in a 30-minute SEAL Team 6 raid on Osama bin Laden's compound in Abbottabad, Pakistan. This mission is successful, resulting in the death of bin Laden and the removal (and disposal) of his body. Although his body is brought back to an American military base for identification and it is confirmed that the body is definitely bin Laden's, it is then disposed of at sea. The film ends with Maya's mission accomplished as she boards a large military jet, destination unknown. The mission is over, but the war continues.

The beginning of *Zero* fulfils the theoretical requirements to launch a just war through the depiction of the actions of the terrorists against the United States. The first sequence of the film features a black screen with two intertitles: 1) 'The following motion picture is based on first-hand accounts of actual events', and 2) 'September 11th, 2001'. For over a minute, we hear the audio of the September 11th, 2001, terrorist attacks, the airport control personnel, conversations between 911 call centres and the victims of the attacks, as well as final desperate calls to loved ones, minutes before the towers collapsed. This sequence works along Young's interpretation of haptic spectatorship, where the audience sees the cinematic representation with more than their eyes; there is a tactility to this opening sequence as it recalls the actual events of the day through those who will soon be dead as a result of the terrorist attacks. This sequence is straightforward in its representation of the functions of state violence in terms of non-state actors, as the terrorists' violence towards innocent civilians clearly marks them as the aggressors. Just war theorist Orend characterizes terrorism thus: '[T]errorism,

defined, is the use of violence – especially killing force – against civilians with the intent of spreading fear throughout a population, hoping that this widespread fear will advance a political objective' (Orend, 2013, p. 72). Since terrorism aims at civilians, it violates jus ad bellum's distinction between combatants and non-combatants: '[F]rom just war theory's point of view, terrorism is always an impermissible tactic, since it involves the deliberate killing of innocent civilians – which right-thinking people view as murder' (Orend, 2013, pp. 73–4).

These two statements and the first sequence of the film present justification for the pursuit of Osama bin Laden, the man held responsible for the attacks depicted in the first sequence. The terrorist is defined as an aggressor beyond reason or decency, and so the normative framework of law and violence, where violence is not allowed, is suspended in order to defend the United States against further attacks. The first principle of just war theory has been established in the world of the story in these opening moments. However, in the sequence right after this, the relationship of law and violence provided for by just war is turned on its head.

In both *Ryan* and *Zero*, opening sequences of violence establish the threat of the aggressor and prepare the spectator for the violence that will be used to fight the aggressor throughout the duration of the film – acting to institute a state of emergency which reconciles the illicit to the juridical order. However, in *Zero*, unlike in *Ryan*, the extreme extent and excessive nature of the violence used to combat the enemy result in the destruction of the relationship of law and violence. In the set of sequences in *Zero* concerning the 'enhanced interrogation' of the terrorist suspect, the status of the enemy assumes a new identity. It is through an examination of these sequences involving the terrorist suspect that we are able to consider the paradigmatic shift in the war film after September 11th, 2001, where the dissolution of the relationship of law and violence is portrayed through the treatment of the enemy. The rule dissolves because the exception has become the rule.

I will now consider the sequences depicting the 'enhanced interrogation' of the terrorist suspect Ammar, in order to show how the categorization of the enemy has changed in *Zero.* First, I will provide an overview of these sequences, followed by the application of Agamben's construct of homo sacer to analyse the depiction of the enemy in the

film. This construct is then used to assess the shift in the state's functions of violence in relation to the war film after September 11th, 2001. Finally, I conclude by showing how the exception has become the rule, producing a zone of anomie.

As the voices trail off, another intertitle appears: 'Two years later'. Next, a shot of light comes through what appears to be a hole in the ceiling as the sound of a heavy metal door, secured with locks, opens. Another intertitle reads: 'The Saudi Group'. We see a battered figure towards the back of the room. A white male dressed in a black shirt – Dan, the CIA operative leading this interrogation – enters with another figure clothed in black, wearing a balaclava. Dan declares: 'I own you, Ammar. You belong to me … If you don't look at me when I talk to you, I hurt you.' The subject begins to be pushed around. Dan keeps repeating commands, informing the suspect that he will be hurt if he steps off the mat, if he lies to him. The following interrogation follows a similar structure, gradually increasing in ferocity as the terrorist suspect declines to provide Dan with information. Dan and the figure clothed all in black with the balaclava exit. As they leave, we see that the terrorist suspect has been suspended (from the ceiling) with his arms stretched out (to form a crucifix). The shot shifts from inside the container to an outside view of the monitor, which shows a picture of the suspect suspended by ropes. The figure accompanying Dan removes her balaclava – it is Maya. She is the CIA operative who will lead the hunt for bin Laden. It is Maya's first interrogation. We also discover that the suspect inside, Ammar, will never be released.

The spectator is made familiar with the parameters of the treatment of the terrorist suspect, particularly through what Dan says – either when 'training up' his new CIA operative, Maya, or when demanding information from Ammar: 'It's going to take a while'; 'He has to learn how helpless he is.' While Maya is not directly involved in the interrogation, at least physically, she is a willing accomplice.

As they go back in to try Ammar again, another intertitle flashes up on the screen: 'Black site. Undisclosed location'. This is the first indication of the absence of the rule of law for the terrorist suspect. Ammar's treatment is shrouded in secrecy – he will never get out; he is being held in an undisclosed location. The terrorist suspect virtually does not exist, and the interrogation has only just begun.

Once they are back inside, Dan begins to unfold the story for the spectator; his power comes from the amount of information he already has on Ammar. He declares his power over him and his life: that he could have had him killed, but that he left him live, so they could talk. In a carefully orchestrated scene, as the violence accelerates, Dan speaks constantly. He puts the blame on Ammar for the September 11th attack: '[Y]ou and your uncle murdered 3,000 people.' Dan reiterates the evidence that he has on Ammar: a wire transfer of money to a 9/11 hijacker; that they found him with 150 kg of explosives in his house. Dan does not withhold the information he wants from Ammar. There is a coming terrorist attack that is being assembled by the Saudi Group and he wants the email from one of the members of this group. The following sequences will be constructed to elucidate that he has this information, thus working to justify the violence that occurs against Ammar. Ammar refuses, and Dan begins the process of waterboarding him, repeating his ritual phrase 'when you lie to me, I hurt you'. At this point Maya is asked to assist Dan; she hesitates, showing her discomfort with this request, but soon complies.

Dan begins to pour the water over Ammar as he struggles and cries out, his face covered with a cloth. Dan continually repeats his commands as he pours the water over Ammar's face – he wants the emails of the Saudi Group; he wants one email, and then it will stop. 'Who is in the Saudi Group? What's the target? Where was the last time you saw bin Laden, where was the last time you saw bin Laden?' He keeps pouring the water. Finally, he takes off the cloth and water springs out of Ammar's mouth as he struggles to breathe – drowning – choking. Even though Ammar has not given up any information, Dan departs, still confident. He insists that everybody eventually breaks, because that is biology.

It is important to note that, in between the second and third interrogation sequences, Dan asks the station chief at the US Embassy in Islamabad for permission to 'turn up the heat on this asshole', for which he gets approval. The film illustrates the legal framework that accompanies the use of violence in the 'enhanced interrogation' procedure.

In the third interrogation sequence, the brutal physical treatment gets more extreme. Ammar is sexually humiliated, chained in a dog collar and stuffed inside a small box.

The theme of these interrogations is that Ammar can end all of this if he provides them with the information they need. In this way, the responsibility for the violence of the interrogator is displaced onto the terrorist suspect. When Ammar is left with Maya, he asks her for help, to which she responds, 'You can help yourself by being truthful.' Dan also reminds Ammar that he determines how he is treated. After the most extreme sequence of violence, Ammar is covered in bruises and, at this point, a re-enactment of the May 29, 2004 terrorist attacks in Khobar, Saudi Arabia, which killed 22 people, is shown, accompanied by a newsreel reporting the attacks to the operatives as they watch at the station. This juxtaposition of shots of the brutality of the interrogation sequences with shots of the deaths of civilians at the hands of terrorists works to underline the perspective that this torture of Ammar is necessary.

They end up tricking Ammar, relying on the fact that he has been in isolation, hasn't slept and has been under duress for some time, in order to convince him that the Khobar attacks did not happen due to his revealing key information. Ammar, believing this to be true, offers them the name of Osama bin Laden's trusted courier, Abu Ahmed. This lead, the one Maya will follow tirelessly for the duration of the film, will end up taking them to bin Laden's compound in Abbottabad, Pakistan, where SEAL Team 6 will be deployed to capture and eventually kill bin Laden.

We have introduced the term homo sacer earlier in the thesis but, to familiarize the reader, it is necessary to return to the definition provided by Agamben in his text *Homo Sacer: Sovereign Power and Bare Life*: '[T]he sacred man is the one whom the people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned for homicide' (Agamben, 1998, p. 71). The sacredness of this man is not religious – what homo sacer and sacrifice both share is that they are outside law and outside the qualified life of bios. This does not make them equal entities, only that they both exist in what is excluded from the juridical order. Here the law recedes to allow for the increased use of violence.

Within the construct of homo sacer resides the ability of the state to decide who may be killed and the control over what uses of violence are considered legitimate. This person has been judged on account of a crime, and already homo sacer is different from the traditional enemy in war, which would be a soldier, whose status, although opposite,

was somewhat equal on both sides. The terrorist suspect Ammar, like homo sacer, has already been judged on account of a crime (although he is never offered due process, nor will he have the opportunity to appear in a court of law). There is a difference between the terrorist suspect and the prisoner of war, not the least of which may be examined in the very designation, where 'prisoner of war' indicates that there is an expiration date on the status of 'prisoner'; 'terrorist suspect', on the other hand, does not address these temporal constraints.[229] The terrorist suspect, unlike the prisoner of war, is not afforded the conditions of time which will eventually expire, releasing him from this categorization; nor is the terrorist suspect treated as a 'criminal', since he is never given access to a legal process. The terrorist suspect is abandoned by the law, with the interrogator having the power to decide on his destiny; as Dan informs us, he will never get out. The terrorist suspect belongs to his enemy, the one who has captured him, whereas the prisoner of war belongs to the war. War is temporal; the opposition of two enemies is continuous in the war that has no end. Law takes possession of life – homo sacer is presumed guilty but has no sense of time or place within which to expiate this crime. Further, law appears to the terrorist suspect in the form of violence: he is hit if he does not obey his interrogator – 'if you lie to me I hurt you'. Everything Ammar does or does not do is subject to an act of violence carried out by the CIA operative.[230]

The reduction of the terrorist suspect to a life which may be controlled by the state is founded in the distinction of two Greek terms for life, zoe and bios, which Agamben begins his text by defining: '[Z]oe, which expressed the simple fact of living common to all living beings (animals, men, or gods), and bios, which indicated the form or way of living proper to an individual or a group' (Agamben, 1998, p. 1).

The qualified life of bios, which is protected by the state, is absent in both bare life (zoe) and homo sacer. Nevertheless, there is a distinction between homo sacer and bare life, as homo sacer is qualified life that is forcibly removed and excluded from the political life on account of a crime. This idea of forcible 'removal' from political life is

[229] Indefinite detention is another indication of the terminology which permanently places the terrorist suspect in a zone of indistinction.

[230] The only thing that might provide him with a way out is 'truth', which is an entity almost in abeyance for the duration of the film, as the cast of characters is constantly chasing leads which might be fact or fiction. Even the information they finally receive from Ammar is not given directly; it is obtained through a scheme concocted by Maya and Dan.

an essential quality of the terrorist suspect in the War on Terror.[231] This separation from political life represents the suspension of the juridical order in which the terrorist suspect lives: a permanent state of exception. The policy of torture produces a figure that is removed from a politically qualified life. Homo sacer, like the exception, exists in relation to the law in the form of the exclusion. Agamben clarifies the importance of the exclusion to power:

> homo sacer ... An obscure figure of archaic Roman law, in which human life is included in the juridical order [ordinamento] solely in the form of its exclusion (that is, of its capacity to be killed), has thus offered the key by which not only the sacred texts of sovereignty but also the very codes of political power will unveil their mysteries … This ancient meaning of the term sacer presents us with the enigma of a figure of the sacred that, before or beyond the religious, constitutes the first paradigm of the political realm of the West. (Agamben, 1998, pp. 7–8)

Here, the juridical order is characterized by a figure allowed to be the object of violence. The life that is forcibly removed is separated from the protection of the state. And yet, that very state is defined by what it is excluded from protecting. Therefore, its enemy defines the state – violence mediates law, instead of law mediating the use of violence. This sequence demonstrates how the exception has become the rule. The very strategy of this enhanced interrogation in order to obtain information, which would supposedly use violence as a last resort, becomes an integral part of the systemic use of violence, directed towards anyone who is excluded from the political body.

[231] Although Agamben distinguishes between bare life and homo sacer, Dan makes a point, in one of the violent torture interrogation sequences, of insisting that Ammar will break because 'everybody breaks, bro … it's biology'. Here, bare life and homo sacer overlap.

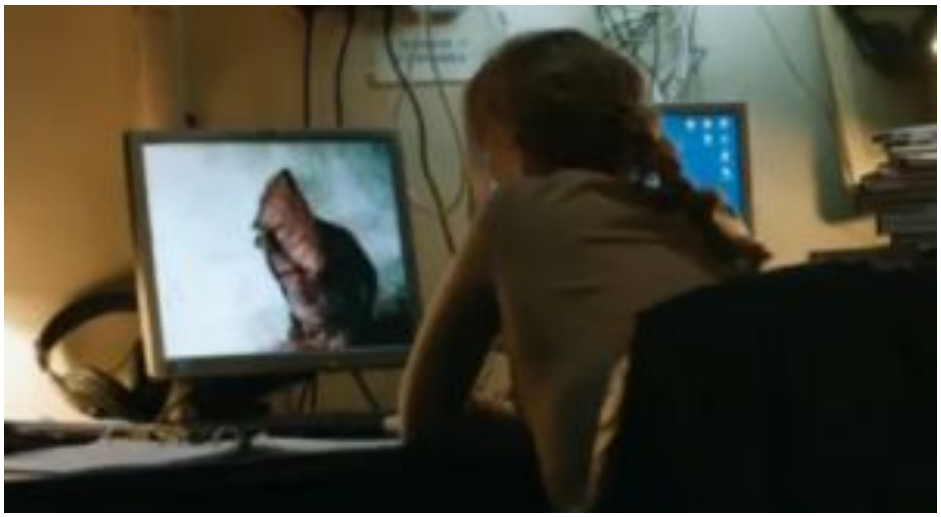


Figure 9. *Zero Dark Thirty* (dir. Bigelow, 2013)

Conclusion

Walzer's and Orend's analyses of just war theory presuppose a moral structure for interpreting the function of state violence. The theory creates categories of legitimacy. In the case of *Ryan*, the possibility that the concrete application of the law could pose a problem through its use of violence is ignored. In *Zero*, the function of state violence reaches a critical point of inversion regarding the relationship of law and violence; instead of law mediating violence, violence mediates law.

The two films, *Ryan* and *Zero*, differ in their depictions of the death of the enemy. While *Ryan* questions the use of violence towards the enemy, ultimately confirming that it is acceptable to kill the enemy in battle, in *Zero*, the CIA operative exercises complete control over the life of the enemy. When the enemy is a terrorist suspect, he becomes homo sacer, a life abandoned by the law, unable to be protected.

In *Ryan*, the theoretical presuppositions of just war theory rationalize the use of extreme violence in the film through the form of the exception. Although outside the parameters of law, the use of extreme violence is reconciled to the state. The relationship of law and violence, where law mediates violence, remains intact. The exception in *Ryan* becomes the rule in *Zero*. In the 'War on Terror' film, the enemy is transformed from prisoner of war to homo sacer, and violence functions outside of law.

The institutionalized use of torture in the 'War on Terror' film reveals that the narrative function of state violence has been transformed from a condition where law mediates violence, to a situation of anomie, where violence alone reigns.

CHAPTER FOUR – Criminal Violence

The Narrative Function of Criminal Violence in Relation to the Gangster Film

Introduction

There are two types of violence that contribute to the formation of the dialectics of violence in the gangster film: subjective and objective. Most obvious is the subjective violence of a 'clearly identifiable agent' (Žižek, 2009, p. 1). However, within these narratives created by the gangster protagonist there is an important structure of law to be discerned. In fact, the relationship of law and violence in the gangster film is one where violence structures law. This will be examined in the following case study through the application of Žižek's interrogation of objective, or systemic, violence. Instead of emphasizing the way that law, in the form of the state or the police, mediates the violence of the gangster protagonist, the violence inherent in the criminal enterprise itself will be examined. The following chapter, then, will interrogate the narrative functions of criminal violence in the gangster film through the analysis of the dialectic between subjective and objective violence.

Through an analysis of film theory, viewed in terms of a system of violence employed in the criminal enterprise, I will consider the comparisons made between capitalism and 'gangsterism' – specifically, the concept of primitive accumulation and the importance of an act of violence, which founds the system. In the gangster films that I consider in this chapter, the importance of an initial act of violence, which forms the basis for the criminal enterprise, is a key component of the narrative – and in terms of understanding how the narrative function of violence is established.

After the 1960s, gangster films are less concerned with the opposition of the legitimate violence of the state in relation to the illegitimate violence of the gangster protagonist, and instead – I suggest – involve a critique of the dialectic between two forms of violence. While these concepts were briefly considered in the methodology chapter, it is worth restating them before applying them to film. Subjective violence is understood as 'violence performed by a clearly identifiable agent' (Žižek, 2009, p. 1). According

to Žižek, there are two types of objective violence: symbolic and systemic violence. In this chapter, however, I will concentrate on systemic objective violence: 'the violence inherent in a system' (Žižek, 2009, p. 8). In the terms of this chapter, subjective violence is used to analyse the violence attributed to a specific gangster character, often the gangster protagonist, while objective violence is used to examine the systems of violence that produce the criminal enterprise or mafia organization.

Early gangster films produced an emphasis on the gangster protagonist's use of subjective violence, attributed to a criminally identifiable agent, whereas – in these films – the cinematic representation of systemic violence was exercised solely through the state. At this point, violence in the gangster film's narrative could largely be interpreted as the representation of a conflict between the illicit violence of the individual gangster and the state-sanctioned violence of the government. However, after the dismantling of the Production Code, the function of criminal violence can be re-examined: objective and subjective violence are no longer solely interpretable in terms of the opposition of state versus criminal antagonism. This is not to say that there is an absence of law in the gangster film after the Production Code has been dismantled, nor is it to suggest that the normative function of state violence, which mediates between the relationship of law and violence, does not figure in the gangster film. However, in order to fully investigate criminal violence in terms of its narrative functionality, at least within recent cinema, it is necessary to conduct an analysis of the subjective-objective representations of violence in terms of the criminal enterprise grasped systemically.

Carl Freedman considers this tendency, especially through the argument that capitalism is a metaphor for gangsterism, where the criminal enterprise of the gangster is seen as systematically constructed around the use of violence. In the post-1960s gangster film, violence is not just depicted through the random outbursts of self-serving criminals; it is organized, and the crime syndicate becomes institutionalized. To expand on these ideas, I begin the chapter with an investigation of the cinematic representation of institutionalized criminal violence through theorists such as Carl Freedman, who considers, through the concept of primitive accumulation, the similarities that the capitalist and criminal systems share.

I will argue that the interrogation of the narrative function of criminal violence in more recent cinema views violence less as something that is illegitimate, in its anti-state use of violence, and rather as something that maintains a relationship with law. The difference is: it is a relationship where violence structures law – or, to continue the inversion from the previous chapter, where violence mediates law, rather than the normative formulation of the state, whose function sees law mediating violence.

The dialectic of subjective and objective violence portrays an irresolvable tension: objective violence, being a systematic approach to the use of violence, is designed to curtail that violence, which is subjective, and yet, at the same time, objective violence depends on the subject who uses violence in order to support or maintain the system within which they operate. This conflict, as represented in the filmic narrative, usually ends in one of two ways: 1) a descent into the state of sheer violence and anomie, where the dialectic is not resolved so much as allowed to destroy itself, or 2) the state intervenes to punish a form of (quasi) law that is antithetical to its aims.

First, I will trace prominent film critiques, identifying this phenomenon of the systematic use of violence in the gangster film. The second half of the chapter will probe the construction of this system through the application of Žižek's philosophical interpretation of these two forms of violence. Finally, an analysis of the dialectic of subjective and objective violence is interrogated through its cinematic representation in the gangster film.

Ideology of the Gangster Film

Although the crime syndicate is 'outside' the law, it is still defined by a complex structure that relies on organization. It is possible to interpret violence as a structuring device for the criminal group, where subjective and objective violence are used in tandem. This is how the dialectic of subjective and objective violence works in the post-1960s gangster film. While the definition of criminal violence is identified here as subjective violence, as it is driven by the self-interest of the individuals who use it, it exists within the context of the objective violence of the larger organization. Therefore, the narrative function of criminal violence is the dialectic between these two forms of

violence: the subjective violence of the criminal protagonist and the objective violence of the criminal enterprise. As I will argue in this chapter, this dialectic represents a key tension in the narrative of the gangster film: while the subjective violence of the gangster protagonist helps to form the objective system of violence, it also threatens to undermine it.

Violence that aims at forms of domination – over territories, others, and so on – is represented *through* subjective and objective violence in the gangster film. As subjective violence is defined here by its use – violence used for promoting self-interest or subjective goals – its aims can often be incompatible with the system it is intended to serve. The laws of the crime syndicate are established through violence and upheld by violence: this is what is meant by the statement made in the thesis that, in the contemporary gangster film, violence structures law – where the gangster organization takes a quasi-institutional form, with rules, conventions, and forms of 'legality'. Although the gangster organization opposes the state in terms of its telos, its intention to 'monopolize' the use of violence (Weber's definition of the state) bears a striking resemblance to the intentions of political authority. Both systems want to control the use of violence, but their aims for the use of violence are different; for example, in the criminal enterprise, violence is used to defeat rivals, make profit, or as a tactic to bribe officials. Further, the influence of violence, and the role it plays in the gangster organization, fundamentally distinguishes it from the state. In the cinematic representation of violence, the state mediates the use of violence, whereas in the criminal organization, violence structures law. However, these straightforward concepts about the cinematic representation of the state and its use of violence are often challenged in the gangster film. For example, a common trope in the gangster film depicts law enforcement as corrupt, in order to delegitimize the state.

After the 1960s, the substance of the gangster film is less about the opposition of the 'good' political state versus the 'bad' criminal enterprise, and more about nuances on both sides. I argue that these films may be used to interrogate the narrative function of violence. Film theory addresses the theme of violence by discussing the similarities between the violence of the capitalist system and the objective violence of the criminal enterprise. Further, representatives of the political state are depicted as corrupt in certain gangster films, imbuing each side with the propensity for using violence outside

law. By positing the criminal function of violence in opposition to the function of state violence in the normative sense, the crime syndicate is portrayed as existing in a space of anomie. This chapter will reject this point of view for the most part – there is often not an absence of the law in the gangster film; rather, it is just that violence is the source of law, and law is structured through violence: the criminal function of violence in its systemic manifestation is permeated by violence.

This argument is illustrated in the gangster film through the concept of abandonment by the law. For example, the gangster film thematically portrays a particular social group as an alternative to the state system. This is exemplified in *Goodfellas*, when Henry explains what the crime family and its boss, Paulie, did for the neighbourhood:

> 'All they got from Paulie was protection from other guys looking to rip them off. That's what it's all about. That's what the FBI can never understand – that what Paulie and the organization offer is protection for the kinds of guys who can't go to the cops. They're like the police department for wiseguys.'

The Business of Crime and Systems of Violence

Robert B. Ray

I will begin by briefly surveying some of the standard approaches of film theory to the gangster film. Robert B. Ray's *A Certain Tendency of the Hollywood Cinema, 1930–1980* includes a chapter that examines the ideology of *The Godfather*:

> Thematically, *The Godfather I* … controlled the identification process by isolating its heroes in a moral vacuum in which they could appear as forces of justice. Thus the movie carefully limited the Corleones' victims to those who deserved punishment (a venal Hollywood producer, a crooked cop, family traitors, another gangster wanting to sell drugs). (Ray, 1985, p. 331)

Ray is aware that, within *The Godfather I*, a moral universe exists and a system is constructed around the use of violence, with those who violate the system deserving

punishment. Further, although Corleone is an outlaw, he is not a loner. The importance of family in the mafia film creates characters who abide by codes[232] (Ray, 1985, p. 333). Through Ray's interpretation, film theory assists us in understanding how *The Godfather* works structurally as a metaphor for capitalism: 'Don Corleone was merely a capitalist extended, someone who had taken literally the American success myth and done everything in his power to achieve it' (Ray, 1985, p. 334). In the narrative of *The Godfather II*, Don Vito Corleone will accomplish this by using predatory violence: he must kill the local strongman, Don Fanucci, in order to impose himself as head of a new criminal system. He takes Fanucci's system and improves on it – using violence to control the economy of Little Italy. Vito's system is similar to capitalism, except the ideology of capitalism conceals its violent origins. *The Godfather* succeeds on two levels: the Corleone system is constructed around the family first, which supports the claim that the system is ultimately benevolent, while below the surface, similar to capitalism's ulterior motives, violence is used to ensure the profitability of such a system and its preservation at all costs (Ray, 1985, p. 336). The Corleones are more like a business than a band of outlaws: 'the Corleones had become a corporation, equipped with lawyers and given to rational planning that even involved debates on potential "acquisitions" like narcotics' (Ray, 1985, p. 343).

The depiction of the violent origins of Vito Corleone's beginnings (where he is quite literally the victim as a small boy) shows that, in order for the family to have an empire, he must impose himself on the system through violence. Ray characterizes in stages the journey from Vito to Michael Corleone – father to son – as the journey of history to its current state of global capitalism:

> The immigrant arrival (the child Vito sitting alone in an Ellis Island room, under the Statue of Liberty's shadow); the wilderness struggle for material comforts and status (Vito's early activities in New York's Little Italy); the Robin Hood phase of frontier individualism (Vito's early criminality); the robber baron period (the mature Don Corleone of *The Godfather I*) and finally, the entrenched, organized corporate state (represented by Michael, to

[232] The value in being a part of 'something', which the mafia signifies, is important to Henry Hill's character in *GoodFellas*.

> whom fellow syndicate operative Hyman Roth boasted,
> 'We're bigger than U.S. Steel') (Ray, 1985, pp. 344–5)

Ray emphasizes the role violence plays in the individual struggle of capitalism. *The Godfather II*, drawing on Vito's youth and early beginnings in New York City, 'depicted a post-frontier world of scarcity and violence' (Ray, 1985, p. 345).[233] The depiction of Vito's early life reveals the violence at the foundation of the Corleone empire: 'the Vito scenes also suggested that the entire structure of the Corleone family, and by implication of America itself, rested on a crime at the inception' (Ray, 1985, p. 346).[234]

Casillo and transgression

Robert Casillo, in his book on the films of Martin Scorsese, *Gangster Priest*, illustrates the fundamental conflict I am describing between the dialectic of subjective and objective violence (although he will not use these terms). In the gangster film, Casillo recognizes that the same transgressive qualities which identify the gangster protagonist and support the criminal system are the same qualities that render these characters problematic and threaten to destroy the system. Casillo argues: 'Henry's entry into the drug trade suggests that a criminal society devoted to transgression also harbours the seeds of its undoing, since its own laws are bound to be violated sooner or later' (Casillo, 2006, p. 312).

The theme of transgression is not only a basis for the criminal system, but characterizes many of those individuals who make it up. For example, the type of anti-normative behaviour that distinguishes a particular character for membership in a criminal syndicate will often play a role in their demise later on.[235] Most gangster protagonists

[233] This theme is apparent from the beginning of *The Wolf of Wall Street*, where the financial market is described as a wilderness – the protagonist, Jordan Belfort, and his version of capitalism will help navigate this.

[234] Ray argues that, notwithstanding this fact and Coppola's stated intent to offer a 'critique of America's predatory origins', the opposition between the kind and gregarious nature of Vito and the depiction of Don Fanucci as evil and greedy is too extreme to engender any sympathy for Fanucci's character (Ray, 1985, p. 346).

[235] Henry Hill's desire to break the rules (dropping out of school) allows him to run errands for the crime syndicate. When he first gets arrested as a young kid, he gives up no information to the police. However, these same patterns of behaviour later result in him providing testimony against these same criminal associates, handing over enough

are tragic heroes who possess the ability to destroy themselves. The objective violence of the mafia system is portrayed as relying on the use of subjective violence to carry out its demands – and what makes the system effective is exactly the type of subjective violence that holds the potential for its collapse.

Casillo will question, however, to what extent *Goodfellas* belongs to the typical gangster and crime film genre (Casillo, 2006, pp. 270–1). *The Godfather* and *The Godfather Part II*, he argues, mythologize the mafia, explaining their activities through the acceptable medium of capitalism. The family business of the Corleones is just another business model and the violence is explained through the need to protect the family. *Goodfellas*, on the other hand, provides a realistic and unflattering portrait of the systematic greed and brutality of its gangster protagonists (Casillo, 2006, p. 272). For Casillo, transgression in the gangster film (at least in terms of Scorsese's film interpretations) induces a 'collapse from within, incapable of containing its own transgressive violence' (Casillo, 2006, p. 273). Here, the subjective violence utilized as part of the objective system provides the seeds of its demise. Even though Casillo is cognizant of the transgressive behaviour of the gangster protagonist, he is emphatic that this world demands a highly organized set of rules and sense of justice (Casillo, 2006, pp. 296–7):

> Its government allocates power, maintains hierarchical deference among its members, administers violence in a controlled fashion, prevents needless and potentially dangerous rivalries from disrupting the system and punishes code violators. Only if these values are honed can the perpetual carnival of gangster life continue. The government of the Mafia family thus resembles a state; the key difference being perhaps, that the former is invisible.[236] (Casillo, 2006, p. 297)

The idea of the invisible state may also be offered as an alternative political organization, a theme I explore in the next section when considering the opening of *The*

information to get them convicted. Hill ends up breaking the one cardinal rule in the film: 'Never rat on your friends, and always keep your mouth shut.'

[236] The downfall of the protagonists in both *GoodFellas* and *American Gangster* will result from a violation of this code. Within each of these societies of transgression, there is always the possibility for self-destruction.

Godfather.[237] Casillo expands on this issue as he considers the complicity of society in some of the gangster's illicit enterprises, for example, in the case of gambling in *Casino* (dir. Scorsese, 1995).

Corruption is not limited to the Corleones and the other mafia families. The corruption extends to members of state and officers of the law – whether they are politicians on the Corleone payroll, or the police chief, Captain McCluskey, who works for Sollozzo and facilitates the second assassination attempt on Vito while he is in the hospital. 'Of all governmental agencies, the wise guys most despise the FBI, partly because its agents routinely harass them in search not so much of information as pay-offs' (Casillo, 2006, p. 289). This is reinforced in *American Gangster*, where the entire New York City police force is embedded in the inner world of the mob – they seize their drugs, cut them down and resell them to the gangs at a profit. This failure of the 'good state' to adhere to the rules only fuels the gangster's motivation to make self-serving acquisitions: 'wise guys regard legitimate society mainly as a field for plunder' (Casillo, 2006, p. 288).[238] This emphasis on consuming and not creating will eventually make the gangster protagonist illegitimate. Their power derives from the dispossession of others – their violence mirrors Marx's interpretation of capitalism's foundational act of primitive accumulation.

Freedman: 'gangsterism and capitalism'

Carl Freedman's article 'Gangsterism and Capitalism' (2011a) makes the comparison of the gangster protagonist to capitalism, connecting this explicitly to Marx's critique of capitalism. Freedman argues that, in the early days of the gangster film, there was a clear difference between:

> the illegal economic activities of gangsterism and the normal procedures of 'legitimate' enterprise, whereas

[237] He also recognizes the ability of the mob to offer relative safety and regulation to certain (otherwise lawless) urban neighbourhoods (Casillo, 2006, p. 287).

[238] Casillo emphasizes the transgressive characteristics that also contribute to the downfall of the gangster: 'These various kinds of waste, and the capacity to "create" and indulge in them, testify to the wise guys' personal potency and privilege, their autonomy in the sense of ontological plenitude and freedom from material need, and not least their limitlessly transgressive appetites, eager to swallow up anything and everything though always with the pretense of god-like casualness and indifference' (Casillo, 2006, p. 293).

> after the 1970s the antagonism subsides to the point where the illegal and legal capitalism are profoundly similar, sometimes to the point of being indistinguishable from one another. (Freedman, 2011a, p. 7)

Freedman applies Marx's concept of primitive accumulation to the *Godfather* trilogy as:

> a process of staggering disruption, fraud, theft, and violence … it was accomplished primarily by the forcible dispossession of the peasantry: the unilateral usurpation of their ancient feudal rights, the forcible seizure and privatization of their common lands and, in addition, the forcible seizure and privatization of traditional state and church domains and of various kinds of feudal and clan property – all of which were transformed into modern, bourgeois private property. (Freedman, 2011b, p. 10)

Even though primitive accumulation lays the proprietorial foundations for the emergence of capitalism, Freedman also considers it as 'capitalism's supplement'.[239] The violence enacted by this moment is repeated throughout history and is inherent to its logic. Freedman argues that the *Godfather* trilogy (1972–90) is the cinematic representation of the theory of primitive accumulation, where violence starts the capitalist system. Vito Corleone uses violence to start what will be his criminal syndicate. The initial murder of Don Fanucci allows Corleone to take the territory Fanucci controls and use it to sustain his own criminal enterprise, establishing his objective use of violence through a subjective act of violence.

While Vito's foundation of the Corleone crime family through the murder of Fanucci is portrayed in *The Godfather Part II*, the use of objective violence, intrinsic to the Corleone family and its maintenance of its own power, is portrayed from the beginning of the *Godfather* films.

The opening sequence of the first film (which I will described more fully later in this section) portrays the objective violence of the Corleone syndicate, which is used as an

[239] Freedman uses the term *supplement*, attributed to Jacques Derrida: 'the supplement turns out, upon closer examination, not only to be far more important and complex than was initially supposed but even to be integral to that which it was initially supposed merely to "supplement" in the colloquial sense' (Freedman, 2011b, p. 11).

alternate form of justice for the immigrant population. Bonasera, an Italian-American undertaker, has come to Vito Corleone after the police have refused him justice for a terrible assault on his daughter, which has left her hospitalized. The first time we are introduced to Vito, it is as the person who can provide justice, although he is clearly not a part of the juridical order – we are in the study in his house. Vito represents a means of achieving justice that is outside the juridical order. It is inferred that Vito's form of punishment will be carried out through violence: his men will go after those who hurt Bonasera's daughter, unlike the state, which failed in its duty to mete out punishment.

An important aspect of this sequence is the introduction of the audience to the structuring device of the narrative, the function of criminal violence to protect the members of the Corleones' own organization. Vito agrees to provide justice for Bonasera and his family, in exchange for friendship and an undetermined future favour. In this sequence the state is portrayed as inadequate to serve justice, a void the Corleone family will fill, principally through violence.

Freedman interprets the opening sequence as an illustration of primitive accumulation, which is:

> the necessary basis of any deconstruction of the binary opposition between legality and criminality as understood in bourgeois society. Capitalist legality attempts to draw an absolutely clear iron line between itself and the criminality to which it opposes itself, so that the legitimacy of private property and the right of contract can be grounded as securely as possible. But the attempts never quite succeed – the line is always, in fact, a permeable membrane – because capitalist legality is itself based (in its origins but also, as we have seen, to some degree as an ongoing enterprise) on a massive crime, on the unilateral abrogation of property and contractual rights as well as on brute physical force. (Freedman, 2011b, p. 17)

Capitalism, like the Corleone family, is founded on crime according to Freedman. Through the perpetuation of violence, it establishes and enforces law. He contends that the *Godfather* films depend on a cycle of violence, beginning with Vito and continuing

through Michael. The Corleone family, like the state in Weber's *Politics of Vocation*, hold the monopoly on the use of violence.

Freedman advocates the position that the 'binary opposition' of the legitimate capitalist state versus the illegitimate gangster empire is dismantled by the advent of the *Godfather* films. Freedman refers to the films' choice to portray the connection the Corleone family has to state politics. The films depict corrupt law enforcement and public officials: corruption is endemic at every level of the society (Freedman, 2011b, p. 22). In a key sequence, which plays an important role in Michael's transformation from the 'good' son (previously on the outside of the family business and a war hero, exercising the legitimate form of state violence) to criminal mastermind of the Corleone syndicate, Michael realizes that the police aren't there to protect his father at the hospital, because they are on Sollozzo's payroll. When Michael challenges this issue of corruption, confronting the police captain (McCluskey) outside the hospital, instead of denying the allegations, McCluskey orders his fellow officers to grab hold of Michael so he can punch him.

In the *Godfather* films, the drive for legitimacy underscores the actions of the Corleone family. A question arises as to whether the Corleones will ever be able to maintain their power without the use of violence. Don Vito Corleone reveals to Michael shortly before he dies:

> 'I never wanted this for you. I work my whole life … I don't apologize … to take care of my family, and I refused to be a fool, dancing on the string held by all those big shots. I don't apologize – that's my life – but I thought that, that when it was your time, that you would be the one to hold the strings. Senator Corleone; Governor Corleone … Well, it wasn't enough time, Michael. It wasn't enough time.'

Film Sequences and Philosophical Interpretation

Considering the issues raised by film criticism and scholarship, I will direct the analysis of violence in the gangster film through specific philosophical interpretations of violence. Slavoj Žižek's and Hannah Arendt's interpretations of violence will be applied, using their conceptual frameworks to interrogate the functions of violence in

these quintessential gangster films: *The Godfather*, *The Godfather Part II*, *American Gangster*, and *Goodfellas*. Finally, *The Wolf of Wall Street* portrays an explicit connection between criminal violence and the economic violence of the capitalist system.

The Godfather

The Godfather is an American crime film that tells the story of the Corleone crime family, based on the novel by Mario Puzo. This first film focuses on the family's criminal enterprise, tracing the transition of control of the family from its patriarch, Vito Corleone (Marlon Brando), to his son Michael (Al Pacino). In the beginning of the film, Michael is portrayed as not affiliated with the family business,[240] emerging in the story as a war hero – someone who, based on this experience, is more familiar with exercising 'legitimate' state violence. However, when an attack is made on his father's life, he begins his conversion from outsider to the new head of the family. The attack comes as a result of Vito's refusing to invest in Sollozzo's narcotics business (according to Vito's moral code, drugs are a dirty business). This disagreement reveals the various associations and alliances constructed for the criminal underworld to function. Vito's refusal makes him vulnerable to attack from other crime families. The film portrays both the subjective violence of individuals and the systemic forms of violence employed by the different mafia families. In this scene, which is a part of Michael's conversion, the police are shown to be complicit. By the close of the film, Vito has passed away and Michael is firmly installed as head of the family business, fully immersed in a world of violence.

The Godfather Sequence I

The sequence starts in complete darkness as four words are uttered: 'I believe in America.' A close-up reveals the face of Bonasera, an undertaker who has come to ask

[240] Of course, his sister and mother are kept out of the family business, which is depicted as not including them. Out of his three brothers, however, he is the only one not involved in some way – at least in the beginning.

Don Vito Corleone for justice (although it is not immediately apparent who he addresses). Before revealing his request, he tells the story behind his desire for vengeance. He speaks with an accent, as he, like Vito, is an immigrant in America.[241] He explains how he has embraced his life in America – he has raised his daughter in the American way and was thankful for the work he had, which enabled him to make a decent living. His daughter is in a relationship with a young man, although he notes with disdain that he is not an Italian. Recently, two young men who attempted to rape her have assaulted his daughter. He makes the point that she 'kept her honour', even though she is terribly beaten as a result of refusing to submit to them. The shot slowly zooms out, as he continues to describe what happened to her. We realize that this is an over-the-shoulder shot, but whose shoulder, we do not yet know. She is almost dead in the hospital, her face destroyed, jaw held together by wire. He is given a drink. He discusses how he went to the police 'like a good American'. His story is not irrational; he has attempted to seek justice in the American fashion – through courts of law. The two young men were brought to trial but received a suspended sentence: 'They went free that very day.' He describes how he said to his wife that 'for justice we must go to Don Corleone'. We see an over-the-shoulder shot of Don Corleone; the camera's point of view is his. He asks Bonasera: 'Why did you go to the police? Why didn't you come to me first?' Bonasera assures him that he will do whatever he requires if he, Don Vito Corleone, does what he asks of him. We do not hear Bonasera's request as it is whispered, but we can tell from the ensuing conversation that he has asked for the murder of these two men. We finally see the camera shift its point of view to reveal the figure who has been listening to this appeal – Don Vito Corleone. Don Corleone will not murder the men who assaulted Bonasera's daughter. He will use violence that is evaluated through his systematic approach. The scene opens up to a long shot where we see the other people in the office: Sonny, Don Corleone's eldest son, and Tom, his adopted son, who is the Corleone family attorney. The shot changes to a medium shot of Vito playing with a cat on his lap. He explains that Bonasera has never before come to him for help or for friendship, even though his wife is his daughter's godmother. He assumes that Bonasera was scared of being in 'his debt'. Vito describes how Bonasera 'found paradise in America. You had a good trade, you made a good living. The police

[241] This man (Bonasera) is an immigrant – and at this time he represents a void in the American system. The immigrant community is outside the normative protections of law. Though abandoned by the law, in order to serve justice a new order must arise, which the Corleone family serves.

protected you and there were courts of law. So you didn't need a friend like me' (a friend who provides justice when the law does not). As the scene continues, Bonasera pledges his loyalty to Vito again, as the Godfather, and Vito agrees to help him, in exchange for a favour from him, one day, when Vito will call on him. Bonasera rejoices at this and exits. Vito chooses Clemenza to carry out the revenge, as someone who will not get carried away. Vito insists there cannot be murder as Bonasera's daughter is still alive, which would make it non-equitable vengeance.

In this first sequence we see the necessity behind the creation of the system of objective violence which structures the Corleone family enterprise. The violence of the Corleone associates who execute Don Vito's demands is a key component of the crime syndicate, establishing it as a system that relies on the use of violence by individuals. This individualism is important in making the connections between capitalism and the crime syndicate.[242]

This first sequence with Bonasera portrays the process of the organizational quality of the use of violence – it is not random, but calculated, evaluated, the aim of it explicitly debated. Bonasera will not go after these guys himself – he will not take the law into his own hands, but instead seeks out a system, which best answers his desire for revenge. When Bonasera is unable to obtain justice through the courts, his response reflects Hannah Arendt's explanation for the instance of violence, where she states: 'I am inclined to think that much of the present glorification of violence is caused by severe frustration of the faculty of action in the modern world' (Arendt, 1970, p. 83). He goes to two systems – the state and, when the state proves impotent, the criminal enterprise. Violence remedies this feeling of inaction and hopelessness.

[242] Both Henry Hill in *Goodfellas* and Jordan Belfort in *The Wolf of Wall Street* exhibit capitalism's dangerous individualism.



Figure 10. ***The Godfather*** **(dir. Coppola, 1972)**

The Corleones' use of objective violence counters the state.[243] Vito has made a business from achieving justice for those who cannot obtain it through the American legal system, through his own interpretation of a system, which is structured through the use of violence:

> Though Don Corleone's power derives from illegal enterprises, his response to Bonasera – as he decides on corporal but not capital punishment for the two attackers – arguably displays not only a certain moral order but also a quasi-juridical sobriety, restraint and moderation. (Freedman, 2011b, p. 15)

In this sequence, objective violence works to mediate the use of subjective violence outside the system. Freedman argues there is not a clear-cut distinction between the legitimate order of the state and the criminal enterprise of the Corleones (Freedman, 2011b, p. 29). Žižek also draws a connection between capitalism and objective violence. The power Vito has comes from his use of objective violence – why else

[243] A recurring theme in the gangster film is that the members of this society are the others, the immigrants; the group that forms to fill the void left by the inaction of the law with respect to the needs of this particular group of people. The immigrant in society is portrayed alone in the darkness of America: Bonasera is alone in the first shots of this sequence, shrouded in black. The immigrant is treated as inferior to the rest of society: his women are victims of the whims of non-Italian men, subject to abuse. And the law will not emerge to protect them. What Vito offers is access to an alternative society where, although traditional courts of law are absent, justice can and will be served.

would Bonasera come to him? Vito is a figure who can be trusted: he exemplifies the kind of order and 'justice' of objective violence that opposes itself to subjective violence. What makes objective violence different is its structure. Even if it is not law in terms of the state, it is an alternate, perhaps individual, version of the law.[244]

The Godfather Part II

The Godfather Part II presents two parallel narratives – going back in time to trace the origins of Vito Corleone in Sicily through to Vito's establishment of his criminal organization in New York and the story of Michael becoming head of the Corleone family.[245] The narrative depicts Vito's initial acts of violence, which form the foundations of the Corleone system. Vito knows that, in order to assert his identity and make a life for his family, he will need to use violence. In the parallel narrative, Michael has set the family up in Lake Tahoe, where he survives an assassination attempt. At this point, Michael's business ventures extend outside the US into Cuba, evidencing Michael's desire to make the Corleone family legitimate and global capitalists.

Even before Vito is initiated into a life of crime, the neighbourhood where he lives in New York is structured around violence. Official law, in the form of the state, is absent. Smaller groups control these areas, ruling through violence. The film shows Vito's initial separation from the mafia system – he works in a grocery store. But the presence of objective violence is apparent: Don Fanucci is the neighbourhood overlord, extracting payments from business owners in the area. He wants his nephew to have a position at the grocery store where Vito works and Vito loses his job. Fanucci's power derives from the fact that he is the only one who offers protection. But his power doesn't arise solely from an objective use of violence: Don Fanucci's violence is criminal – it is for self-interest. When Fanucci's demands become excessive, this attracts Vito's attention. Vito soon realizes that Fanucci is not as powerful as he presents himself as

[244] In *The Wolf of Wall Street*, Jordan Belfort's character emphasizes the ability of his firm to offer opportunity, when Wall Street firms were mostly closed-door.

[245] George Anastasia and Glen Macnow, in *The Ultimate Book of Gangster Movies*, state that *The Godfather Part II* asked two essential questions which follow on from *The Godfather*: 'Where did Don Corleone come from, both literally and philosophically? And where was Michael Corleone going?' (Anastasia and Macnow, 2011, p. 21).

being, which shows a weakness in the system. Therefore, Vito estimates that it is possible to usurp Fanucci's position through an act of his own violence. Vito stalks him atop the buildings at a local feast, sneaking into the stairwell of Fanucci's apartment, shooting and killing him. After Fanucci's death, Vito assumes his leadership role. Ray considers the early Vito moments in *The Godfather Part II*: 'the Vito scenes also suggested that the entire structure of the Corleone family, and by implication of America itself, rests on a crime at the inception … that the American Dream had gone wrong from the start' (Ray, 1985, p. 346).



Figure 11. ***The Godfather Part II*** **(dir. Coppola, 1974)**

The foundational violence of the criminal enterprise in *The Godfather Part II* illustrates the violence of primitive accumulation. Vito acquires the territory of the neighbourhood because he quite literally takes it, through an act of violence. The dispossession of territory, and the violence which accompanies this, is a clear example of primitive accumulation in the film. We also learn that this society is based on protection and that its structure is enforced through the threat of violence. When Vito wonders why no one has stood up to Fanucci, it is because they have no one who will protect them, demonstrating Arendt's observation: '[E]verything depends on the power behind the violence' (Arendt, 1970, p. 49).

American Gangster

The film first portrays the rise of Frank Lucas (Denzel Washington), from chauffeur to drug kingpin in Harlem during the 1970s. Through a contact in Asia he is able to smuggle vast quantities of heroin during the Vietnam War. Frank's ability to buy directly from the supplier enables him to put his price so low that he cuts out his competitors, monopolizing the New York heroin supply. He is conservative in his displays of wealth and socializing – however, through one slip-up at a boxing match, where he is sitting ringside (in a very expensive fur coat),[246] he will finally attract unwanted attention.

The film also provides the story of Richie Roberts, a Newark detective. His partner overdoses on a potent new strain of heroin called 'Blue Magic' and he starts an investigation into the source of these drugs. He notices Frank at the boxing match and Frank becomes the object of Richie's inquiry.[247] Richie acquires enough information to arrest Frank and, in exchange for a shorter sentence, Frank provides essential information leading to a series of convictions. Frank's confession also results in the arrest of a large number of police and DEA officers.

The structure of Frank's illicit drug business mirrors the capitalist model, where increased profit margins represent the ultimate goal. An act of violence Frank commits on his own will enable him to take a portion of territory in Harlem to set up his own jurisdiction for drug dealing. Like *The Godfather*, his empire is founded on an initial act of violence.

The concept of primitive accumulation will be applied to explain how the apparently non-violent system (based on the pursuit of wealth and enterprise) depends on violence to establish it. The film begins with a speech from Bumpy. In a prologue to the film, Frank is depicted as his driver and essentially his right-hand man. Bumpy, like Vito, is

[246] Richie notices that Frank has better seats than a series of important mobsters, which indicates his status.

[247] Richie is an outsider in the police department because he is a good cop. He turns over one million dollars after finding it in a mobster's car.

the aging patriarch of a criminal enterprise in Harlem. As they go into a store, Bumpy gives a speech on the status of America, with an angle on business and capitalism:

> 'This is the problem. This is what's wrong with America. It's gotten so big; you just can't find your way. The grocery store on the corner is now a supermarket. The candy store is a McDonald's. And this place, a super-fucking discount store. Where's the pride of ownership, huh? Where's the personal service? You see what I mean? Shit. I mean, what right do they have, of cutting out the suppliers, pushing out all the middlemen, buying direct from the manufacturer? Sony this, Toshiba that. All them Chinks putting Americans out of work. That's the way it is now. You all right? You can't find the heart of anything to stick the knife.'

From this conversation, Frank learns how to think like big business: buy direct.



Figure 12. ***American Gangster*** **(dir. Scott, 2007)**

He will model his business after the capitalist system by cutting out the supplier in order to increase his profits. He accomplishes this by taking advantage of the military situation in Vietnam where he can go directly into the country to get his drug supply. There he will be able to get better-quality heroin, at a very low price, so that when he enters the American market he can sell purer heroin at half the price of his competitors. He will also take advantage of the American presence in the territory for shipment and

transport purposes – hiding heroin in the coffins of deceased soldiers. He in effect achieves a monopoly because he outsources his product.

The film portrays the initiation of the criminal enterprise through a foundational act of violence. In *American Gangster*, after Bumpy dies, Harlem is up for grabs. Tango, one well-known criminal in the neighbourhood, assumes control of Harlem's drug territory. As in primitive accumulation, one system takes possession of a territory and asserts domination by obtaining profit from the dispossession of the land. Primitive accumulation employs brute violence in order to displace one system and replace it with another, more in line with its own goals.

In the new system Tango is enforcing, if Frank wishes to sell drugs in this neighbourhood he must give Tango 20 per cent in exchange for the use of this 'real estate'. Tango follows this suggestion with the advice that, if Frank does not wish to do that, he can come work for him. Instead of acquiescing to his demands, Frank approaches Tango and demands 20 per cent from him, taking the stance that Harlem is Frank's. Tango refuses and Frank pulls a gun on him, pointing it at his head. Tango doesn't believe Frank will have the strength to shoot him in broad daylight in front of so many people, but when he challenges Frank, Frank pulls the trigger and shoots him in the head. Blood streams out and onto the pavement as Frank places an empty sugar container next to his head. He takes money out of Tango's breast pocket and puts '20 per cent' worth of bills into the sugar jar.

Frank uses both subjective and objective violence to begin his criminal enterprise. He is the 'clearly identifiable agent' responsible for killing Tango (Žižek, 2009. p. 1). The function of his violence is for personal gain; the system works as a result of the individual's desire and willingness to use violence.



Figure 13. ***American Gangster*** **(dir. Scott, 2007)**

Goodfellas

'[P]erhaps the most important means by which crime families control violence between and among themselves is the institution of the "made man", a phrase suggesting the bosses' god-like power to confer privileged status upon individuals' (Casillo, 2006, p. 299).

Goodfellas is an American gangster film whose narrative portrays the rise of a mob associate, Henry Hill (Ray Liotta), and his involvement with a crime family.[248] The film depicts the business of this group, mainly in terms of the activities of the three main characters: Henry Hill, James Conway (Robert De Niro), and Tommy DeVito (Joe Pesci). They engage in robberies and rip-offs, and the notorious Lufthansa heist.[249] Eventually, Henry, the protagonist, whose voiceover narrates much of the activity in the film, becomes involved in trafficking narcotics. He also develops a drug addiction, which of course accelerates his demise in this industry. Both Tommy and Henry, each in their own way, exercise their subjective violence to such a degree that it winds up destroying their place in the system: Tommy is murdered and Henry gets put in a

[248] The film is based on an adaptation of the book *Wiseguy*, by Nicholas Pileggi (1986). Pileggi co-wrote the screenplay with Scorsese.

[249] Again, members of the group who engaged and profited from this heist are punished because they flaunt their illicitly gained wealth.

witness protection programme. Within this film it is possible to see the resolution of the dialectic of subjective and objective violence: through the mediation of the law, Henry Hill goes into the witness protection programme after he informs on the rest of the Lucchese crime family. Law intervenes to suspend the objective violence of the Lucchese crime syndicate. However, as this suspension comes at the end of *Goodfellas*, objective violence accounts for the rules by which the Lucchese family uses violence. For example, violence is used as a structuring device in this film through the concept of the 'made man': '[T]he "made man" is free to administer violence as he sees fit upon gangsters lacking permanent membership in a family. The "made man" is also normally immune to violence from other people, who need special permission to kill him' (Casillo, 2006, p. 299). In the narrative of *Goodfellas*, the structure of the criminal enterprise is founded on the rules of who can and can't use violence, revealed through Henry's voiceover monologues:

> 'It means you belong to a family and a crew. It means that nobody can fuck around with you. It also means you could fuck around with anybody, just as long as they aren't also a member. It's like a license to steal; it's like a license to do anything.'

The objective violence of the concept of a 'made man' is in a dialectical tension with the subjective violence in the actions of Tommy DeVito. Even though he is part of a larger group where violence is inherent, his use of violence as an individual creates an irresolvable tension. The crime syndicate establishes parameters to the use of violence by individuals, and in some cases dictates specific restraints. Subjective violence may be for self-interest, but it also serves the wider system of the criminal organization. The use of subjective violence, outside of the criminal order, illustrates an irresolvable tension in violence itself.

In one scene, Tommy is playing cards with his friends, and shoots Spider, a local kid who acts as a gofer for some of the gangsters, simply because he does not remember his drink. Later, Spider is again acting as their waiter, this time in a cast (still recovering from the previous injury), and he sarcastically answers Tommy, to which Tommy

responds by shooting him to death.[250] Luckily, Spider is not a 'made man', so Tommy gets away with a murder within the system. However, when he kills Billy Batts, a 'made man' in another crime family, for insulting him, it will result in his own murder. The transgressive quality, which at first makes Tommy an essential part of the system, transforms into a self-destructive lawlessness. His insatiable desire for the use of violence will be his downfall.

Gangster society might have rules which are in opposition to the state, but that doesn't mean the criminal system exists in a state of anomie. Tommy has used violence in direct conflict with a key provision of the mafia code: he has killed a 'made man'. The rules dictate that no one is allowed to kill a 'made man' without first obtaining special permission. The film reflects the necessity of this point. After the murder of Batts, the main characters, who are either involved directly in the murder or in aiding and abetting it, begin to spiral out of control.[251] Tommy's violence is utterly lawless. It serves no purpose beyond a purely subjective one, demonstrating the tension between the subjective and objective uses of violence. Violence by an individual is only successful if it is used to strengthen or uphold the law as an extension of systemic violence. When the functions of violence become purely subjective it severs this relationship. Therefore, objective violence needs to impose order through another act of violence. Tommy's murder at the hands of the criminal enterprise is what evens the score and restores order.

[250] At the Bamboo Lounge, Tommy pulls a gun on Henry as he asks him, 'I make you laugh … I'm here to fuckin' amuse you?' In Arendt's analysis of authority, she considers that the 'greatest enemy of authority, therefore, is contempt, and the surest way to undermine it is laughter' (Arendt, 1970, p. 45).

[251] Henry will continue to transgress the rule of the head of the family (Paulie) as he gets more deeply enmeshed in the business of narcotics.



Figure 14. *Goodfellas* (dir. Scorsese, 1990)

The order of the gangster society depends on the use of violence to preserve power. Violence reveals that, on its own, in its subjective manifestation, it is incapable of sustaining itself.[252]

The Wolf of Wall Street

Freedman explains, '… what is essentially at stake in the workings of organized crime is nothing more nor less than capitalism itself' (Freedman, 2011, p. 22). The last film considered in this chapter involves merging the gangster film with the capitalist enterprise in *The Wolf of Wall Street*. There are, of course, superficial angles where Jordan Belfort (Leonardo DiCaprio) is similar to gangster characters – his proclivity for extramarital affairs (and prostitutes), his rampant drug use, his love of cash and flashy items. But what ultimately aligns him with the gangster protagonist is his use of both subjective and objective violence.

The subjective violence of the gangster protagonist becomes the violence of the capitalist protagonist. The clearly criminally identifiable agent is a stockbroker, Jordan,

[252] The theme of the punishment of individualism is revisited in *The Wolf of Wall Street* – Jordan, like Tommy, is prone to excess and their mutual desire to act on their own accord will lead to their demise.

who pursues money at all costs and uses money to settle all his problems. The system of objective violence takes the form of a corrupt financial institution, which Jordan creates: Stratton Oakmont. Instead of solving problems through physical violence, which is the prominent tactic of the gangster film, Jordan uses money. The way the gangster uses violence reflects the way Jordan uses capital, outside the state's legal parameters.



Figure 15. ***The Wolf of Wall Street*** **(dir. Scorsese, 2013)**

Similar to *The Godfather*, the film begins with the depiction of a chaotic American society that is impotent to protect and ensure the wellbeing of its citizens. While in *The Godfather* the state is depicted as failing to provide justice, in *The Wolf of Wall Street*, financial institutions are portrayed as making profit inaccessible for everyday Americans.[253] Wall Street is likened to a wilderness, and Stratton Oakmont intends to lead you out of the wilderness into a profitable capitalist society. The film then cuts to a large group of stockbrokers placing bets on a game of darts – the catch is that it is a dwarf who is serving as a human dart, being catapulted into a life-size target. The

[253] One character in the film, a struggling single mother without 'two nickels to rub together', arrives to ask Jordan for a job and an advance of $5,000 to pay for her child's tuition. He responds by hiring her and giving her $25,000 in advance.

conflict is established from the outset, as is the excessive behaviour which will characterize the film.

The overriding theme of the film is the importance of the individual in the pursuit of capital, a characterization that reflects the function of criminal violence: self-interest. In the film, the government is portrayed as an obstacle to the common man getting rich. Jordan advocates that one's problems can be resolved through money. In the gangster film, the use of objective violence seeks to transcend the use of subjective violence. In *The Wolf of Wall Street*, the corrupt capitalistic protagonist is an individual who cannot be reconciled with the system. This film reveals a fundamental violence at the heart of the capitalist system, and also a problem for the criminal enterprise: the individual.

Through the creation of Stratton Oakmont, Jordan solidifies his use of objective violence, creating his own version of the capitalist system. Making his own rules and blatantly avoiding the official ones (put in place for example, by FINRA and the SEC).[254] He engages in stock manipulation and schemes like 'pump and dump'.[255] By establishing Stratton Oakmont, he makes his own version of a Wall Street firm, but one which is outside the law in its tactics, which are built on circumventing legal financial procedures. Freedman argues: 'capitalist legality is itself based … on massive crime, on the unilateral abrogation of property and contractual rights as well as on brute physical force' (Freedman, 2011, p. 17).

This film identifies capitalism's pursuit of profit at all costs, and the system's reliance on the individual. In the beginning, Jordan sells bad stocks to people who do not know any better; by the end he is ripping off wealthy individuals. For this system, it doesn't matter what is actually going on or the adverse effects of his financial strategy. What matters is that the individual succeeds and continues making money. The film positions

[254] FINRA refers to the Financial Industry Regulatory Authority, and the SEC to the Securities and Exchange Commission, both United States agencies.

[255] The 'pump and dump' scheme is where brokers falsely inflate the value of a stock they already have a stake in (normally a small microcap company), in order to accelerate its price growth. This creates the 'pump' aspect, where the prices go up due to 'the buying frenzy they create'. Soon the same people who falsely drove up these prices in order to increase the value of their own assets 'dump' their shares. This normally results in the price falling drastically and new investors losing their money (U.S. Securities and Exchange Commission, 2013).

the individual against the system, where Jordan instructs his Strattonites to 'deal with your problems by becoming rich'.

Conclusion

Freedman's analysis of the gangster film, and in particular the *Godfather* films, demonstrates that there needs to be an analysis of the gangster film which does not distinguish between solely good or bad categories of violence, but rather investigates the functions of violence in the criminal enterprise. Gangster films are about the business of crime, and therefore a consideration of objective violence has been integral to the analysis of the violence depicted in the gangster film. Even though the end of a gangster film may often feature a descent into sheer violence or the staging of an event of reconciliation by law, there is much to be learned through the systematic approach to violence that is utilized by the gangsters. Through Arendt's analysis of the relationship of violence and power comes the realization that, when power is in decline, violence is used as its substitute.

The function of criminal violence emerges in two forms in the gangster film: subjective and objective violence. As Žižek argues, subjective violence is more visible, insofar as it is the province of individuals and clearly identifiable agents. However, the subjective violence of a gangster protagonist plays an important role in the systemic objective violence of the crime syndicate. Here, the dialectic emerges as one between subjective and objective violence. In these films, violence provides the structure for law – it is violence that founds the system, and violence which perpetuates this system as well.

In the films analysed above, the dialectic of subjective and objective violence produces an unresolved relationship held in constant tension. Objective violence relies on subjective violence to enforce its quasi-legal structure and forms of social organization, and yet it is the function of subjective violence that, when not adhering to law, can result in the destruction of this dialectic; the individual violence the system needs fosters an instinct for self-interest.

Two challenges, then, confront the gangster film's systemic (objective) violence: the subjective violence of the criminally identifiable agent and the intervention of law: 'the end is in danger of being overwhelmed by the means which it justifies and which are needed to reach it' (Arendt, 1970, p. 4). This demonstrates, as Arendt proposes, that violence can never be used as a substitute for power without threatening the foundations of the system it is attempting to secure.

CHAPTER FIVE – Revolutionary Violence

The Narrative Function of Revolutionary Violence: *The Battle of Algiers* and *A Prophet*

Introduction

This chapter interrogates the narrative function of revolutionary violence through two films which problematize its limits: *The Battle of Algiers* (*La battaglia di Algeri*) and *A Prophet* (*Un prophète*). The function of revolutionary violence identified in this thesis has been developed through the theories of violence set forth by Frantz Fanon in his book *The Wretched of the Earth* and problematized by Hannah Arendt in her text *On Violence*.

There are three central issues that will be emphasized: emancipation, identity, and transformation. Several questions emerge: if the function of revolutionary violence aims at emancipation, who is emancipated? Is it sufficient for an individual to be emancipated or must it be the larger group? This chapter posits that the issue of identity is integral to the condition of oppression, and is a result of an authoritative (state) group treating an oppressed group as inferior. From the perspective of the oppressed, this tension exposes the ambiguity of law in the filmic representation. Revolution is not simply emancipation from specific acts of oppression, but emancipation from an unjust legal apparatus. Illegality emerges from two universal claims: 1) human rights transcends state law; 2) a law, which is inherently biased in favour of one group over another, is 'unjust'. The dialectic of law and violence in this case identifies law as currently corrupt, and requires that it be replaced with a different association of law and violence. Revolutionary violence seeks to destroy one dialectic and replace it with a new one. Finally, transformation, which is common to other forms of violence, has a particular practical emphasis in the case of revolutionary violence. Transformation is a key factor for revolution on at least two levels: conversion of the individual and change of the legal apparatus that is overthrown. In revolutionary violence, systemic change is considered impossible without the use of violence; and violence is emancipatory to the extent that it 'transforms' the systemic and symbolic structures of existing law.

Preconditions of Revolutionary Violence

It is first necessary to understand the preconditions of revolutionary violence. The narrative function of revolutionary violence is a product of the preconditions that inspire its use as well as the ends the act pursues.[256] This is exemplified through the construction of an underlying tension. In the films considered, tension is created by the ruling group.[257] In *The Battle of Algiers*, it is the legal apparatus of the colonial system (the French colonists who control Algeria) which places the colonized (the native Algerians) in an inferior position, where their freedoms are not protected and they are subject to systemic abuses. In *A Prophet*, this ruling authority is represented by the collusion of the Corsican gangs with the prison wardens.

Both the French colonials and the ruling prison gangs exercise, in Weberian terms, a monopoly on the legitimized use of force. Both groups are in positions of authority in their respective territories (an important aspect of Weber's definition of the state). In *The Battle of Algiers*, the tension regarding territories is represented from the initial moments of the film: lower-third captions introduce the European Quarter, a series of white buildings surrounding a densely populated square, and then the Casbah, which lies behind the European Quarter, further up on the hill, a series of crowded buildings. The dichotomy between these two territories continues throughout the film. As Fanon notes: 'the colonial context is characterized by the dichotomy which it imposes upon the whole people' (Fanon, 2001, p. 35). However, within each film, the narrative questions how power derives its legitimacy. In fact, the systematic use of violence is portrayed as criminal: employing violence unnecessarily, for self-interest – in the pursuit of capital and self-preservation. In *The Battle of Algiers*, the French, as the colonial power in Algeria, are depicted as holding a monopoly on political power. In *A Prophet*, it is both the prison guards and the powerful Corsican gang (prisoners who

[256] This is not to suggest that other functions of violence do not correspond to preconditions. However, because emancipation is a fundamental aspect of revolutionary violence, to elucidate its function demands a familiarity with preconditions.

belong to a larger mafia, operating in and outside the prison) that comprise the controlling power at the beginning of the film.

In order to enforce their rule, both the Corsican gangsters and the French colonialists resort to violence, which emerges as the 'preconditions of revolutionary violence'. For example, in *The Battle of Algiers*, the French police bomb the Arab quarters, and execute by guillotine an Algerian nationalist. The execution is witnessed by the protagonist from his prison cell. In *The Battle of Algiers* and *A Prophet*, the preconditions of revolutionary violence are similar: they exist on the level of the individual, and violence works to achieve an identity for the protagonist. However, their violence differs in their response to the greater system.

The violence used by the Algerians in *The Battle of Algiers* results from a different teleology: revolutionary violence in this film is directed towards regime change and instituting a better socio-economic and political system, with the ultimate aim of freeing the Algerian people. We might say that the narrative function of revolutionary violence in this case is classically emancipatory: it aims at transforming the legal and state apparatus so that the Algerians are liberated from their oppression. In *The Battle of Algiers*, tangible systemic change is a central part of the narrative.

In *A Prophet*, the protagonist Malik's use of violence is ultimately liberating, taking him from a condition where he has been essentially abandoned by the law to an identity and a place in the world. However, his use of violence benefits only a small group of people and effects little wider social change – although it does 'liberate' him. Moreover, even though he is finally depicted leaving the criminal life behind when he is released, in prison he uses violence not only for survival but also for personal gain and as a means of enterprise. In this chapter I will argue that both films begin with a protagonist who uses criminal violence, which is then sublated into revolutionary violence.

The question earlier is pertinent and will be considered through my analysis of both films: whether the function of revolutionary violence is to emancipate or to liberate, its designation as revolutionary must result in change for the individual or a larger group.

This thesis suggests that this will be the teleological meaning of revolutionary violence, rather than its outcome.[258]

The Battle of Algiers as a film is more concerned with revolution than *A Prophet.* The protagonist's use of violence in *A Prophet* strengthens and develops the requirements for revolutionary violence. It is through two different perspectives on emancipation and its associations with violence that this thesis aims to resolve these questions surrounding the function of revolutionary violence revealed through these films.

Finally, in revolutionary violence, the aim is not to permanently destroy the relationship with law, but to create a new relationship. This distinction is represented by the difference between the main characters in each of these films. In *The Battle of Algiers*, the Algerians struggle for a free Algeria, a society that would administer law efficiently and justly. In *A Prophet*, Malik is not aiming at reconciliation of the tension between the individual and the law, but nevertheless is motivated by survival. However, if the role of the oppressor plays an important part in the motivation of revolutionary violence, then the protagonist does unintentionally destroy the systemic use of criminal violence by rendering the head of the Corsican gang powerless. And, by doing this, he destroys the relationship of law and violence, freeing himself from the corrupt relationship of violence and law within the prison.

A brief synopsis of each film will be presented, followed by an analysis of key sequences of revolutionary violence, which will interrogate its narrative function. Following the examination of these sequences, the possibility that divine violence intervenes to move revolutionary violence forward demonstrates one of the aspects of the dialectics of violence – the idea that functions sublate into one another.

[258] Certainly, a criminal could say that they need to rob a bank in order to free themselves from the capitalist system. This argument predominates, for example, in the recent crime film *Hell or High Water* (dir. Mackenzie, 2016). The film opens with both a bank robbery and a message written on the bank's wall: 'three tours in Iraq, but no bailout for people like us'.

The Battle of Algiers

The Battle of Algiers takes a critical look at the use of violence in political conflict: as a revolutionary requirement in the case of the Algerians, and as inherently criminal as deployed by the French colonialists. The Algerians use violence to create a new law, although they must depose the current law in order to get there. The French try to enforce the status quo of colonial law through the use of violence. Therefore, this film may be analysed through the conflict of two functions of violence.

This section will consider sequences that interrogate different facets of the function of revolutionary violence. These sequences focus both on the protagonist of the narrative and one key representational tactic of revolutionary violence.

Prologue to the violence

The film begins with a sequence that is repeated at the end in greater detail. A member of the FLN, who has been tortured, produces information on the location of the FLN leader, Ali La Pointe (Brahim Hadjadj). French soldiers arrive at Ali's hiding place. They order him to give up, telling him that his organization is finished, all his allies either dead or in prison: 'If you come out now, you'll get a fair trial.' At this point, the film goes back to Algeria in 1954. As the film enters the Casbah, the National Liberation Front (FLN) is introduced and their aims outlined against the backdrop of daily life in the Casbah:

> People of Algeria, our combat is directed against colonialism. Our aim: independence and restoration of the Algerian state, in accordance with Islamic principles and the respect of basic liberties, regardless of race or religion. To avoid bloodshed, we propose that the French authorities negotiate with us our right to self-determination. Algerians, it is your duty to save your country and restore its liberty. Its victory will be yours. Forward, brothers! Unite! The FLN calls you to arms. (*The Battle of Algiers*, 1966)

The aims of violence are apparent: to eradicate French rule. There is an emphasis on what will follow the violence: a new relationship with law is the goal. The inclusion of a set of demands, which frames the acts of violence committed by the Algerians, illustrates the pursuit of emancipation from the unjust legal system, which is colonial rule.

Ali La Pointe

Early in the film, Ali La Pointe is represented as someone on the fringes of society, and is introduced through an encounter with the police. Ali is gambling, holding a card game on the street. A French woman is seen speaking to a policeman. She points at Ali, declaring: 'He's always there.' The policeman blows his whistle and starts chasing after Ali. As the camera follows Ali running down the streets in the European Quarter, a group of French teenagers decide they are going to trip him. Ali stumbles and falls. He locks eyes with the young man who tripped him, who is standing over him, smiling at him on the ground. Ali starts back – and punches him right in the face, knocking him over. By this time the policeman has caught up with them and a mob starts to gather, all participating in the punishment of Ali. As this happens, a voiceover describes Ali:

> Omar, Ali. Alias Ali La Pointe. Born January 15, 1930, Miliana. Illiterate. Occupation: labourer, bricklayer, boxer. Currently unemployed. Military status: draft dodger. 1942, Algiers Juvenile Court, one year in reformatory for vandalism. 1944, Oran Juvenile Court, two years for disorderly conduct. 1949, Court of Algiers, eight-month prison term for insulting a police officer on duty. (*The Battle of Algiers*, 1966)

Ali will end up in prison along with other Algerians sympathetic to the cause. There he witnesses the execution (by guillotine) of an Algerian, which is met with chants of 'Long live Algeria!'

Sequence 1: Ali initiation

Five months later, Ali is given his first assignment by the FLN: an act of violence, to test allegiance to the cause: '[T]he practice of violence binds them together as a whole,

since each individual forms a violent link in the great chain' (Fanon, 2001, p. 73). A young boy approaches him with a message. As Ali is illiterate, he has him read it to him: he has been assigned to kill a French policeman at a café in the Casbah, where the owner is a police informer. Every day this policeman stops by to collect information. Ali is to go to the café, receive a gun from a woman waiting nearby, and shoot him. His orders are: 'You just have to pull the trigger.' He complies with the instructions, only to discover the gun is empty of bullets. The task turns out to be a test of his allegiance to the cause. If he were a French spy trying to infiltrate the FLN he would have refused to kill the police officer, but would not have hesitated to kill the Algerian police informer. It is through this willingness to commit the act of violence that he becomes a member of the FLN.

Ali achieves identity through committing to an act of violence, which is transformative on two levels. The first level is individual, initiating Ali specifically into a group: '[T]he group requires that each individual perform an irrevocable act' (Fanon, 2001, p. 67). Attachment to a group provides the individual with protection: 'At the level of individuals, violence is a cleansing force. It frees the native from his inferiority complex and from his despair and inaction; it makes him fearless and restores his self-respect' (Fanon, 2001, p. 74). Ali becomes part of a group through agreeing to violence. The second level of transformation through violence is where further acts of violence by the individual have meaning for a wider plan. Ali's subsequent violence will not merely be for self-preservation but will become part of a larger effort to change the imposition of colonial law.

Sequence 2: point of no return

In this section, I will consider both sides of violence represented in the colonial situation. *The Battle of Algiers* graphically depicts Fanon's message that 'decolonization is a violent phenomenon' (Fanon, 2001, p. 27). Torture carried out by French soldiers and acts of terrorism perpetrated by Algerians together present a climate permeated with violence. The distinction between the two uses of violence, however, is that the French use violence in order to support their laws and for domination, while

the Algerians are using violence as one part of an effort to break an unjust legal apparatus.[259]



Figure 16. ***The Battle of Algiers*** **(dir. Pontecorvo, 1966)**

The function of revolutionary violence emancipates the individual from a law which is unjust. In the second selection of violent sequences, the limits to colonial violence, which identify its association with criminality, are considered. The furthest extension of the corrupt relationship between violence and law in the colonial situation is torture: specifically, the sequences where French soldiers torture Algerian revolutionaries.

The film does not avoid the depiction of the bloodshed perpetrated on both sides of the conflict. For example, three Algerian women dress themselves as Europeans in order to place bombs in the European Quarter. Once safely across, they meet a man who activates the bombs hidden in their purses, timed to explode in 30 minutes. Each delivers a bomb into an area occupied by French civilians: a café, a bar/dance hall, and an Air France terminal. The film cuts between these individuals – making the connection between perpetrator and victim. The film sets it up so that the spectator knows who will be killed, even if the spectator will not see the body. The sequence

[259] From the perspective of the Algerian revolutionaries, violence is not considered to be the only way to settle the Algerian conflict. Ben M'Hidi, one of the heads of the FLN, addresses Ali: 'Acts of violence don't win wars. Neither wars nor revolutions. Terrorism is useful as a start. But then, the people themselves must act' (*The Battle of Algiers*, 1966).

demonstrates that revolutionary violence incorporates an awareness of the costs of violence associated with its aims.



Figure 17. ***The Battle of Algiers*** **(dir. Pontecorvo, 1966)**

The colonial regime is founded on violence: '[T]he colonial regime owes its legitimacy to force and at no time tries to hide this aspect of things' (Fanon, 2001, p. 66). With each challenge to the regime by the Algerians in the film, there is a violent response from the colonial power. As Arendt would argue, 'Violence appears where power is in jeopardy' (Arendt, 1970, p. 56).

Where the colonial regime acts to place a group of people, or even a particular individual, in a position of inferiority, the function of revolutionary violence is to respond to the condition of the law instituted by a ruling power, which does not serve to protect the entire people:

> The violence of the colonial regime and the counter-violence of the native balance each other and respond to each other in an extraordinary reciprocal homogeneity. This reign of violence will be the more terrible in proportion to the size of the implantation from the mother country. (Fanon, 2001, p. 69)

The success of colonialism depends on the separation of peoples into categories where one is superior to the other; the dichotomy is essential: 'colonialism is in fact the organization of a Manichean world, a world divided up into compartments' (Fanon, 2001, p. 66). This condition of inferiority, enforced systematically, is depicted in the film – for example, when the barbed wire and security checkpoints go up around the Casbah. The French government order urban militias (Fanon, 2001, p. 70), Fanon describing Lacoste's decree: '"[L]et us systematize the repression and organize the Algerian man-hunt"' (Fanon, 2001, p. 71). Fanon demonstrates how the use of violence has eclipsed the rule of law in the colonial situation, in terms of the treatment of the Algerian other.[260] This designation of inferiority reaches its limit in the sequences of torture. Fanon considers: '[I]n all armed struggles, there exists what we might call the point of no return' (Fanon, 2001, p. 70).

Col. Mathieu frames his use of torture: 'The method: interrogation. Conducted in such a way as to ensure we always get an answer. In our situation, humane considerations can only lead to despair.' Col. Mathieu goes on to lament the laws which prevent him from using violence. He discusses the need for a situation that will 'justify our intervention'. This situation arrives in the form of the general strike. Corresponding to the United Nations debate on the Algerian question, the FLN calls for a week-long general strike, which is accompanied by the suspension of armed action.[261] Complying with these actions will demonstrate solidarity among the Algerians against the regime, in contrast to the French portrayal that they are a dissenting minority. The FLN asks Algerians not to leave the Casbah – not to venture to the European Quarter for food or work. The French will frame this as a criminal act in order to categorize whoever participates in the strike as taking 'illegitimate' action against the regime. This will work to 'legitimize' their subsequent raid of the Casbah.

[260] This move is reflected in the film. Soldiers are brought in to protect the French, but who will protect the Algerians?

[261] At this point, the UN will pass a resolution refusing to interfere in Algeria, instead hoping that a democratic solution will result from negotiations between the two groups.

Sequence of Torture

Col. Mathieu argues in the film: 'Let's try to be precise. The word "torture" isn't used in our orders. We use interrogation as the only valid police method against clandestine activity.' The next scene depicts his interpretation of these tactics.

In this sequence, a series of different Algerian prisoners are portrayed as victims of torture at the hands of French soldiers. A sequence is made up of different shots, which signify the torture of a group of Algerians: an Algerian is waterboarded; another man is dunked in and out of a barrel of water. Yet another Algerian is shown strung up by his arms as a gas flame is brought repeatedly to his chest. French soldiers are portrayed as relaxing, emotionless, on the side, while an Algerian is bleeding as he is strung up in a vault, his limbs crushed together. Electrodes are attached to each of the prisoner's ears as shocks are administered, and he begins shaking and foaming at the mouth.

These acts of violence, although vociferously defended in the previous sequence by Col. Mathieu, demonstrate no legitimate association with the law. The universal notion of human rights that transcends state law makes the French interpretation of law in the colonial situation wholly inadequate and illegitimate. Once this degree of lawlessness occurs, the boundaries around the Algerian-French conflict are rendered indistinct – what begins as a function of state violence is transformed into a function of criminal violence. At this moment, the dialectic of law and violence (in its current manifestation in the colonial situation) can only be resolved through the destruction of this relationship and its replacement with a new association. In *The Battle of Algiers*, it is not enough to invoke revolutionary violence for this transformation of Algeria – the entity, which represents both law and violence, must first be destroyed. This necessitates the intervention of the function of divine violence, portrayed in the final sequence of the film.

Divine Violence

In the final sequence of the film, revolutionary violence sublates into divine violence. The sequence of Ali's death recalls the initial moments of his conversion, from a petty criminal to a revolutionary. In these sequences, French colonial soldiers prepare to bomb a wall behind which Ali and others are hidden. At this point, Algerians emerge on several rooftops in the area – they, too, will witness the execution of a supporter of the cause. Many of them pray, standing with their hands up as French soldiers' guns are pointed at them. The French general appears and the French soldiers all stand at attention, an organized audience attending the execution as well. Ali covers the head of a young boy (who has repeatedly helped the FLN). A large bomb goes off and the building explodes.

The film moves forward two years and a voiceover provides a context for the images: large groups of people, filling the streets, cheering, chanting, the women making ululation sounds. The voiceover indicates that it is for some unknown reason that they are doing this as it has been 'fairly quiet' for the past two years. There is a repeated emphasis on not knowing 'why' and not knowing 'how' these protests have broken out again. Algerians are dancing in the street, waving flags, and approaching French soldiers who try to keep them back with their weapons. Instead, the Algerians chant louder: 'Long live Algeria!' Flags are made out of sheets and rags; the people overwhelm the street, sheer numbers emerging as a unified force. The Algerians declare: 'We are marching for freedom.' As the Algerians storm the European Quarter, they are shot at. Throughout the night, the Casbah echoes the ululations, while men chant.

The 'divine' in this sequence is the Algerians' refusal to adhere to the extant law. Their actions are not violence with the aim of the death of the oppressor. Rather, they are rejecting the regime, and the violence in this sequence is their disobedience. The aim of these acts is the dissolution of the relationship between law and violence: they want the oppressor (in the form of law) to retreat. The French colonialists ask what the Algerians want, and they answer: 'Independence! Our pride! We want our freedom.'

The ululations continue, the calls for a free Algeria continue – they get pushed back, but they still come forward.

Narrative Overview: A Prophet

Jacques Audiard's *A Prophet* (*Un prophète*, 2009) is a story about Malik El Djebena (Tahar Rahim), a petty criminal who is sent to jail for six years. He quickly discovers that, in the French penal system, you cannot survive without being under the protection of one of the many rival gangs that order the social relations between prisoners: relations that are determined by the perpetual threat of violence and a state of ongoing conflict. In the prison gangland, Malik is taken under the wing of the ruthless Corsican gang leader Cesar Luciani and initiated into the extreme life of crime within the prison system, a life he would never have conceived of, or encountered, in the outside world. When his sentence is complete, six years later, he is a 'made' man – having gone from being a penniless orphan to patriarch of a flashy crime syndicate that protects him.

Although this account offers a somewhat simplistic overview of the narrative, it is possible to read the complexity of the story through Malik's contentious relationship with violence. While Malik uses violence for criminal ends (and this may certainly be one reading of the film), I argue that this is not the only function of violence expressed in this film. Unlike *The Battle of Algiers*, the film is not an overt examination of a broad revolutionary struggle. Nevertheless, considering the particular aims of Malik's violence, the telos of revolutionary violence can be imputed to his actions throughout the narrative, as it also has an emancipatory function at the level of the individual.

Sequence 1: Malik's Initiation to a System of Violence

Malik has been ordered to kill Reyeb, an Arab Muslim man who is temporarily being held in the prison as he awaits trial. The Corsican gang is ordered to arrange the assassination of Reyeb before he is transferred. Cesar is the head of the Corsican gang

inside the prison.[262] He is the unofficial head of the prison at the time of Malik's sentence.[263] They deem it too risky to use one of their own men to kill Reyeb and, moreover, because he is kept in the cell blocks along with the other Muslim prisoners, they cannot get easy access to him.

The examined sequence begins when Reyeb sexually propositions Malik in the shower in exchange for hashish, which Malik at first rebuffs. Having the eyes and ears of the prison, the Corsicans soon learn about Reyeb's interest in Malik and decide he will be the perfect candidate to carry out this execution. He is given no choice in the matter. Cesar tells him that, with a six-year sentence, there is no way he will survive without protection. Malik twice attempts to avoid the assignment, and each time he is met with violence and punishment. At first, Malik tries to contact the warden, but Corsican thugs try to suffocate him in his cell. Malik joins in a fight, to receive time in the 'hole' so as to avoid having to carry out the murder, but this time Cesar himself beats him to the ground – further evidence of the extent of power, influence and corruption within the prison.



Figure 18. ***A Prophet*** **(dir. Audiard, 2009)**

[262] The only Corsican portrayed in the film as more powerful than Cesar is his boss, Jacky Marcaggi, who Cesar will attempt to assassinate.

[263] The Corsicans have most of the wardens on their payroll. They are allowed to talk to their attorneys, who pass messages for them at any time. They can negotiate leave days for good behaviour, use mobile phones, albeit discreetly (one of Malik's early jobs is to hold a phone for Cesar).

The choice is stark for Malik: he can either kill or be killed. These first sequences of violence illustrate provocations that are not dissimilar to those observed by Fanon when he writes of the casual violence that surrounds the condition of the oppressed under colonial rule. In this sequence, it is significant that Malik achieves a prison identity (although he will not officially be a member of the Corsican gang due to his ethnicity, he is now under their protection and associated with them in prison).

Cesar's men instruct Malik on how to kill Reyeb. They train him in concealing the weapon, a razor, in his mouth. Once he has practised, he goes to Reyeb's cell on the pretext of a sexual encounter. The murder does not go entirely to plan and Reyeb insists they speak first. His encounter with Reyeb further reveals that Malik's status is of a loner. Reyeb encourages Malik to make something of his time inside: '[T]he idea is to leave here a little smarter' (this is the first indication that prison will have a transformative effect for Malik).[264] Here, Reyeb will not only provide Malik with an identity through his death, but the encouragement provides him with an insight into what he might accomplish.[265] As they speak, Malik begins to shake and twitch, visibly terrified at his impending assignment. The razor starts to cut into Malik's mouth and blood runs down the side of his face. He pretends to get up and leave and then turns around to face Reyeb with the razor clenched in his jaw. Reyeb fights back: they lock arms, as Malik smashes Reyeb back, banging his head against the wall. Malik takes the razor out of his mouth and, while holding Reyeb against the wall, slashes his arm a couple of times. Malik now has control over Reyeb's entire body and drags him back to the bed. Malik slits Reyeb's throat, holding his hand over Reyeb's mouth to muffle the screams. As the scene ends, Malik sits on the end of Reyeb's bed, cowering in the corner, watching the dying, twitching body of Reyeb bleed on the floor.

In this first sequence, two different functions of violence are at play that enable us to categorize the violence as both criminal and revolutionary. The murder of Reyeb is

[264] Reyeb, who is most observant of his condition, offers him advice for his time in prison. He suggests he could leave him some books: "You can always learn to read … I see you in the yard. Always by yourself. Always in the same clothes. No friends here? No one? ... It's not too late. There is a prison school. You can learn in here. The idea is to leave here a little smarter" (*A Prophet, 2009*).

[265] Malik ends up taking classes in prison and learning to read, eventually even teaching himself Corsican so he can understand what Cesar says to his gang when he assumes Malik cannot understand.

obviously a crime, not least because it aims to enforce the dominance of Cesar and his group in the prison, while promoting the ends of the mafia outside. Additionally, and more pertinent to the argument of this thesis, the crime acts as a prelude to the revolutionary violence to come – which, viewed in terms of its narrative function, transforms Malik's status, and therefore is not simply criminal. For Malik, violence also becomes a path to a qualified life: his survival depends on the security and protection of a gang. As a result of the initial act of violence he moves more freely in the prison, slowly increasing his status within its confines; and, through other errands and acts of violence performed for the Corsicans, he is able to one day turn his violence against his oppressors.

The film shows the process of transformation: initially in a position of inferiority, Malik's existence is compromised by the outside world, initial crime, and further limited inside the prison walls. We discover that he has no family or friends on the outside – no one to send him money – and no friends on the inside. Further, he has been sent to prison because he attacked a cop. Once inside, he keeps to himself; he has no one to associate with and no one to protect him. And it is because he has nothing – no attachments, no associations, no means of protection; he is essentially abandoned as a person, in the sense of Agamben's distinction between 'bare' and 'qualified' life. As a result, Cesar is able to cultivate him for criminal purposes, as he has virtually no other means of establishing his status as a person in the prison community. Protection is a powerful concept inside prison, where power equates to group affiliation, and is a familiar trope in most prison films.

The paradox is that, within prison, the law abandons Malik. In prison, the social and ethical compact is broken: his mere existence depends on survival in a place where law does not protect him. This means the gangs that control the prison in tandem with the wardens (who often are associates of the ruling gang on the inside) use the normative function of state violence in order not to uphold a version of law, maintaining order through violence in a criminal manner. It is in this sense that the thesis demonstrates that a parallel can be established between Malik and the context of colonialism, which the prison represents in microcosm, and which the Algerian represents in Fanon's *The Wretched of the Earth*.

Revolutionary violence is invoked through tension with an oppressor (an individual or entire political system), which acts as a precondition to this function of violence. The constitution of revolutionary violence – its formation – owes everything to this precondition. The oppression produces a situation that demands change – in the case of revolutionary violence, change is initiated through the transformative function of violence.

When Cesar orders Malik to kill Reyeb he tells him: '[J]ust remember one thing. Now that you're in on it, if you don't kill him, I kill you.' Cesar at this point embodies Schmitt's sovereign, who possesses the ability to decide who lives or dies. Here, the person who is killed and the person who decides that they will be killed are connected through a conflict over a form of bare life that constitutes the form of life found in the prison itself. This recalls Arendt's observation that violence and power appear together: 'nothing, as we shall see, is more common than the combination of violence and power' (Arendt, 1970, pp. 46–7). How Cesar demonstrates his power is through the ability to decide over matters of life and death. Malik represents the person through whom this power is demonstrated: Cesar could very well kill him without its being considered homicide. The figure of the oppressor appears as someone who, through his use of violence, both creates and enforces law, representing the relationship of violence and law in its corrupt form.

Malik's violence in *A Prophet* raises this question: does Malik need the violence of Cesar to be criminal in order for him to become a revolutionary? A unique attribute of revolutionary violence is its tension with the system of law that criminal violence has created. In *A Prophet*, the narrative function of violence depends on the tension produced between the two characters, Cesar and Malik. Through his repeated violence and oppression of Malik, Cesar solidifies the motivation for Malik's emancipation, which will come through the violence in the world Cesar has created within the prison. In order to achieve full humanity, this tension with Cesar must be eliminated, and this does not happen until the end of the film and after a key sequence in which violence is separated from law. The next sequence examines an act of pure violence, which, although it does not serve law per se, has the unintended consequence of ultimately liberating Malik from the violence of his oppressor, Cesar.

In this next sequence, the theoretical application of philosophies of revolutionary violence will consider Benjamin's interpretation of divine violence to explain the function of violence in the narrative where violence exists in means alone. Arendt argues: 'It is the function, however, of all action, as distinguished from mere behaviour, to interrupt what otherwise would have proceeded automatically and therefore predictably' (Arendt, 1970, pp. 30–1). In this sequence, the function of revolutionary violence is explored through an example of divine violence, illustrating that revolutionary violence may invoke other functions.

Sequence 2: The Deer Sequence

Halfway through Malik's prison sentence he is given regular leave days, arranged with the help of Cesar's legal team. On these days he runs errands for Cesar, from business meetings to retrieving hostages. On one occasion he is assigned to meet Lattrache,[266] in order to find out what it will cost to sever ties with the Italians. This will be no ordinary business meeting – Malik is quickly rendered defenceless as they bind his hands together and drive off in a car with him. Lattrache is suspicious of the fact that Malik is an Arab who works for the Corsicans (Lattrache is also Arab). He wants to know how he came to be associated with Cesar – why does Cesar protect him? This is a point he does not let up on. Pulling a gun, Lattrache puts it to Malik's head as he asks what happened to his friend, Reyeb, who never made it out of prison. Does he know anything about the death of Reyeb? Did Cesar have him killed? The car speeds ahead as chanting music comes on in the background. Lattrache keeps the gun pointed at Malik. The images slow down and Malik, seeing a sign for a deer crossing (reminiscent of a dream he had – a deer sign and then a group of deer running across the road), shouts 'Animals coming! Watch out!' The next shot shows the deer hitting the car, bleeding as it bounces over the front window. The deer flies into the air, spinning. Cut to a shot of the cracked window of the car, stained with blood. Malik stumbles out, trying to undo his tied hands. The men driving the car run off into the distance, chasing after the other deer. Lattrache returns and smacks Malik:

[266] Lattrache is involved in brokering a deal between Cesar Luciani and the Italians. He is valuable to Cesar, as he provides a link to the Italians. However, he was friends with Reyeb, whom he knows was killed in the jail where Cesar holds court.

Lattrache: 'What's your thing? How do you do it? What are you? A prophet or what?'
Malik: 'I did Reyeb.'
Lattrache: 'Fuck, you've come a long way.'

Lattrache walks away, leaving Malik stunned and covered in blood. The rest of Lattrache's men saunter back, laughing. They carry the body of the dead deer.

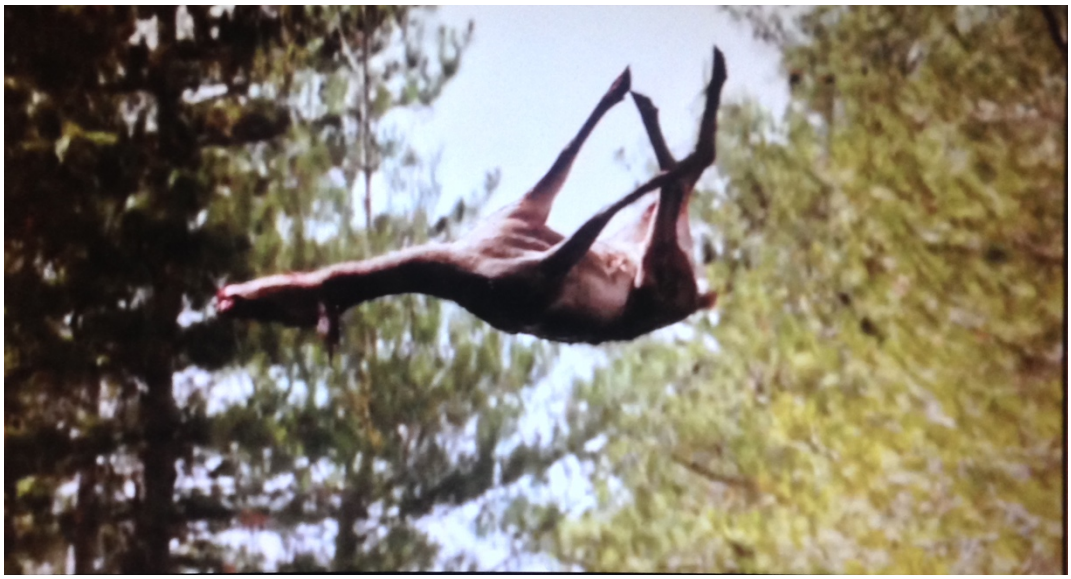


Figure 19. ***A Prophet*** **(dir. Audiard, 2009)**

This representation of violence is unique because it is not connected to law. It is an act of violence that is best understood through Benjamin's interpretation of divine violence: a violence that deposes law (Benjamin, 2009, p. 28). The violence of the collision with the deer does not happen according to a set of ends – law does not intervene to make this sequence of violence legitimate or illegitimate: '[M]ythic violence is blood violence over bare life for its own sake; its divine counterpart is pure violence over all life for the sake of the living person. The first calls for sacrifices, the second accepts them' (Benjamin, 2009, p. 24).

Cesar implements mythic violence: he establishes his criminal enterprise in prison through violence, and upholds his power through the use of violence. It is all for his own sake. However, the violence produced through the deer sequence delivers a pure violence for the sake of Malik. As a result of the deer hitting the car, Lattrache will now spare him: the deer has been accepted as a sacrifice in Malik's place. Through the

unlikely friendship that emerges between Lattrache and Malik, Malik will be able to destroy his link with Cesar's criminal enterprise. The deer sequence, through the function of divine violence, saves Malik from being killed by Lattrache, and eventually cleanses him of his relationship with Cesar.

The sequence in the car is interrupted by the sacrificial death of the deer (having no relationship with law over means and ends), and serves to destroy the relationship of law and violence temporarily in *A Prophet*'s narrative. The initial act of violence that destroys law sets into motion the final sequences of violence in the film, which are ultimately emancipatory for Malik. It also proposes the idea that revolutionary violence depends on the destruction of the relationship of law and violence, in the form of the oppressor. In the context of the film, Cesar represents the figure of law, so, in order to be fully emancipated, Malik will have to eliminate him.

Sequence 3: Emancipation

As we have seen, in discovering violence through acts of criminality, Malik realizes the potential of violence to be emancipatory. He will be able to transcend mere criminal violence, which transforms into the function of revolutionary violence: '[T]he colonized man finds freedom in and through violence. This rule of conduct enlightens the agent because it indicates to him the means and end' (Fanon, 2001, p. 68).

After Malik meets with Lattrache during the deer sequence, he returns to prison and receives another assignment from Cesar. Cesar decides he is going to kill his boss, Jacky Marcaggi, and recruits Malik to help along with Vettori, the only Corsican Cesar now trusts. Malik agrees to the assignment with his friend Ryad. However, Malik and Ryad decide to change the operation, unbeknownst to Cesar and Vettori. They will knock Vettori out, put him in the back of the van and take Marcaggi captive. Malik shoots Marcaggi's bodyguards, kidnaps Marcaggi and places him in the back of their van with Vettori, telling him that Luciani (Cesar) has ordered him killed. Malik declares he will leave it to Marcaggi to take his revenge.

As a result of this, a melee breaks out in the prison. Malik avoids this by returning late to prison from his leave day, which, however, earns him 40 days in the 'hole'. When the fighting is over, Malik eventually emerges from the 'hole' to realize that Cesar is now alone, stripped of his power. The Muslims in the prison yard greet him. They all go up to him and shake his hand. Cesar tries to get his attention, to summon him. Malik normally stands to the side of Cesar as he sits on a cement bench on the other side of the prison yard. Failing to get his attention, Cesar gets up and makes his way over to Malik. Malik whispers to some men and they go over and try to stop Cesar from coming over. Cesar starts pushing them off, and finally one of Malik's men hits him in the stomach. Cesar falls to the ground. Finally, he gets up and walks away. Malik has been watching him, smoking a cigarette, the entire time.

The violence Cesar has used to control Malik has turned against him. Arendt cites Paul Valery at the end of her text on violence: '"One can say that all we know, that is, all we have the power to do, has finally turned against what we are"' (Arendt, 1970, pp. 86–7).[267] On the other hand, Malik has not been swept up into the system, and it is the final sequence which illustrates that Malik divorces the equation of law and violence.

The final sequence demonstrates that violence ultimately exercises an emancipatory function, for Malik, who is once more transformed. The literal freedom, granted when Malik's sentence ends, is an obvious example of emancipation. However, the focus will be a consideration of how and under what conditions Malik exits prison. After he attains freedom, he severs his relationship with violence.

A brief description of the narrative of the ending illustrates this point: upon stepping outside, we see three high-end vehicles, with men happily cheering and waving, celebrating his release. He smiles at them, but instead walks towards Ryad's widow and son.[268] He decides to go with them (mother and child), walking for a bit and then taking

[267] Cesar says to Malik: 'No longer scared of me? If you can walk around this place … it's because I had you made porter. If you eat … it's thanks to me. If you dream, think, live … it's thanks to me. You say you got no guards. Dumb shit! The name Luciani is branded on your face. You live off me, Djebena! People look at you and they see me. Otherwise, what would they see? Can you tell me?' Soon after this, Malik has a dream about a deer: in it, a warning sign for deer appears on the road, followed by a group of deer running down the road.

[268] Ryad is one of Malik's only true friends in prison, helping him with his criminal enterprise on the outside, in addition to helping him learn to read and write. In the film, he succumbs to cancer. Malik remains extremely close

the bus. He will stay at their home. As they walk away from the prison, the cars follow behind them, as in a procession.

The depiction of Malik choosing a life distinct from the criminal enterprise at the end is important, as it signifies that his use of violence in prison was temporary and a tactic for survival. Further, his violence has provided him with the opportunity to begin something new: it is transformative. Audiard reveals in an interview with *Filmmaker Magazine* the ambiguous relationship Malik has with violence:

> This is where the title comes into play, *A Prophet*. I think he could be the prototype for a new kind of person. Someone who could have an almost virtuous relationship with evil, which of course is a paradoxical thing to say. He can be capable of both. (Harris, 2010)

Ultimately, Malik does not give in to the criminal impulse of violence and its character of excess; rather, he adheres to the necessary limits demanded by revolutionary violence. In *A Prophet*, violence embraces a revolutionary function by creating a new identity for Malik. Arendt explains:

> Neither violence nor power is a natural phenomenon, that is, a manifestation of the life process; they belong to the political realm of human affairs whose essentially human quality is guaranteed by man's faculty of action, the ability to begin something new. (Arendt, 1970, p. 82)

Through violence, Malik has obtained a faculty of action – through his use of violence he is able to survive prison until his emancipation, and assert his humanity. Malik uses violence, which establishes his identity, and yet decides to move away from violence as he exits prison. Malik has transformed the criminal function of violence into a revolutionary function of violence: 'Decolonization is the veritable creation of new men. But this creation owes nothing of its legitimacy to any supernatural power; the

to the family, staying with them on the days when he is granted leave. Before he dies, Ryad asks Malik to take care of his family for him when he passes.

"thing" which has been colonized becomes man during the same process by which it frees itself' (Fanon, 2001, p. 28).

Conclusion

This chapter has examined two types of emancipation: the emancipation of the individual from the oppressor and the emancipation of the group from the system. Both films demonstrate that the function of revolutionary violence is liberation. In the narrative of revolutionary violence, the relationship of law and violence is portrayed as corrupt and oppressive; the function of revolutionary violence is invoked to transform this relationship, to make a new association between law and violence. The preconditions of revolutionary violence present a status quo, which is deemed inadequate to protect the public and serve the needs of the citizenry.

In this chapter it has been argued that, in these circumstances, the law is unjust because those in power utilize a criminal function of violence, which produces a system inherently biased in favour of one group. In the case of *A Prophet*, the law is biased in favour of the Corsican gang that controls the prison through extortion and coercion; in *The Battle of Algiers*, it is the French colonialists who occupy Algeria and subjugate the Algerians as inferiors, taking away their land and their rights to self-preservation (not to mention self-determination). Arendt argues: '[T]he point is that under certain circumstances violence – acting without argument or speech and without counting the consequences – is the only way to set the scales of justice right again' (Arendt, 1970, p. 64). The emphasis is on making a new relationship between law and violence, where law is not derived solely from violence, insisting on the realization of justice.

Before I move to the next chapter, which develops a further separation of law and violence, through divine violence, it is necessary to acknowledge that what is unique about the narrative of revolutionary violence is that it is possibly the most transformative of the associations of law and violence, and that, in its shift, it does not seek to break law in its entirety, but rather seeks a more perfect union between law and violence. However, as will be demonstrated in the following chapter on divine violence,

the very question of whether the relationship of law and violence can succeed in providing and ensuring justice is tested in the narrative of *Bad Lieutenant*.

CHAPTER SIX – Divine Violence

The Narrative Function of Divine Violence: *Bad Lieutenant*

Introduction

At the end of the previous chapter, the thesis considered how the narrative function of divine violence might be sublated into revolutionary violence, insofar as revolutionary violence intends the destruction of one system and its replacement by another. For that to happen, the current relationship of law and violence must be destroyed in favour of creating a new basis for law (grounded in notions of justice, equality, freedom, and so on). In this chapter, I will look specifically at the element of destruction invoked here: the destruction of the relationship between the law and the form of violence thus implied, in order to interrogate the problem of divine violence. Divine violence, existing in means only, does not utilize violence with the hope of destroying one system and replacing it with another; rather, it separates itself entirely from the ends of serving law altogether. Walter Benjamin, of course, develops this notion of divine violence in his essay *Critique of Violence*, and it is in following the elliptical clues developed here that it is possible to analyse how law relates to violence: first, in his analysis of mythic violence, and second, in how he arrives at a concept of pure, divine violence in which the relation to law must be dissolved.

In this case study, I will consider the relationship of law and violence by looking at the film *Bad Lieutenant*, through the narrative of the protagonist, the eponymous Lieutenant (Harvey Keitel), who is a police officer by vocation.[269] This chapter will consider two sequences of violence in order to demonstrate the shift in the relationship of violence and law through the transformation from mythic violence to divine violence. In particular, the narrative function of violence in *Bad Lieutenant* will be examined

[269] In an interview with Gavin Smith, Ferrara describes the film as based on a song that he wrote called 'The Bad Lieutenant': 'I was born in the Bronx but raised on the street/Where they pack their badge and their dope right next to their heat' (see Smith, G., 1993, p. 21). The foundations of the Lieutenant's character are embedded in this structural contradiction of law and violence. Ferrara sources inspiration for this film from the case of a nun who was raped in Spanish Harlem in the early eighties.

through the conflict that arises between the Lieutenant, who represents the legal system, his extra-juridical use of violence, and the concept of justice against which it should be understood. An analysis of two sequences of violence, in particular, examined through the application of Benjamin's philosophy, will open up the possibility, I argue, for grasping the narrative function of divine violence. The first sequence sets up the relationship of law and violence through Benjamin's concept of mythic violence, which Giorgio Agamben describes in terms of the dialectic between law-making and law-upholding violence.[270] The second sequence examines the narrative function of divine violence, through the destruction of the relationship of law and violence. It is my argument, adopting Benjamin's interpretation of divine violence, that the function of divine violence is fulfilled in the filmic narrative through the possibility of justice which arises from the separation of law and violence.

Here, the mythic violence of the Lieutenant becomes irreconcilable with law, shifting, I argue, the aims of power away from the mythic violence inherent in law to a form of violence that is directed by a concern for justice (regardless of law). This chapter will argue that the function of divine violence, although it does not aim at an end or ends, produces a state of justice at precisely the point where violence and law no longer coincide.

Film Theory – Redemption and Sacrifice

The first section situates this chapter within the context of existing film analyses of *Bad Lieutenant*, where the themes of the film are most frequently interpreted in terms of the problematics of Christianity, specifically invoking the concepts of redemption, sacrifice, and forgiveness. Although this chapter will not address theology as such, philosophy and theology are frequently concerned with many of the same existential questions. The shift towards a politically oriented philosophical approach to *Bad Lieutenant*, which focuses on describing the functions of violence, offers a different way of understanding the film, particularly as presented through the sequences of violence, which confront the thematic interrelationship of violence, law, and justice.

[270] In his book *State of Exception*, Agamben analyses the concept of violence outside law as he interprets Walter Benjamin's concept of divine violence and Carl Schmitt's development of the state of exception.

Nick Johnstone

In his book *Abel Ferrara: The King of New York*, Nick Johnstone initiates the reader into the world of Catholic iconography which influences Ferrara, quoting him as follows: '"I went to Catholic School up until fourth grade, then I escaped. When you were in kindergarten you were in, like, the front row, and there was this giant crucifix, about eight feet tall, dripping in blood"' (Johnstone, 1999, p. 5). Violence and religion go hand in hand for Ferrara, with the story of Christ steeped in violence. Johnstone begins his chapter on the film *Bad Lieutenant* by arguing that the film 'question[s] the existence of God' (Johnstone, 1999, p. 124). Nevertheless, despite Ferrara's atheistic leanings, Catholic iconography infuses the film, and Johnstone traces concepts of forgiveness, sacrifice, and redemption through its imagery and events. The violence in the film is not analysed by Johnstone, however, in terms of Ferrara's choice of protagonist – that Ferrara makes his protagonist a cop, an agent of the state, thereby relating the film's use of violence to the problem of law. Instead, he reads the Lieutenant's 'illicit' actions as an existential descent into a kind of subjective hell (Johnstone, 1999, p. 126). In the analysis of the Nun's rape, Johnstone draws attention to the repeated cuts Ferrara makes to the image of Christ, viewing violence in this film as a manifestation of Christ's suffering as the ultimate horror, placing the human experience of violence within a religious context (Johnstone, 1999, p.135). Johnstone describes a later scene, when the Lieutenant visits the crime scene at the church, as: 'one of the most important scenes in the film, because the Lieutenant is symbolically offering himself as a sacrifice' (Johnstone, 1999, p. 138). Johnstone thus reads the Lieutenant as the embodiment of corruption – as a 'walking symbol of all of mankind's sins'.[271] And he describes the construction and style of some of the film's key sequences thus: 'bathed in red lighting [as] signifying hell' (Johnstone, 1999, pp. 133–4). Johnstone's analysis of the film thereby interprets it as an explicit struggle between good and evil in the Christological sense. His analysis thereby overlooks what is of

[271] Paul Davies's essay '"I did so many bad things": Sin and Redemption in the Films of Abel Ferrara' concurs with Johnstone's interpretation that the Lieutenant is the site of the sin of the world, comparing him to a Christlike figure, who assumes, or receives, the guilt of the two rapists. Davies reads the Lieutenant's death as a sacrifice and a testament to an 'active Christ' (Davies, 2003, p. 209).

central interest here – the relationship between law and violence – to focus on the morality of the central characters.

Brad Stevens

Abel Ferrara: The Moral Vision also extends this religious interpretation, explaining the film in terms of a theological movement: 'what Ferrara emphasizes is neither the Lieutenant's tortured life nor his final redemption, but the movement from one state to another' (Stevens, 2004, p. 162). This abstract transformation could be applied to the reading of a movement from criminal to divine violence, of course – something to which I will later return. Stevens, nevertheless, considers the end of the film as representing a successful attempt at redemption (Stevens, 2004, p. 164).[272] Stevens' focus, as with that of Davies and Johnstone, is not concerned with how violence itself contributes to the transformation of the Lieutenant. He focuses, rather, on the ethical journey of the main character in the film, specifically through analysis of the Lieutenant's shifting and changing moral centre.[273] In Stevens' moral reading of the film, violence plays its part, of course – as a symbolic reversal of the Lieutenant's former corruption, not as a structural transformation bound up with the dialectical relationship of law and violence:

> *Bad Lieutenant*'s recognition of the necessity to end a cycle of violence, initially made by the nun who turns 'bitter semen to fertile sperm, hate to love', and communicated to Lieutenant, who in turn passes it on to Julio and Paulo (and, by implication, the viewer) – suggests a constantly maturing vision unparalleled in contemporary cinema. (Stevens, 2004, p. 165)

[272] Both Davies and Stevens compare Ferrara's *Bad Lieutenant* to another Ferrara film, *King of New York*. Davies points out the protagonist Frank White's argument that he has 'never killed anyone that didn't deserve it', while Stevens will argue that, in *King of New York*, Frank fails in his search for redemption.

[273] Stevens, in *Abel Ferrara: The Moral Vision*, details his usual screenwriter Nicky St John's refusal to write *Bad Lieutenant*: 'I think Harvey and Abel both ask very very tough questions. My problem is the answers. And if I'm not ready to give an answer which I believe in 100 per cent, I can't do it. I have to take the answer which is the truth as I understand it. And that's why I opted not to work on *Bad Lieutenant*, basically for Christological reasons' (Stevens, 2004, pp. 157–8).

Stevens does not address the narrative function of violence, in other words, although his concept of a cycle of violence offers an important insight into how we might understand the transformation of the functions of violence within this film. Indeed, this concept, that violence is enacted in a cyclical form, could be applied to my own reading, where the narrative function of violence is analysed through a dialectical cycle of violence in which we witness its transition from criminal violence to divine violence, and where the resolution of the cycle of violence can be interpreted as the sublation of violence enacted through the destruction of the relationship that ties violence to law. What is involved in this passage is not simply destruction, of course, but negation.

Nicole Brenez

In her book *Abel Ferrara*,[274] Brenez argues that Ferrara's films depict a 'cinema of negation'. She highlights themes of his work as invested in 'criminal logics', and the 'elaboration of characters who are in revolt, whether political (revolutionaries) or psychic (the great tormented)', and concludes that his provocative subject matter and interest in the corrupt nature of society depicts a greater purpose in his films – that their ultimate aim is to examine the 'reign of injustice' (Brenez and Martin, 2007, pp. 5–6). These assessments of Ferrara's work are useful in terms of developing an understanding of how the Lieutenant's response to injustice moves his own violence from its entrapment within a criminal function to one that is eventually touched by the divine. Brenez also shifts the analysis of Ferrara's film to a philosophical perspective, invoking Hegel's concept of the 'necessity of evil', to propose a moral investigation of Ferrara's cinema, developed through its depictions of evil. Brenez goes so far as to conclude that 'good and evil spring from the same source'; and in terms of my own argument, it is worth remarking how Brenez specifically acknowledges that 'to have a benevolent mission (implicit in the Lieutenant's case, explicit in Frank's [Brenez is referring here to *King of New York*]) is already to engage in dirty work' (Brenez and Martin, 2007, p. 36). In order to have the potential for structural change within the filmic narrative – that is, between one function of violence and another, which produces an image of divine violence – the character must be ready to destroy the law in order to save it.

[274] Translated from the French by Adrian Martin.

Peter Lehman

Lehman, in his essay 'The Male Body within the Excesses of Exploitation and Art: Abel Ferrara's *Ms. 45*, *Cat Chaser* and *Bad Lieutenant*', departs from the 'redemptive' interpretation of the final sequence, making the claim it 'appears as if he has committed suicide. Even if he is murdered … his entire behaviour throughout the film is self-destructive and his death is the inevitable outcome' (Lehman, 1993, p. 28). This perspective, while compelling in its own terms, nevertheless reads the Lieutenant's actions in a psychologically reductive or behaviourist way; in this sense, of course, it cannot coincide with the argument presented in this chapter, where I read the Lieutenant's death as murder as a result of his gambling debt rather than suicide.

In fact, Lehman's focus on the visual representation of the Lieutenant as referring back to Christian imagery, which – for him – supports an analysis of the final sequence as the act of suicide, reduces the problem of law to the laws governing personal morality. Instead, this chapter views law and violence as being constituted through a wider system of representation, which precedes – in terms of its narrative formation – issues of 'morality'.

Using religious themes to evaluate the film's use of violence, I would suggest – while interesting and no doubt valid – does not provide any insight into the systematic use of violence, which I posit is intrinsic to our understanding of how law and violence are associated within the film. A purely moral approach to the film leaves violence in the domain of right versus wrong – that is to say, moral evaluations of the act – which reveals little about the narrative purpose or function of violence within the film. This is not to say, of course, that Ferrara's intentions are poorly represented by these theorists, simply that they do not permit an analysis of violence as a representational system – on the contrary, violence is not the central focus of discussion. This is why to examine the narrative functions of violence is to examine violence itself, as it appears within different narrative contexts.

There are two things here: first, that a moral approach does consider the discursive construction of morality, and second, that it becomes impossible from this perspective to interrogate the relationship of law and violence to justice. What this omits is precisely that which I wish to draw explicit attention to here: that *Bad Lieutenant* is a film in which morality is itself transformed by the functions of violence, and where it is thus necessary to consider the underlying narrative conditions that alter its construction. In the next section, I would like to address this complex interplay of violence, morality, and its transformation. Through an analysis of two key sequences, I wish to trace the narrative function of violence in this film and ultimately reflect not just on the relation of violence and law, but on how justice emerges at the point at which that relationship is negated.



Figure 20. ***Bad Lieutenant*** **(dir. Ferrara, 1992)**

The Narrative of Bad Lieutenant

The narrative follows the story of a cop living in New York City in the early 1990s. This New York is pre-Mayor Giuliani; it is corrupt and dirty – crack and heroin, dealers and users, litter the exteriors and interiors of the film. The protagonist, as mentioned above, is every inch the 'Bad' Lieutenant.[275] He confiscates drugs, only to resell them.

[275] In the R-rated version, the Bad Lieutenant (Harvey Keitel) introduces himself as 'LT' to the two ladies of the evening he visits in the beginning of the film. Ariane (one of the women) tells Bowtay (the other female) that his name is Mike and that he is a big Lieutenant, describing him as 'very very nice, very very good to me and I know that he'll be good to you'. In the NC-17 version, there is no dialogue in this scene; rather, the two women are naked and Ariane is simulating a sex act on Bowtay from behind. While it's never fully clarified who Ariane is in either

He frequents prostitutes and is depicted as having a serious substance-abuse problem: heroin, crack, cocaine, and alcohol – even snorting cocaine in the car right after dropping his two sons off at school. He is caught by his mother-in-law doing lines of cocaine from the glass covering the framed photographs of his family. After all his escapades at night, he returns home, but he barely exchanges a word with his family when he is with them.[276] His real weakness, however, is gambling. Throughout the story, his debts steadily accumulate as he places more and more money on a failing baseball team playing in the National League Championships. This significantly hastens his demise by making him the target of underworld debt collectors.

At the start, the Lieutenant is portrayed as entirely lacking empathy for the victims of crime, and having no interest in protecting the peace or in upholding law and order. His moral centre begins to shift, however, at a crucial point in the story, when he is confronted by the brutal rape of a nun by two local boys in Spanish Harlem – a case he picks up. Initially, of course, he ridicules the case: '[G]irls get raped every day, and now we're putting up 50 Gs just 'cause these girls wear fuckin' penguin suits.' However, as he becomes more deeply involved in the investigation, he becomes profoundly attached to its outcome. To be sure, the prospect of the 50 grand reward for finding the perpetrators provides him with a degree of motivation, since it could also resolve his debts (a fact his bookie makes clear). He overhears the Nun's confession to the Priest, revealing that she knows who the perpetrators are, but refuses to turn them in. Approaching the Nun at the church, albeit in a somewhat dishevelled state, in the midst of a comedown from a narcotic frenzy, the Lieutenant insists that he can provide 'real justice' for her, implying, of course, that the traditional legal system cannot (in fact, playing it by the book means there will be no 'real' justice since the perpetrators are juveniles and will spend little time in jail). The Nun, however, refuses to give him the information, and to his chagrin declares, instead, that she has forgiven them. When she leaves, the Lieutenant experiences an ecstatic hallucination – a visitation of the

film, and neither is there relationship, he does return to this same apartment in the latter half of the film to make a desperate, drug-fuelled call to his bookie. Ariane, meanwhile, is passed out on the bed.

[276] The longest conversation he has with his family is with his two songs on the way to school. He berates them for letting their Aunt Wendy hog the bathroom, making them late for school, instructing them next time to 'tell your Aunt Wendy to get the fuck out of the bathroom. What are you – men or mice?' From the start, this is not your normal father/son conversation. A later scene is reminiscent of this, when he takes Julio and Paul, the two kids who raped the Nun, on a car ride, berating them and teaching them on the way.

image of the crucified Christ. Directly pleading with Christ, the Lieutenant demands to know where God has been, but then he apologizes for the bad things he has done, finally appealing to God for forgiveness. As he calls out to the image of Christ, the vision begins to subside, dispersing into thin air, and he realizes he has actually thrown himself at the feet of an elderly woman from the neighbourhood – in fact, she clutches in her hands a chalice, stolen during the rape, and has come to return it, as it was sold to her husband's pawn shop. This woman takes the Lieutenant to the crack den where the two perpetrators, Julio and Paulo, are hiding. He handcuffs them and puts them under arrest, but not before smoking some crack with them and watching the end of the baseball game. The Dodgers (the baseball team he was betting on) lose, reminding us that the Lieutenant, having lost yet again, is plunged even deeper into an already large gambling debt.[277]

The Lieutenant takes Julio and Paulo in his car to the Port Authority bus terminal, where he puts them on a bus out of town, but not before giving them a cigar box filled with $30,000 – the illicit proceeds of confiscated drugs he had taken from a crime scene and then resold on the street via a local dealer (this money could be used to pay his outstanding gambling debt). After making sure they get on the bus, never to return to New York, the Lieutenant departs for a meeting with his bookie. As he waits outside Penn Station, a car pulls up and a voice yells out 'hey, cop!' A shot rings out, killing the Lieutenant, the assassin an unidentified man, barely perceptible, sitting in the car. In fact, this final action is filmed at a distance, so there is no clear view of the killer.[278] The film ends in an extreme long shot, showing various pedestrians and members of the public slowly beginning to notice that there is a murdered cop in the vehicle. Behind him, in the background, we see a huge advertising sign hanging from a wall – it's ironic statement proclaims '[I]t All Happens Here'.

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[277] The debt could be either at $60,000 or $120,000 dollars, as it is unclear whether the bookie took his last increase. His normal bookie refused to increase it.

[278] Those to whom the Lieutenant owes money are assumed to be the ones who kill him. In a previous scene, the bookmaker tells the Lieutenant to meet him outside Penn Station, where he is killed. In other scenes his friend, who is an intermediary with other bookmakers, repeatedly warns him that these people will kill him if they do not get their money. Recall one such conversation:

> **Cop (who places bets for him):** I told you once before that this guy will come by your house and blow up your house with your wife and kids and everybody in it. You know that, right?
>
> **Lieutenant:** Good, good. I'll give him an extra ten grand for his trouble. I hate that fucking house.

Sequences of Violence

Sequence 1: mythic violence

The purpose of introducing mythic violence is to develop a concept of the relationship of violence and law in *Bad Lieutenant*, where violence is both law-establishing and law-upholding, and where it serves – in short – state power. At the end of Benjamin's critique of mythic violence, he reveals the concept of divine violence, which eschews every relationship of law and violence, in favour of a concept of pure violence – a form of violence which has no attachment to law. In order to grasp how the function of divine violence works in the narrative of *Bad Lieutenant*, and to see how this particular narrative function can be revealed, it is crucial to view the character of the Lieutenant in terms of his transition from subsisting within a relationship of law and violence, to the destruction of this relationship at the end of the film. First, though, I would like to examine the sequence that – in my reading – establishes the Lieutenant's engagement in mythic violence.

We see a long shot of a New York City street at night, the outside of a corner grocery store and a cop attempting to settle a dispute between two teenagers and the owner. The Lieutenant crosses the street and enters the store. Once inside, a cop who had already arrived on the scene explains to the Lieutenant that the Grocer is accusing these teenagers of taking money from the cash register. They deny this. The Lieutenant orders the cop to go to the back of the store and get him a beer while he straightens this out. He asks the kids how much they took; the Grocer tells him they stole 'five hundred dollars', to which they respond with a vehement denial. The Lieutenant pulls out a gun and fires a shot above the teenagers' heads.



Figure 21. ***Bad Lieutenant*** **(dir. Ferrara, 1992)**

The cop runs back to the front of the store with his gun in the air. The Lieutenant instructs him to take the Grocer down to the precinct to fill out a report. Once the cop and Grocer leave, the Lieutenant demands that the teenagers give him the money. Unsure of his intentions, and after briefly hesitating, they surrender the cash. The Lieutenant pockets it, telling them to 'get the fuck outta here'. They run off, while he tucks his gun back in his pants, leisurely strolling the aisle, eating crackers that he grabs off the shelf. He sees the Grocer's young daughter cowering in a corner, telling her 'Daddy'll be right back'.

This scene portrays the relationship of law and violence, as it exists at the outset of the narrative of *Bad Lieutenant*. Initially, the scene seems to indicate that, despite his unorthodox methods, the use of violence on the part of the Lieutenant might be justified – at least in terms of the means it pursues. For instance, what at first appears to be an abuse of power seems, as the scene progresses to its conclusion, to conform to 'law-upholding' violence, once the Lieutenant is shown to be correct – that the teenagers have lied and have indeed stolen the Grocer's money. While his use of violence is excessive, within the world of the story it does not appear as wholly unreasonable; of course, the other cop with him at the scene possesses a gun, and even draws it when he hears the firing of shots, thinking his colleague is in danger. At this point in the story, the 'badness' of the Lieutenant appears in the guise of a familiar trope in American

cinema, of the 'maverick' but good cop – whose methods might be dubious, but are justified by their ends (in the vein of *Dirty Harry*).[279] However, if at first Ferrara invokes this trope, he will soon invert it – defying our expectations.

However, not only does the Lieutenant use violence to uphold the law; he subsequently breaks the law, by taking the money he retrieves from the two teenagers for himself. He abuses his authority for personal advantage (defining the function of criminal violence), which he can get away with because he is protected by the law. The law authorizes its agents to deploy reasonable violence, but it relies on them actually conforming to those expectations. What this evidences is something I develop in Chapter Seven (the function of pathological violence), where, from a certain perspective, the position as an officer of the law enables abuse precisely by investing its agents with an authority that can be corrupted.

In his analysis of violence, Benjamin specifically considers the police, an 'institution of the modern state' which embraces his two forms of violence: law-establishing and law-upholding. A police officer is: '[A] deployer of violence for legal ends (it has power of disposal), the police force is at the same time itself authorized to set that violence within wide bounds (it also has the power of decree)' (Benjamin, 2009, p. 12). The conflict inherent in the police lies 'in the fact that in it there is no separation of law-establishing from law-upholding violence' (Benjamin, 2009, p. 12). In this sequence, this inherent conflict is what, I think, is at issue. If the Lieutenant's violence was merely law-upholding, the shots fired above the two teenagers' heads would have been sufficient, resulting in the boys surrendering the money. However, it is the revelation that the inherent ends pursued by the Lieutenant are to take the money for himself, not to surrender it to an authority, that introduces into the sequence the ambiguous capacity of violence to establish law as well. As this sequence occurs in the beginning of the narrative, it provides a preview of the action to come, where the Lieutenant will both make and preserve law. He uses what Benjamin will term mythic violence: 'all mythic violence is reprehensible, the violence that establishes law, which may be termed the deciding kind; likewise reprehensible is the violence that upholds law, the managed

[279] A further comparison between the two films could be made through infamous lines: Dirty Harry's 'Do you feel lucky?' and the Lieutenant's insistence that 'I been dodging fucking bullets since I was 14. No one can kill me, I'm blessed'.

violence that serves it' (Benjamin, 2009, p. 28). The association of law and violence is reprehensible for Benjamin because it will not produce justice – when law uses violence to maintain the law, it becomes corrupted by the use of violence, substituting violence for law.

Through these actions, the Lieutenant produces a transgression, which is indistinguishable from the law he executes. Agamben, in *Homo Sacer: Sovereign Power and Bare Life*, identifies precisely this transgression within the state of exception (which he develops further in his text *State of Exception*), writing:

> [O]ne of the paradoxes of the state of exception lies in the fact that in the state of exception, it is impossible to distinguish transgression of the law from execution of the law, such that what violates a rule and what conforms to it coincide without any remainder. (Agamben, 1998, p. 57)

What becomes apparent, when viewed in these terms, is that the Lieutenant begins to determine when the exception should be instituted – he has the power of the decision. The Lieutenant deploys the interpretation of the decision, which Agamben (2005) examines as a source for the exception in the provision of the concept of necessity: 'necessitas legem non habet, "necessity has no law," which is interpreted in two opposing ways: "necessity does not recognize any law" and "necessity creates its own law" (necessite fait loi)' (Agamben, 2005, p. 24).[280] The suspension of law, in order to make licit the Lieutenant's violence, shows how this concept can be said to structure the film's representation of violence at this point.[281] This sequence represents, in other words, the possibility that, in this narrative, the instance of a crime permits the Lieutenant to exercise the exception, which will turn out to be his own transgression of the law.[282] Violence works to secure the law and then is used to serve the Lieutenant, who at this point acts as the sovereign in 'deciding' on the exception.

[280] Agamben goes further into the development of this concept as a foundation for the exception in his chapter 'The State of Exception as a Paradigm of Government', in *State of Exception* (2005).

[281] However, Agamben points out that Schmitt acknowledges the difficulty of this approach as a challenge to determine when a 'situation of necessity exists' (Agamben, 2005, p. 55).

[282] For example, in the scene where he pulls over two teenage girls driving without a licence, it is through their initial transgression that the state of exception is evoked in the form of a crime. Rather than correcting the situation, the Lieutenant produces a further transgression, by sexually assaulting these two girls.

Now, in terms of the difference between mythic and divine violence, Benjamin provides the following explanation: 'establishing law equates to establishing power, and to that extent it is an act of direct manifestation of violence. Justice is the principle of all divine end-establishment, power is the principle of all mythic law-establishment' (Benjamin 2009, p. 22). This seemingly simple concept – of the combination of law-making and law-establishing violence – is crucial to an understanding of how the relationship of law and violence reaches a point where the law ceases to be just, insofar as it separates law from justice through its utility of violence. This point is developed in this sequence in the film as the unification of these two types of violence, which appear in the figure of the Lieutenant, whose aim – despite being a representative of the law – is nonetheless self-serving, and who uses violence for power. What this highlights is the corruption that is inherent – or at least inherent as a possibility – in this particular relationship of law and violence, where violence both founds and serves the law.

Agamben argues – in relation to this – that there is a dialectic of law-making and law-preserving violence. And it is this dialectic that is established in the initial conflict in the narrative between violence and law. The importance of justice as the third term in the dialectic becomes apparent once there is a case (the rape of the Nun) that strikes a chord with the Lieutenant, thereby initiating a fissure in the association of law and violence. In the next sequence, I want to examine that what emerges is the possibility of the relationship of violence and law coming together to produce justice. It is through Benjamin's identification that mythic violence serves law that a key conflict between law and violence has been identified. In the following sequence, what develops are the set of conditions that will result – finally – in the destruction of the relationship of law and violence.

Divine violence

So far, this chapter has considered a sequence of violence that, although depicting what is certainly a criminal function, also reveals the 'reprehensible' aspect of the relation of law to violence as embodied in the Lieutenant. I now want to consider the dialectical transformation that transforms the Lieutenant, and which will produce the narrative

function of divine violence, creating a dissolution of law, and – for the narrative – a condition of anomie.

In order to trace the narrative function of divine violence, I will consider the reaction to the Nun's rape of both the Lieutenant and the Nun herself. The Nun's rape is clearly a criminal act, but it is the reaction to the rape, the end result of the rape within the context of the narrative, which results in the production of divine violence for the Lieutenant. In the sequence I will examine, it is through a conversation on justice that, within the narrative, the Lieutenant undergoes a transformation from enacting mythic violence to a condition of divine violence. Or, more simply, it is through the separation of law and violence that the Lieutenant's use of violence transforms from mythic to divine. At the end of the sequence, he will come to recognize that his use of violence, if it is to serve justice, must be divorced from law.

This is not to elevate rape to a condition of purity (as Benjamin categorizes divine violence as 'pure' violence) – rather, it is to focus on what the act of violence, or this state of violence, produces in terms of its function within the narrative: that it ultimately destroys – or rather 'negates' – law. It is important to emphasize that what makes the narrative function of divine violence divine is the result of the violence, which nonetheless appears to be without 'ends' (or rationalization). It results in the breakdown of the law-establishing and law-upholding structure that binds law and violence together in the pursuit of the ends of the state.

As this thesis is concerned with the narrative function of divine violence, there is, no doubt, an apparent complication in the identification of the function of divine violence within the narrative of *Bad Lieutenant*. As this thesis argues, violence's function indicates a purpose or telos of an act of violence; therefore, I would like to make the following leap in order to examine the function of divine violence, reading the rape of the Nun in Spanish Harlem, which is clearly a criminal act (besides being horrific, these teenagers commit an act of violence solely in pursuit of self-interested ends), as producing the function of divine violence through the reaction of the Lieutenant. This reaction occurs at the level of the Lieutenant's relationship of violence and law, or, as I would term in this thesis, the narrative function of the Lieutenant's violence. If, as Benjamin claims, and I argue, the function of divine violence is to destroy the

relationship of law and violence, then the sequence of the Nun's rape produces divine violence, as it results in the dissolution of law and violence. However, to examine how this occurs, I will not look at the sequence of the rape, but rather concentrate on the conversation between the Nun and the Lieutenant after the rape – which displays the function that this particular act of violence has at the level of the narrative. It is during this conversation that the Lieutenant's use of violence transforms from mythic to divine violence.

This sequence, I suggest, is similar to the 'deer sequence' in the previous chapter on *A Prophet*, in which divine violence was first invoked. Divine violence comes out of nowhere, and yet it alters the relationship between law and violence. To recall the 'deer sequence', 'the death of the deer' prevents the criminal violence that Lattrache was about to inflict on Malik, and in this moment the sequence possesses a divine function in that it destroys the relationship of violence and law. The act of divine violence for ever changes the rest of the narrative. And yet – and this is essential to the very appearance of divine violence – there was no way of preventing it: its origins are unknown, it transforms without reason, yet this act of violence derails the trajectory of the story. By way of an analogy, I suggest that divine violence appears a little like a 'deus ex machina' –not in a way that conveniently ties up a story or resolves it, however, but in a way that disrupts it. For the Lieutenant, the rape of the Nun comes out of nowhere (in that it did not happen to him, nor did he participate in it); however, the presence of this violence in the narrative disrupts the relationship of law and violence.

In order to consider how the relationship of law and violence changes for the Lieutenant due to his conversation with the Nun (which I will examine in a moment), it is necessary to review his previous approach to women as objects of violence, in two short examples: 1) early on in the story, the camera (evoking the Lieutenant's point of view) lingers on a woman's breast as she lies murdered in a car; 2) he pulls two teenage girls over in their car, demanding that one simulates an act of fellatio, while the other is forced to display her naked buttocks as he masturbates. This sexual assault is made possible through his use of mythic violence: he both makes the law and upholds the law through violence – in this case, he threatens them through the power he would not have were he not a figure of law. For the first half of the narrative, the Lieutenant exhibits a distinct relationship of law and violence, where violence is in the service of his interpretation

of the law and the law does not provide justice. It is precisely this that makes the Lieutenant a 'bad' Lieutenant: in other words, it is his use of mythic violence, which, in serving power ('power is the principle of all mythic law-establishment' [Benjamin, 2009, p. 22]), comes to serve the representative of power, who usurps its 'authority' in the pursuit of his own private interests.

To get a better purchase on this, there is a backstory to this sequence, which should thus be considered. A nun has been brutally raped in Spanish Harlem. Ferrara's depiction of the rape sequence varies between the R and NC-17 versions in duration and style – the R version being much shorter, at around 15 seconds, while the NC-17 version runs for a little over a minute, depicting the brutality more graphically and displaying frontal nudity. The NC-17 version also conveys that she is sexually assaulted with a chalice. It is this act and the details that emerge afterwards that result in a change in the relationship of law and violence. At first the Lieutenant shrugs the crime off; however, after learning more details about the crime and hearing that the Nun refuses to name the men who did this to her, a shift results in the Lieutenant's understanding of the capacity for his use of violence as a representative of the law. His intentions – on going into this sequence – indicate that he is prepared to exercise the exception to the juridical order. However, through his conversation with the Nun, he realizes that he can no longer reconcile the exception and the juridical order – that this act of violence, in terms of its narrative function, has the effect of breaking the normative relationship of law and violence. It is in this sense that I understand it to be representative of the function of divine violence.



Figure 22. ***Bad Lieutenant*** **(dir. Ferrara, 1992)**

I have not generally emphasized dialogue over the visual representation of violence in this thesis; however, it is worth considering that the dialogue that takes place between the Nun and the Lieutenant in this sequence exercises a divine function, by the pursuit of justice through the separation of law and violence. What we find in their exchange is the idea that justice emerges through the transformation of the relationship of law and violence to one of pure violence.

Sequence 2: law and violence breaks down

The Nun kneels praying in church, clutching a rosary in her hands. She is in the centre of the shot, bathed in almost angelic pools of light, streaming from the windows on either side of her. The Lieutenant enters, sweaty, dishevelled; the drug-fuelled rampages appear to be taking their toll. He startles her – she is still noticeably shaken from the attack. She glances at him and then returns to praying, clutching her hands to her chest. The Lieutenant speaks:

> **BL:** Listen to me Sister. Listen to me good. The other cops will just put these guys through the system. They're juveniles, they'll walk. Get it? But I'll beat the system. And do justice. Real justice. For you.
> **Nun:** I have already forgiven them.

> **BL:** Come on, lady. These guys put out cigarette butts on your … Get with the program. How could you – how could you forgive this mother—. These, these guys – excuse me. How could you – deep down inside don't you want them to pay for what they did to you. Don't you want this crime revenged?

The Lieutenant articulates two systems of violence and law: the state system, exemplified by the reference to the other cops, which the Lieutenant deems inadequate. And – as he proposes it – real justice, enacted through the exception. However, what he does not realize is that the exception embodies the law-making and law-establishing aspects of mythic violence, which does not produce justice, but serves power. However, the Nun presents another option by stating:

> **Nun:** I have forgiven them.
>
> *After this he pauses, he considers his next thought. The whole time the Nun remains facing the altar.*
>
> **BL:** But … do you have the right? You're not the only woman in the world. You're not even the only nun. Your forgiveness will leave blood in its wake – what if these guys do this to other nuns. Other virgins. Old women who die from the shock. Do you have the right to let these boys go free? Can you bear the burden Sister?

The Nun's insistence on severing violence and law through forgiveness, and the Lieutenant's desire for 'real justice', highlight the opposition of mythic and divine violence Benjamin presents in his critique: '[W]here mythic violence is law-establishing, divine violence destroys law; where the first sets bounds, the second wreaks boundless destruction, where mythic violence apportions blame and calls for expiation simultaneously, divine violence expiates' (Benjamin, 2009, p. 24). It is the Nun's act of forgiveness that transforms the criminal violence she has suffered into the function of divine violence. It becomes divine because of the effect it has on the Lieutenant. While, prior to this sequence, the Lieutenant has interpreted the relationship of law and violence in its mythic form (where violence serves law), now law is separated from violence. While the facts of the rape are clearly criminal, for the Lieutenant this violence has a divine function, as the act of violence produces a separation of law and violence for him.

At this point she has turned to face him and stayed with him throughout the speech. Following this, we cut back to a close-up of her face as she responds:

> **Nun:** Talk to Jesus. Pray. You do believe in God, don't you? That Jesus Christ died for your sins?
>
> *She presses the rosary into his hands and turns to leave. He appears to be reaching out to her, but then gives up as she disappears down the aisle.*

At this point, the film could be characterized as one in which a sense of anomie descends on the Lieutenant. Agamben's interpretation of the state of exception can perhaps show, in other words, how the Lieutenant wants to respond in conformity with (his own) 'reprehensible' law, while the Sister suspends that law through a response that fundamentally separates violence and law. I would suggest that what this reveals, insofar as it incapacitates the law, is precisely 'anomie'. Agamben writes:

> [a]t issue in the anomic zone is the relation between violence and law – in the last analysis, the status of violence as a cipher for human action. While Schmitt attempts every time to reinscribe violence within a juridical context, Benjamin responds to this gesture by seeking every time to assure it – as pure violence – an existence outside of the law. (Agamben, 2005, p. 59)

The Lieutenant will end up not using law – the rape of the Nun is divine insofar as its function is to deliver violence over to the condition of anomie that undoes the juridical context. The narrative function of this violence is divine precisely at this point because it destroys the relationship of law and violence: when the Nun forgives this act of violence, she prevents the 'system' from intervening, both in the form of the police and specifically through frustrating the Lieutenant's recourse to violence. At the same time, for the Lieutenant, the act of divine violence severs his relationship with violence as a figure of law and, from this point on in the narrative, he will no longer use violence to serve law – nor does he use it in pursuit of 'criminal' ends. Law is unable to intervene as the third term that mediates the act of violence. Instead, what emerges is a new term that displaces law, which we might understand as 'divine' justice. Returning to Benjamin:

> But all mythic violence is reprehensible, the violence that establishes law, which may be termed the deciding kind; likewise reprehensible is the violence that upholds law, the managed violence that serves it. Let divine violence, the insignium and seal, never the means of sacred execution, be called the disposing kind. (Benjamin, 2009, p. 28)

It is through the function of divine violence that the relationship of law and violence is destroyed, and that violence, in its pure state, reveals the possibility of justice beyond the 'reprehensible' law: '[J]ustice is the principle of all divine end-establishment' (Benjamin, 2009, p. 22). The possibility of justice only emerges once law is destroyed. In order for the function of violence to be divine, it must succeed in serving justice, which it does in the form of Benjamin's insistence that justice arises once the break of law and violence deprives violence of its subservience to 'ends'. As Benjamin puts it: 'pure means are never those of direct but always those of indirect solutions' (Benjamin, 2009, p. 15).

Conclusion

To conclude, this chapter has shown that the application of Benjamin's 'Critique of Violence' to the film *Bad Lieutenant*, specifically his opposition of mythic and divine violence, reveals a structural contradiction within that which relates law and violence. That contradiction is resolved in the narrative of the film through the transformation of the narrative function of divine violence, which produces a dissociation of violence and law. I would suggest, therefore, that this film provides a cinematic means of understanding and approaching that most difficult of Benjamin's concepts – divine violence.

In the sequence interrogating divine violence, its divine quality is highlighted through the function it produces. In this chapter I was able to demonstrate that the function of an act of violence is different from the mere facts of an act of violence; the cinematic representation of the rape of the Nun is a criminal fact, whereas the function of this sequence of violence is divine in the effect it produces for the Lieutenant. The narrative function of divine violence in this film, for the Lieutenant, is that the rape produces an

effect on the relationship of law and violence that takes the Lieutenant's use of violence from a condition of mythic violence to divine violence. This shift from mythic to divine also reflects a tenet of this thesis: that the functions of violence for a particular character transform within the narrative.

Divine violence may be interrogated in this film as a function of violence which arises out of nowhere, but nevertheless alters the course of the film. It is unpredictable, has no correlation with a rational end, and thus does not adhere to the prescriptions of law. This distinguishes it from the other functions of violence as follows: in revolutionary violence, the creation of a new, better law is immanent to its end; in pathological violence, as will be shown, violence is ultimately self-destructive. Divine violence, by contrast, portrays its unique character in its subsistence in means alone, desiring no reconciliation or mediation with law, to which it is as indifferent as divine justice is to human law.

CHAPTER SEVEN – Pathological Violence

The Narrative Function of Pathological Violence – *The Killer Inside Me*

Introduction

In the final case study, I will address the narrative function of pathological violence. As I indicated much earlier in the thesis, pathological violence contains, in my view, the most extreme dialectical configuration of the law and its relation to violence, in that its violence is not only taken to the limit, but seeks to destroy the limit and itself in the process.

Pathological violence raises the questions of criminal violence – which also might be said to be outside the law. However, criminal violence maintains a relation to law, although the 'normative' law of the state is inverted to a position where, instead of law mediating violence, violence arbitrates law. Pathological violence, in its desire to destroy law, bears a resemblance also to the function of divine violence. As I just demonstrated, the relationship of law and violence is destroyed in the divine function. However, what makes divine violence distinct from pathological violence is the fact that divine violence does not destroy law in its entirety; rather, what it destroys in terms of law is the 'relation'. Law still exists; it is just separate from violence. However, this movement, or function, of divine violence to be separate from law is not for self-interest – this separation aims at ensuring justice.

However, there is a further ambiguity here, which takes the form of a kind of violence that also destroys the relation of law and violence, yet which does not conform to the demand of infinite justice, which is implied with divine violence. I call this 'pathological' violence. The aim of this chapter is to show precisely what this peculiar function of violence looks like. The teleological aims of the narrative function of pathological violence are that it is ultimately self-destructive. In other words, pathological violence, I argue, is a pure subjective violence, which is ultimately destructive, not only of the relationship with law, but also of the subject who is under

the jurisdiction of the law. In order to investigate a function of violence that is explicitly concerned with the subject and the law of the subject, it is necessary to consider psychoanalytic theory, in the first instance, before returning to the philosophy of violence later in the chapter. Through a psychoanalytic framework, the subject's first encounter with law will be depicted here in the context of the law's prohibition on desire, which is then reinforced through the threat of violence. The connection of primordial law with initial desire creates a tension between what the subject desires and what the law allows.

The subject that uses pathological violence is in an irresolvable tension with the law as a result of his or her own desire. In order to show how this relates to cinema, the case study in this chapter will consider a particularly pertinent film, *The Killer Inside Me*, in which – or so I argue – the pure subjective violence of the protagonist functions as the law's obscene supplement. The violence the protagonist in this film employs is produced in relation to two mechanisms: first, the transformation of the subject's desire into sadism; second, the sadism of the cinematic gaze as a self-destructive form of violence that is all-consuming. Invariably, the protagonist in films structured around the narrative function of pathological violence tend to be male, while the female characters who appear are the objects of his violence, operating first as objects of the gaze, then becoming objects of sadism, only finally to be destroyed through the pathological desire of the subject, who does not recognize limits – in other words, law.

Thus, this chapter examines the pathological violence of a specifically male protagonist and the depiction of the female characters as the objects of that violence. This imposes a further methodological demand on the chapter, since it is therefore necessary to address the problem of the cinematic gaze and feminist film theory before proceeding to both psychoanalysis and philosophy (even though, as will be evident, psychoanalysis is an important part of both the gaze and feminist film theory). The cinematic gaze provides a potential origin for addressing how masculine identity is linked to the use of violence; this helps shape an understanding of the normative status of the world of the story in which these characters operate – again, invariably a world in which the law and patriarchy are inseparable. Following this section, some key terms are outlined that will help develop the analysis of the violence which the protagonist in the narrative of *The Killer Inside Me* will employ – relating that violence to his position as an officer of the

law. And finally, through an interrogation of several violent sequences in the film, which represent the female character as an object of desire and victim of pathological violence, this case study demonstrates perhaps the essential component to the narrative function of pathological violence, which is captured through Žižek's concept of law's obscene supplement. Feminist film theory and the analysis of the gaze set up the object of violence, while Žižek and Lacan are applied to understand the aims of the function of pathological violence and how it destroys both the object of desire, and in the process turns against itself.

The Functions of the Cinematic Gaze

The issue of gender and violence is integral to determining the function of pathological violence. First, I use Laura Mulvey's analysis of the cinematic gaze so as to develop a structure for how gender affects film through the representation of (male) desire. In her essay 'Visual Pleasure and Narrative Cinema', Mulvey, of course, asserts that the cinematic gaze is both male and heterosexual. What is useful in this analysis in the first instance is that it enables us to understand the violence produced on-screen by representations of sexual difference. Mulvey's concept of an 'active' male establishes a basis for the analysis of the function of pathological violence in a film where the male protagonist uses violence, and the female character, initially the object of desire, then becomes the object of violence.

Laura Mulvey's 1973 essay 'Visual Pleasure and Narrative Cinema', which was published in *Screen* in 1975, is a landmark in feminist film theory. It deploys psychoanalysis in an exemplary way to analyse the politics of representation in film. Here, Mulvey develops her concept of the male gaze in order to explain how images of women on-screen are depicted wholly in relation to a heterosexual and male point of view. In other words, what the camera sees is dominated by the perspective of an active/male protagonist simultaneously positioning the image of the female as essentially passive. Mulvey's interpretation of cinema is that its structure reflects the patriarchal structure of society: '[W]oman then stands in patriarchal culture as a signifier for the male other … the silent image of woman still tied to her place as bearer, not maker of meaning' (Mulvey, 2009, p. 15). Embedded in this active-passive, male-

female construct is a relationship structured along the lines of desire, which is developed in the architecture of film through the visual pleasure associated with looking. Mulvey acknowledges that a primary component of cinema is the ability to construct images for visual pleasure (Mulvey, 2009, p. 16). This fascination of the cinema with visual pleasure, and the patriarchal structure inherent in mainstream cinema and its modes of looking, thus produce a moment of crisis for the female image.[283] The development of this crisis is exemplified in Mulvey's analysis of visual pleasure, where the female figure – viewed as a passive figure in mainstream cinema – is essentially reduced to an object simply to be looked at.

Mulvey unpacks the gaze through the structure of looking, beginning with the term scopophilia: 'pleasure in looking' (Mulvey, 2009, p. 16). Locating her methodology in psychoanalysis, she borrows – from Freud – the idea that scopophilia is an essential aspect of sexuality: 'he associated scopophilia with taking other people as objects, subjecting them to a controlling and curious gaze' (Mulvey, 2009, p. 17). Scopophilia is 'essentially active', which establishes the opposition of the one who derives pleasure from seeing the one who looks as the active figure, and the one who is the object of that pleasure, the passive figure (Mulvey, 2009, p. 17). Desire is associated with a binary of the one who looks and the one who is looked at, the object of the look. Mulvey maintains that scopophilia is susceptible to turning into a perversion, 'producing obsessive voyeurs and Peeping Toms whose only sexual satisfaction can come from watching, in an active controlling sense, an objectified other' (Mulvey, 2009, p. 17).[284]

Mulvey indicates that film encourages an experience of voyeuristic pleasure for the audience, who participate in the fantasy and enjoyment of the visual. She argues that the very nature of film is that the spectator is removed from participating directly and

[283] Mulvey's critique focuses on Hollywood-style cinema, and although she does acknowledge that technological improvements have produced a variation to mainstream cinema, these films 'exist as a counterpoint' (Mulvey, 2009, pp. 15–16).

[284] While Mulvey does not discuss *Peeping Tom* (dir. Powell, 1960), the subject matter of that film explores the content of her essay but with a decidedly violent angle, the kind of scopophilia that becomes a perversion and then destroys the object that was a visual pleasure. In *Peeping Tom*, the male protagonist embodies the male gaze in his character – his occupation is working at a film studio and he incessantly films women, deriving pleasure from capturing them as visual objects. This approach takes a violent turn, as it is revealed that he is indeed a serial killer, who is obsessed with capturing the visual image of the horror of his female victims before they die. In the end his scopophilic obsession turns pathological and he destroys himself.

yet nevertheless experiences a 'projection of the repressed desire onto the performer' (Mulvey, 2009, p. 17). Film, in her view, converges with the male gaze; the male protagonist's pleasure is transferred onto the spectator. This important point is developed further in Neroni's text, *The Violent Woman: Femininity, Narrative and Violence in Contemporary America Cinema*, where she identifies a societal antagonism between genders. This text examines not only the cinematic representation of the violent woman, but the patriarchal structures which accept the male protagonist's use of violence. Neroni argues that society depends on distinguishing the use of violence for the maintenance of sexual difference: 'Violence – or at least the ability to be violent – is one of the main ways that men differentiate themselves from women' (Neroni, 2005, p. 20).

Mulvey breaks down the male gaze further: there are two opposite forms of pleasurable looking, the first scopophilic, as mentioned above, and the second its narcissistic aspect. In its scopophilic form, it is the other that becomes an object of sexual interest, whereas in its narcissistic form, there is an identification with the image (Mulvey, 2009, p. 18). The visual image is connected to the foundations of desire: '[S]exual instincts and identification processes having a meaning within the symbolic order which articulates desire' (Mulvey, 2009, p. 19). The relationship of desire to the visual image may be interrogated as the basis of mainstream cinema spectatorship, where film, which utilizes the image for visual pleasure, becomes a locus for distinguishing these essential tendencies of looking, identification and objectification. Mulvey links desire to a conflict that lies at the core of Freudian psychoanalysis:

> Desire, born with language, allows the possibility of transcending the instinctual and the imaginary, but its point of reference continually returns to the traumatic moment of its birth: the castration complex. Hence the look, pleasurable in form, can be threatening in content, and it is woman as representation/image that crystallizes this paradox. (Mulvey, 2009, p. 19)

The visual image can signify desire, but at the very basis of desire one finds something that compels a certain violence, insofar as it embodies a symbolic threat. But what is the nature of this threat and how is it that the image of the woman provokes it? Mulvey indicates that it is the castration complex that provokes the 'threat' inherent in the look,

and if this is correct, the female becomes a threat merely in her being: in other words, her mere existence becomes a source of threat. And in responding to this threat, what ensues is not simply violence, but violence that is also the intensification of the perversion of scopophilia – of the very violence implicit in the act of 'looking'. Furthermore, within a Lacanian framework, where the key patriarchal term is literally embodied in the Name-of-the-Father, castration is presented as the primordial threat to the symbolic order in relation to the subject's desire. In other words, if the child's first act of desire is for the mother, it is the father who prohibits that desire, through the threat of castration – or symbolic violence. Here, the look of desire invokes the institution of law, symbolized by the father, which is itself attached to a violent act. The specific threat of violence not only supports but also reproduces law. For this reason, the visual pleasure obtained from the object that is looked at, but which invokes prohibition, is already bound to a scene of violence. At the same time, it is possible also to forecast that violence will arise from the effort to combat that threat through possession of the image of the other – something I shall explore further below.

It is evident that sexual difference structures pleasure and that the threat of castration is closely associated with visual pleasure. Mulvey next distinguishes between male and female subject positions: 'pleasure in looking has been split between active/male and passive female' (Mulvey, 2009, p. 19). For Mulvey, the active male controls the gaze and projects his pleasure onto the female image: '[I]n their traditional exhibitionist role women are simultaneously looked at and displayed, with their appearance coded for strong visual and erotic impact so that they can be said to connote to-be-looked-at-ness' (Mulvey, 2009, p. 19). But more than just constituting an image to be looked at, Mulvey insists that this female image 'holds the look, and plays to and signifies male desire' (Mulvey, 2009, p. 19). She thus reaffirms that desire, becoming the emblem of visual pleasure.

For example, if the female figure represents a lack – for desire necessarily constitutes itself around lack – not only does the female character represent the fulfilment of desire, and the supplement to the lack; she is also, implicitly, representative of the threat contained in the possibility that the male figure be reduced to this position of lack (that his desire may, eventually, lead to failure, and the confirmation of lack). Within the look there is the possibility for pleasure and pain, insofar as it is through the image of

explicit sexuality that the lack appears embodied in the object of desire itself – the woman. Mulvey describes the lack as something which is ever-present but nevertheless disavowed. The male character acts in order that the female figure be maintained in the position of the object, thus guaranteeing his own visual pleasure; he must control the object of the gaze so it does not become something else – that is to say, something more threatening (Mulvey, 2009, p. 22). But it is precisely as a virtue of the fact that the female figure is identified by the protagonist's own lack that her existence connotes castration. Mulvey notes that the castration complex not only acts as a separation between the male and female figures over a constitutive lack, but – in a Lacanian turn – cites the castration complex as 'essential for the organisation of entrance to the symbolic order and the law of the father' (Mulvey, 2009, p. 22). The look signifies desire, which then leads to a threat, insofar as its internal dynamic is already permeated by violence and an inchoate sense of primordial fear of castration.

It is important to note, of course, that this 'threat' is not real – it is something that is waiting to happen. However, and as we shall see, it is precisely this transition from the threat of violence to the enactment of violence that links violence to desire in film. Hence, as *The Killer Inside Me* reveals, the look, which is pleasurable in form, can be violent in actual consequence. Equally important to remember is that it is the threat which acts as a foundation of law – the threat of violence upholds the law, the consequence of initial desire being met with the threat of violent punishment. Desire is positioned, inherently, in a relationship with violence and law from the outset.

Now, Mulvey proposes that there are two predominant reactions to the castration complex: voyeurism or fetishistic scopophilia. One either becomes concerned with 'the original trauma ... or else complete disavowal of castration by the substitution of a fetish object or turning the represented figure itself into a fetish so that it becomes reassuring rather than dangerous…' (Mulvey, 2009, p. 22).

She clarifies these processes through the definition of each term. An analysis of the female figure and the source of her sexual difference relates to voyeurism, whereas fetishistic scopophilia results in the overt emphasis of the film on the physical beauty of the woman as an object to be consumed. Mulvey's analysis of voyeurism, linked to sadism, is of particular relevance to this chapter. Here, the experience of seeing is

related to violence and pleasure: 'voyeurism … has associations with sadism: pleasure lies in ascertaining guilt (immediately associated with castration), asserting control and subjugating the guilty person through punishment or forgiveness' (Mulvey, 2009, p. 22).

The one who is guilty of castration becomes the object of violence. Mulvey asserts that '[S]adism demands a story', and it is possible to see how, if the female is recognized as an object that represents the potential for castration, the male figure, in response to this threat, either punishes or forgives her. When the lack is visualized in the shape of an object – and becomes explicitly identified with the female character – a sadistic response begins to take shape in the male protagonist. In other words, what begins as an attempt at constituting the object of visual pleasure transforms desire – through perversion – into a violent and sadistic act. If there is a sadistic impulse within the image of castration, which, as Mulvey says, 'demands a story', the image of visual pleasure is inevitably folded into a narrative, which leads to violence. This, I suggest, is precisely what happens in *The Killer Inside Me*. If we take sadism in the film as the inevitable consequence of its 'narrative' of visual pleasure, bound up as it is with the castration complex, then the male figure who is, of course, a cop, actively employs violence against the female character, who is first the object of visual pleasure, but is then transformed into the object of violence:

> The power to subject another person to the will sadistically or to the gaze voyeuristically is turned onto the woman as the object of both. Power is backed by a certainty of legal right and the established guilt of the woman (evoking castration, psychoanalytically speaking). True perversion is barely concealed under a shallow mask of ideological correctness – the man is on the right side of the law, the woman is on the wrong. (Mulvey, 2009, p. 24)

The woman becomes both the object of the gaze and the object of sadism, and the locus of violence derived from visual pleasure. As a result of the castration threat, the woman is presumed guilty and her punishment is to be the passive object of the man. His ability

to act with apparent impunity allows him to both interpret and become the law.[285] Elsewhere in the thesis, I argued that violence is interpreted as coinciding with the legitimacy of the legal sanction – as deriving from the law. Now, in the situation of the visual pleasure, as afforded by cinema, the issue of law becomes explicitly gendered.

By registering the object of the gaze for personal pleasure, what Mulvey provides are the foundations for an understanding of the narrative function of pathological violence: the pleasure derived from looking can awaken the threat of castration, not only creating a 'passive' female, but a woman who, as the object of desire, becomes the locus of a destructive sadistic drive that is inherent in the 'gaze', and which threatens to overwhelm it. In other words, her concept of a type of voyeurism that verges on the sadistic is a possible response to the threat of castration. Mulvey points to a destructive potential in the desire that is located in the gaze. What begins as an act of visual pleasure, an essential aspect of cinema, becomes a controlling gaze where the object of desire must be possessed, consumed, and finally destroyed. At its most extreme – which is precisely the dimension of pathological violence – this obsession with the image of the other reveals a lack, which not only threatens but also in fact overwhelms the subject. What is threatened at this point is not only the fear that desire will not be satisfied, but that through the gaze itself, the subject will discover his own lack through the image of the other. In so doing, the entire symbolic order is challenged, with the presence of the threat of castration reminding the subject of the original prohibition that constitutes his desire.

Of course, while Mulvey's analysis reveals the association of the threat of castration (as represented by the image of the female character) and the voyeurism of the gaze (which is linked to sadism), she does not go on to identify the possibility that the female could become an object that is destroyed through an active male desire which becomes wholly pathological. It is precisely this next step that is of concern to me here. Nevertheless, Mulvey's exploration of this 'central regime of desire' informs my investigation into the function of pathological violence (Mulvey, 2009, p. 230), and in the final section of the chapter, I return to Mulvey's analysis of the gaze in order to

[285] This recall's Benjamin's account of mythic violence – to interpret and enforce law is similar to law-establishing and law-upholding violence.

finally address the question of how the violence implicit in the gaze becomes pathological. And how this pathological expression of desire for the female image manifests itself in the violence of *The Killer Inside Me*.

Desire and the Obscene Supplement

Pathological violence is unique in that the ends it pursues do not satisfy it. We can locate this idea of limitlessness in terms of Lacan's notion of desire, which is always somehow out of reach. For Lacan, 'man's desire is the Other's desire [*le desir de l'homme est le desir de l'Autre*]' (Lacan and Fink, 2006, p. 690). Similar to Mulvey's cinematic gaze, Lacan's desire depends on the other. Desire which links the gaze to an object that inspires pathological violence for the subject who looks, since desire also places the subject in a pathological or 'excessive' relation to the object of desire. The object of desire, through an amplified threat of castration, challenges the subject in ways that are fundamentally unsettling: in which the very basis of subjective coherence is threatened.

Let me explain in reference to the problem of criminal violence, which is also – I have suggested – 'subjective'; that is, it is used for the pursuit of subjective ends. In the case of pathological violence, although it may be criminal in origin, it is nevertheless quite unlike criminal violence in one key respect: it is employed not solely for self-interest or for self-preservation, but precisely for the pursuit of fulfilling an excessive, impossible, and sadistic 'pleasure'. It is due to its very excess that there is a self-destructive tendency located in pathological behaviour, which both corrupts the law, and yet maintains its association to the law through the relationship of prohibition and desire. On the one hand, the subject and the law coincide in the order of the symbolic; on the other hand, the subject and its desire conflict with the symbolic order, and this tension is the foundational act of law. In short, the subject is implicated in both the psychic structures of patriarchy and law.

In the film *The Killer Inside Me*, the killer is a cop and the objects of violence are predominantly women. What is symbolically important about this is precisely that pathological violence invokes a relation, not just to the object of desire that is to be

destroyed – but to the symbolic order of the law, where violence in its excess depicts the precise prohibition that the law is instituted to prevent. This pathological relation destroys all possibility of 'reconciliation' with the symbolic order, not by breaking with it but through the pathological subject's hyper-identification with the law. Where a degree of violence is required in order to protect the state and to uphold law, it is considered socially acceptable; when violence turns from upholding the law to realizing a desire that is in excess of all 'reason', it becomes pathological. At the same time, I want to suggest that what emerges in the manifestation of the pathologically violent act is not just the breaking of law or the destruction of the relation between law and violence through its suspension, but the failure of law itself: it produces a gap in the space of the law – revealing its own lack.

In the following section, I would like to try to develop this complex relation of law, desire, and prohibition, first by briefly discussing specific Lacanian terms that contribute to an understanding of desire and how it relates to law. Applying the psychoanalytic construct of the phallus, and the lack it represents for Lacan, enables us to examine how violence carries out law's intention through the threat of castration; while, in order to understand the link between law and what it prohibits, Žižek's concept of the obscene supplement (which may be traced through Lacan) is employed, encapsulating the relationship of symbolic law to the violence it prohibits.

The pathological subject eventually realizes that there is no way to ensure the desire of the other, and so, after the pathological subject makes the other an object of desire and sees that desire as destined to fail, he turns the violence against himself. Unable to possess the object of desire, the pathological subject then turns that desire into a perverse violence that seeks to destroy the other. However, this raises the possibility that, through the destruction of the other, the pathological subject destroys the very alterity that makes him what he is. A stop is put to the threat of castration by turning the violence inwards as pathological violence is ultimately self-destructive. Therefore, the threat of castration is 'overcome' by the pathological destruction of the other; and yet, at the same time, in the actual destruction of the other, the threat becomes realized in that the act is revealed to be self-destructive. The question is then raised: why?

The Name-of-the-Father

I introduced the concept of the Name-of-the-Father in the chapter on methodology in order to provide an overview of how violence, law, and desire relate in an analysis of pathological violence. But in order to make this connection explicit, in order to probe the issue of how the object of desire turns into an object of violence, it is necessary to revisit this introduction briefly before more fully interrogating the function of pathological violence. As mentioned, Lacan's concept that the desire of the subject is located in the Other's desire is sourced from the Oedipus complex: the child desires to destroy the father as he is the manifestation of the figure with whom the child competes for the mother's affection. However, more essential to this point in the investigation is the idea that law and violence coincide in the realm of desire. The child's desire for the mother is met by the threat of castration from the father as a response to his incest. As Lacan remarks: 'the primordial law, given that it is included in that law that castration should be the punishment for incest' (Lacan, Mitchell, and Rose, 1985, p. 76). How the child is introduced to law is through the threat of violence as a consequence of their desire. Primordial law is the relation of law and desire.

The Name-of-the-Father, then, refers to the founding law, which provides for the entrance of the subject into the order of the symbolic. The father, considered as a symbol of law, intervenes to prohibit the desire of the child, which he does through the threat of castration: violence is used to institute law, precisely as a response to desire. Lacan puts the point as follows: 'Freud designates the prohibition of incest as the underlying principle of the primordial law' (Lacan, Porter, and Miller, 1992, p. 67).[286]

Here, the law of the father eclipses the desire for the mother. However, if desire creates law, then in the case of the pathological subject who uses violence, it is his prohibited desire which forms the asocial relation to law. This, in essence, is the obscene supplement, where desire is revealed to be an essential – if disavowed – component of law's creation. There is no law without prohibition, and the law does not always ensure that what is prohibited will not manifest itself again. In the subsequent analysis of the

[286] This extract is from *The Seminar of Jacques Lacan*, edited by Jacques-Alain Miller and translated with notes by Dennis Porter.

film *The Killer Inside Me*, the designation of the protagonist as a cop who both uses violence – in pursuit of a pathological 'pleasure' – and at the same time enforces law, portrays a subject who, paradoxically, possesses both the prohibition that inspires law and represents the law itself.

Frustration at both the prohibition and the lack can combine to form an irresolvable tension that instigates the acts of pathological violence: '[W]hat analytic experience attests to is that castration is what regulates desire, in both normal and abnormal cases' (Lacan and Fink, 2006, p. 700). When violence is not in the service of law, it exhibits a turn against the law to compensate for the prohibition against desire. The antagonism of law and desire – the tension between the law of society and the law of the psyche – is developed through the concept of the obscene supplement.

Public Law and Obscene Supplement

Žižek's obscene supplement takes the prohibition, which founds law, and attaches it to law, producing a form of law that is tied to the very obscenity it attempts to disavow. It is this attachment of law to what is prohibited that provides a method for examining the narrative function of pathological violence as represented by the protagonist in the film *The Killer Inside Me*. The protagonist is a representative of the law who is unable to service the law in its entirety as he succumbs to the prohibitions that the law was created to suppress.[287] What interests me specifically here is how the depiction of his violence illustrates the pathological violence that haunts the very apparatus of the law. There are two types of violence accounted for by law: that which services the law and that which interrogates the source of violence in the individual, the 'shadowy' side of the law. Further, it is possible to examine both the types of violence which are accounted for by law, as internally correlated through the way desire is itself in a dialectical relationship with the law – here, desire both establishes and destroys the law through violence. Žižek writes, in this regard:

> Power thus relies on an obscene supplement – that is to say, the obscene 'nightly' law (superego) necessarily

[287] Quite simply – he desires the woman he was supposed to run out of town for prostitution.

> accompanies, as its shadowy double, the 'public' Law … Obscene unwritten rules sustain Power as long as they remain in the shadows; the moment they are publicly recognized, the edifice of Power is thrown into disarray. (Žižek, 2008, p. 93)

If the obscene supplement is applied to the dialectic of violence in the function of pathological violence, then the law is the law of the subject, which is initiated into the symbolic through the threat of castration. Desire accompanies this 'shadowy' side of the law – so when desire is manifest to such a degree that it overwhelms law – or when the law proves inadequate to contain desire, then the prohibition law was instituted to control is let loose and pursues, first, the object of its desire, and then, gaining no satisfaction from that, turns the violence against itself. In the film *The Killer Inside Me*, it is telling, of course, that the protagonist is a cop and the film is told mostly from his point of view. I suggest that his vocation serves as a signifier for the obscene supplement, and its illicit underside is manifested in the character himself: in other words, the obscene supplement is precisely revealed as the killer 'inside' me. The protagonist in this film is, of course, a representative of the very law that is designed to curtail his own prohibited desire. As the film develops, the symbolic relationship of law – the symbolic and its obscene supplement – is brought to a point of crisis through the protagonist's pathological relation to violence; and, finally, the insatiability of desire and the lack it reveals brings the protagonist to the point of self-destruction. Also in the film, we discover how desire, which is embedded in the cinematic gaze – as discussed earlier – transitions from visual pleasure to sadism. Pathological violence arises in order to combat the lack experienced by a desire that can never be satisfied.

I have suggested earlier that the obscene supplement reveals how pathological violence haunts the very apparatus of the law. The subject is connected to law by the fact that what they initially desire is prohibited and is always under threat of being punished by violence (castration). In the following section, I turn to the film in more detail to interrogate the narrative function of pathological violence. In order to problematize the concept of pathological violence, my analysis will focus on two key issues that structure the film's deployment of the protagonist's pathological desire: the desire and sadism of the cinematic gaze, and the obscenity that is the 'shadowy' side of the law.

Film Analysis, The Killer Inside Me

This section considers how pathological violence 'functions' as the law's obscene supplement in the film *The Killer Inside Me*. One thing to immediately note is that the violence of the protagonist against women, in the film, is depicted to a much greater degree and in more explicit detail than when men are the objects of violence. Although violence against men is part of the narrative, for the most part this violence happens off-screen and to a less brutal degree than the violence used against the film's female characters.[288] In this sense, the functions of the cinematic gaze are here more attuned to the representation of women as the objects of both visual pleasure and violence: the protagonist, Lou Ford (Casey Affleck), has sexual relationships with the women he murders. Further, the world of this story represents the 1950s in Texas, where patriarchy characterizes the societal structure. There are no females who work in law enforcement at the time represented in this film, nor do they have positions at a level of power where the obscene supplement could be exercised.[289] But before pursuing the analysis in depth, let me first sketch out the basic narrative of the plot.

Narrative overview

The Killer Inside Me is a noir thriller set in the 1950s in a small town in west Texas. Lou Ford (Casey Affleck), the deputy sheriff of the town, is the story's protagonist and much of the action of the film is from his perspective, including at times his voiceover narration of the events. Lou is not just any deputy sheriff; he is a deranged, psychopathic killer. The film is based on the 1952 pulp novel by Jim Thompson, which is also told through Lou's first-person narrative account, and which details his own recognition of his asocial behaviour, which he terms the 'sickness'. However, it should be noted that the elements of these 'dark' tendencies of his psyche are more conspicuous in the novel, as it deals with the inner life of the character in a way the film cannot. For example,

[288] Consider, for example, the murder of Johnnie Pappas. Lou murders him in his jail cell and makes it look like a suicide by hanging. All this happens off-screen and the spectators learn about this death when Lou tells Amy post-coital later that night. All of this particular murder is contained off-screen.

[289] It is important to note that the first woman he kills is Joyce Lakeland, who possesses relative autonomy, as she is financially independent. Amy Staunton is a schoolteacher, but the narrative plays down that fact – she is never depicted at work, or seen speaking about it, making herself available at every moment for Lou.

whereas in the novel he talks about his tendencies as a 'sickness', in the film his awareness of the violence he will commit is less diagnosed and more matter-of-fact, as something he just 'has to do'.

On official police business, Lou goes to see a local prostitute, Joyce Lakeland. Here, they begin a sexual relationship, which turns sadistic and ultimately violent. Elmer Conway, the son of the construction magnate Chester Conway, happens to be one of Joyce's customers. Not only has he fallen in love with her; he intends to elope with her. Unbeknownst to Elmer and Chester, however, Lou and Joyce are also planning to leave town – to start a life together. And yet, as we soon learn, Lou has no real intention of doing this, developing instead his own plan to kill both Elmer and Joyce. On the night they are supposed to leave town, Lou arrives at Joyce's – and, in a scene of extraordinary brutality, beats her to death, or so he thinks. He then rearranges the scene to make it appear as though it was Elmer who committed the murder, and that she, with her dying breath, managed in self-defence to kill her assailant. Lou's ruse works – when Chester arrives at the scene he believes the version of events. Discovering that Joyce might still be alive, Chester rushes her to the hospital – not out of pity or concern for her, of course, but because he wants to see her fully punished for killing his son, Elmer.

These murders set into motion a series of violent acts committed by Lou – but in each case he uses his position as deputy sheriff to cover up many of the crimes, which results in three more deaths. Eventually, he kills his girlfriend, Amy Stanton – something he confesses to beforehand through the filmic device of his voiceovers, describing it as something he has to do. At the end of the film, as police surround his house, he covers it in gasoline. When the authorities enter with Joyce (who to his surprise is still alive), he stabs her, causing officers to shoot him and sending the house up in flames.

While the focus of this section will be to demonstrate how pathological violence 'functions' as the obscene supplement, it is nevertheless important to trace some key patterns in the film's portrayal of violence by the protagonist, in order to fully interrogate pathological violence.

Masculinity and violence

Masculine identity is tied to the use of violence throughout the narrative. First and very obviously, there are no female figures that represent law enforcement (not unusual for 1950s Texas). Secondary male characters, who are neither police nor detectives, are also perceived to have power over women's bodies, which they exercise through violence.

On Lou's assignment to see Joyce, the sheriff's orders are vague, providing not only an empty space in police procedure, but also a space in which, I would suggest, the obscene supplement is eventually able to emerge as the disavowed side of the law. In a key exchange, Lou asks Bob what he should do when he gets to Joyce's house. Bob replies:

> 'Oh I don't know, I don't know … just go out size her up and make your own decision. I know you will be gentle as gentle and pleasant as you can be. So go on out there – see how she looks to you.' (*The Killer Inside Me*, 2010)

There are two things in this exchange: in the first place, the power of the law is devolved entirely to Lou and his 'decision' – violence, which is disavowed here, permeates the irony of Lou being 'gentle and pleasant' and refers us to the underlying sense of threat Lou poses. Also, right from the outset, Joyce's future hinges on how she appears to the male gaze: 'size her up … see how she looks to you'. As noted in the first part of the chapter, it is Mulvey's active male gaze that will provide the foundation for Lou's subsequent violence. Here, the gaze is given weight within the narrative, but this is also a look legitimized by the fact that both Bob and Lou are officers of the law: their gaze is not simply for pleasure, but given a legal authority. The representatives of the law are not, however, the only individuals who exercise control over the female characters in the film. Chester Conway, a local businessman with immense influence due to his money and power, decides he wants to get rid of Joyce because his son has fallen in love with her, and it is Chester who devises the plan to break them up by forcing her out of town. Again, when Chester uses Lou to carry out his plan, his instructions are laced with violence:

> 'Now you take it and you pay her off. You bust her around a little bit and you run her out of the county. That's the way you do it, you pay her, you bust her and you run her out.' (*The Killer Inside Me*, 2010)

While Chester is not an officer of the law, he nevertheless makes use of the obscene supplement that positions the power of law vicariously through Lou. Chester's knowledge of how to manipulate the law in his favour, specifically through threats, bribery, and violence, is only possible with a tacit recognition of the obscene supplement at play in the law. Chester orders Lou to 'bust her' around, illustrating the transformation from the look, as emphasized in the first exchange with Maples, to something more sadistic – to not just run her out of town, but to punish her in the process. Maples encourage Lou to have a good look while Chester solicits violence – the look transformed into the sadistic. What both demonstrate, of course, is Mulvey's assertion of an active/male and passive/female binary as the basic means of structuring the film.

After the extremely violent sequence where Lou beats Joyce to death,[290] Chester arrives to look for his son, Elmer, who he also finds murdered. He indicates little concern as to whether Elmer is responsible for the brutal beating of Joyce, but instead states: 'I don't want to see her die, not this way, and I want to see her burn.' The life of the female figure pales in comparison to the life of the male, and at the same time, the female is positioned as the predetermined guilty subject in the sequence of violence. In this sense, Chester demonstrates the traditional response to the 'violent woman' – she must be destroyed and does not deserve sympathy.

These sequences evidence the acceptability of male violence towards the female figure, which is not only structured into the fabric of society, but is reinforced by the legal system.[291] Yet, beneath this apparent legitimacy, the foundations for the obscene supplement are alluded to in these initial sequences – particularly where other

[290] The film portrays Lou's intention to beat her to death, and it certainly appears this way at the time in the narrative. At the end, however, it is revealed that she has miraculously survived, only to have him destroy her completely in the final sequence as he self-immolates.

[291] In a scene at the local diner, a waitress is surprised that Lou doesn't carry a gun, illustrating patriarchal society's equation of masculinity with violence and the law's co-opting of violence.

characters in the film rely on Lou's use of force to achieve their own subjective ends. Nevertheless, it is in those sequences involving Joyce Lakeland that the real obscenity and destructive aspect of the law is fully exposed. And it is in analysing these violent sequences that it becomes possible to interrogate how pathological violence can function as the law's obscene supplement in the film.

I will now consider a sequence of violence in *The Killer Inside Me*, where the object of violence is first presented as an object of visual pleasure (for the protagonist), but is eventually transformed into the object of the protagonist's use of pathological violence – graphically depicted in the film. As I have noted, the cinematic representation of violence against women in the film is presented with far greater detail and at greater length than when it is the male victim who is the object of that violence. The visual and narrative tactics used in these violent sequences are starkly differentiated along gender lines. The men are killed quickly and with weapons such as guns – and their deaths even occur off-screen. Women, however, are beaten and kicked, and the violence is shown in immense detail – blow by blow, in the case of Joyce, through over two minutes and twenty seconds of visual and audio representation.

Further, Lou does not opt for weapons, but uses his own hands to kill the women in the film – lending the sense of violence a distinctly personal quality. The film shows the protagonist deliberating as he commits these crimes: he plans them, takes pleasure in them. There is no indication that he shies away from the task of murder; nor does he deny the severity of the consequence of his use of violence. The violent acts are entirely in keeping with his desire, which he addresses throughout the film through voiceovers. The violence in this film, I have said, suggests a transformation in Mulvey's framework of conceiving where the visual pleasure of the male gaze sublates into sadism and eventually becomes destructive, resulting in the vicious slaying of the two female characters. What becomes evident here is precisely the violent potential that is embedded in the gaze. Its conditions of emergence in this film, however, have to do with the obscene supplement to the law, when no longer merely kept as a supplement to the law; here, instead, it becomes activated and encouraged as part of the enforcement of law.

Joyce Lakeland is first an object of visual pleasure – that is to say, the sexualized object of the male gaze. Her body is fetishized by the camera, which lingers over her bruised buttocks, indicating that the visual pleasure of the image has incorporated a violent turn to sadism – a sadistic pleasure. In this way, the psychosexual violence of the film is used to transform the female image – object of the gaze – into an image of violence inherent in the gaze. Eventually, each of Lou's sexual relationships will end in the death of the other – of the woman, who puts up little struggle and is depicted as a passive object of violence. The male cinematic gaze in the film transforms from visual pleasure to violent destruction. This demonstrates how pathological violence works through the cinematic gaze to depict the scene of violence.

Joyce Lakeland

Lou's relationship with Joyce Lakeland (Jessica Alba) represents the transformation from visual pleasure to sadism to the scene of graphic violence. The violent sequences, which portray this transformation, also interrogate how the relationship of law and violence relate to desire in the examination of pathological violence – the prohibition on desire is made into law through the threat of violence. When he arrives at Joyce's house, Lou spots a gun. It is possible to interpret this shot as a sign of the violent woman, combining both visual pleasure and threat combined in the female figure. These shots depict the relationship of violence to patriarchal law.[292] Not only is Joyce's possession of a weapon a symbolic challenge to his power and masculinity, but the psychoanalytic importance of the female and her representation as the threat of castration is highlighted from the beginning of their encounter: with her gun she holds the means, quite literally, of castrating him. Later in the story it emerges that he doesn't carry a gun, so Joyce's possession of this weapon is especially threatening – it works to upset the social order which privileges Lou through his access to violence.[293] Joyce's access to a gun and Lou's lack of a gun work as signifiers of her ability to castrate Lou.

[292] Again, Neroni's argument on the violent woman is pertinent: '[T]he intertwined nature of violence and masculinity is one of the reasons the violent woman is so threatening: she breaks up this symbolic relationship between violence and masculinity' (Neroni, 2005, pp. 45–6).

[293] The fact that Lou doesn't carry a gun is one of the first things mentioned in the novel. He explains to a waitress his reasons for not carrying a rifle: '"We don't have many crooks here in Central City ma'am," I said. "Anyway, people are people, even when they're a little misguided. You don't hurt them they won't hurt you. They'll listen to reason"' (Thompson, 2006, p. 1).

The shot of the gun prompts him to decide he will run her in for prostitution if she doesn't leave town that very evening. Joyce, visibly agitated, begins cursing him, hitting him repeatedly on his shoulders and body. She slaps him. There is a visible change in Lou as she begins to hit him, and eventually he overpowers her, throwing her onto the bed where he begins whipping her with his belt. He hits her so hard that we can see bruises and welts begin to develop on her buttocks. After a while he stops and begins to say he is sorry. She tells him to stop and begins kissing him and taking his clothes off. They then proceed to have sex.

From this point until her death, they will engage in violent and sadistic sexual encounters, where she is depicted as the passive object of their sexual interplay. Lou's initial instinct to dominate her may be interpreted as punishment for her representation of the lack. The first sequence, where Joyce adeptly fights back – and the shot showing her possession of a gun – suggests she possesses the means to inflict grave violence herself. However, she will never use violence against Lou again in the film. Lou's voiceovers declare his love for Joyce, but also signal the impending destruction as he describes her imagined whisper, saying to him: 'Forget it, Lou. It's not too late if you stop now.' Although Chester doesn't suggest that Lou should murder her, as soon as the idea sparks that they should run away together, he starts organizing that aspect of the plan.

On the night of her murder, Lou surprises Joyce at her house with the ruse that Chester wanted him to check over some of their plans. He puts a belt around her neck as they have intercourse. While she is readying herself for Elmer's arrival, he explains to her that it is Chester who killed his adopted brother, Mike – that he was killed on a Conway construction job.[294] He then puts on a glove and tells her what is going to happen – that both she and Elmer will be dead soon, that she is not going anywhere. The film depicts her as not understanding what he means, and the first time he hits her she assumes it is

[294] Lou's adopted brother, Mike, is the one in the flashback scenes who finds Lou raping a young girl. It is revealed that he took the blame for this. Later, when he returns to town and gets a job on a Conway construction site, he is killed. The story portrays this as no accident, making clear that it was Chester who ordered it. Initially, when Chester requests that Lou break up the relationship between Joyce and Elmer, he admits in a voiceover that the job entices him as he can settle 'old scores of his own'.

part of their game. He quickly becomes much rougher and commences his brutal beating of her.



Figure 23. ***The Killer Inside Me*** **(dir. Winterbottom, 2010)**

Punching her in the face repeatedly, and then in the stomach, he hits her so hard she flies into the wall. He doesn't stop this for some time, bashing her head in with his fist. Her face starts to swell at this point. She pleads with him to tell her why and his response is that it is 'almost over' and that he is 'sorry'. He says he loves her, even as he pummels her. The audio of her bones cracking adds to the horrific representation of this graphic scene. She even cries out 'I love you'. Joyce's skull is now crushed. Lou checks if she is still alive, if she can hear him. He cries, repeating that he is sorry, ending with 'I love you, goodbye', before delivering a final series of punches. This sequence of extreme violence lasts for about two minutes and twenty seconds. It is the most graphic scene of violence in the entire film. When one of the lawyers refers to this violent beating, he describes Joyce's body as destroyed, appearing as 'stewed meat, hamburger'. At no point does Lou use an instrument; his hands are his weapons. The tactics employed to produce this sequence evoke the type of haptic spectatorship that Alison Young described earlier – the spectator sees the violence with more than just their eyes. At this point in the film, the sequence provokes an almost experiential view of the function of pathological violence.

The notion of excess, discussed earlier as a characteristic of pathological violent, is also obvious here: Lou does not just kill her – he seeks to destroy her. Further, his awareness of his own involvement in this act, his calm approach to this extreme level of violence,

indicates that he is operating according to his own determination of law – for Lou, desire and law are conflated. This is why, as Lou's desire assumes an ever-more violent form in this film, it emerges ever-more explicitly as the obscene supplement. The dialectic that is contained in the narrative function of pathological violence sublates law into the obscene supplement. Here, the pursuit of extreme subjective ends in the form of pleasure is pursued until they threaten the very existence of subjectivity itself.

What begins as his sexual desire for Joyce already overlaps with sadism, before eventually turning destructively violent. Lacan's discussion of unfulfilled desire applies to form Lou's savagery, where he is not satisfied until the female figure is dead. What actually ensues after her death is not the satisfaction he hopes for; rather, it reignites his past violent behaviour. As a child he was sexually violent; now, with the legal apparatus at his disposal, he is allowed – initially at least – to pursue his desires with impunity, not just to circumvent the law, which he does, but also to fully develop his pathological drives. Within the film, Lou's desire is activated through the visual pleasure of the female figure, whom he wants, first, as his sexual object and then – insofar as she becomes emblematic of the threat of castration – an object to be destroyed. Once his desire is awakened through his initial encounter with Joyce, it revives an earlier period of asocial behaviour towards women that is associated with violent sexuality. While in the novel this pathology is described as a 'sickness returning', in the film Lou describes it as follows: 'it was like a wind had been turned on a dying fire'. What is awakened, perhaps, is precisely an 'abnormal' fear of castration, as articulated by Lacan: '[W]hat analytic experience attests to is that castration is what regulates desire, in both normal and abnormal cases' (Lacan and Fink, 2006, p. 700). The transformation of visual pleasure into pure sadism, in Lou, I think revolves around this threat of castration, as represented by Joyce: only when the threat is destroyed is the possibility of castration destroyed. At the same, time, if – as Lacan claims – castration regulates desire, the absence of castration produces an unregulated, and unconstrained, desire. For Lou, in *The Killer Inside Me*, once his desire is disentangled from the law of castration – becomes unregulated – nothing can satisfy it until total destruction of the object of desire has been achieved.

In terms of the narrative function of pathological desire, the play of violent desire in the film acts so as to reveal the obscene supplement to the law, the obscene emerging in

the form of Lou's dark desires and horrific acts of violence, which end up eclipsing the law, thereby exposing the obscene supplement. Once the obscene supplement is revealed in its true nature – as the desire that law both prohibits and inspires – it not only destroys the law and the objects of its desire, but eventually turns on itself. This results not only in the complete destruction of the object of violence, but also of the subject who exercises the use of violence – in this case, Lou himself. If, in *The Killer Inside Me*, the pathological violence of Lou functions as the obscene supplement, it is because his violence operates not 'outside' the law, but rather as its dark side (revealed, for instance, in his ability to employ violence for subjective ends, yet without contradicting the ideal of law enforcement, which he putatively upholds, thus permitting him to evade punishment for the majority of the film). Where he differs from the 'bad' Lieutenant is that he does so with the tacit consent and encouragement of the Sheriff and the local business magnate – representatives of the patriarchal order. Lou uses his legal power and knowledge of public expectation of law to indulge in actions that the law, of course, prohibits. Lou is thus both the law and its obscene supplement.

It is precisely this dynamic, captured eloquently here, that offers a precise summary of Lou's narrative function. Žižek emphasized that the dark 'nightly' law that is the obscene supplement needs to remain hidden. Lou exposes that nightly law for all to see. For this reason, once his violent interpretation of the law becomes apparent, there is no alternative but for him to be destroyed as well: the law cannot function when its obscenity is made apparent.

The dialectic between the law and its obscene supplement could be described in Lou's own words when he goes to speak with a young kid in jail (whom he will subsequently murder, making it look like a suicide). Lou says: '[I] got a foot on both sides of the fence. They were put there early and they stayed put … All I can do is wait until I split. Right down the middle.' Lou's insight into the split of his character mirrors his function in the film as a representation of the obscene supplement. If violence is at the heart of law, then the law's splitting makes the violence of the obscene supplement visible.



Figure 24. *The Killer Inside Me* (dir. Winterbottom, 2010)

Conclusion

I have suggested in this case study that the narrative function of pathological violence is distinct in its aim of utter destruction – not only of law (as is the case for divine violence), but of violence as well. Its narrative function in *The Killer Inside Me* is to destroy both the object of violence and the subject who uses violence. This chapter demonstrates that, within cinema's depiction of desire, and the female character who is the object of desire, there is a strong potential for violence, lurking underneath this relationship. This violence is intrinsic to the development of the function of pathological violence, and where, after the event of pathological violence, nothing remains.

In the context of a psychoanalytic framework, the subject's first encounter with law is depicted through the law's prohibition on desire, which is then reinforced by the threat of violence. This connection of primordial law with initial desire creates a tension between what the subject desires and what the law allows. In the case of *The Killer Inside Me*, pure subjective violence functions as the law's obscene supplement – and it is this relation of pure subjective violence, employed to serve the 'dark' side of the law, that renders it 'obscene'. As we have seen, the subject, the protagonist in the film, holds a position as a member of law enforcement, thus is placed as proximate to the obscene

supplement: the tension between his own desire and his vocation is realized as an irresolvable tension of violence and law. Within the film, this 'dark underside' becomes manifest – and this is something the law ultimately will not be able to contain or tolerate. Thus, in this case study, the function of violence might be said to assume its most extreme dialectical configuration. The relationship of law and that which it prohibits takes the form of a violence that is never satisfied – it can only result in the destruction of both the system and the subject, demonstrating that, while there is something 'dark' at the heart of law, the law needs this antagonism in order to exist.

Conclusion

Summary

I began this thesis with the argument that the history of narrative cinema is replete with images of violence, and that, in many ways, film history could be read through what I have described as the various narrative functions of violence. What occurred to me in my consideration of film was that typologies of violence were constructed around the aims and purposes that shaped the representation of acts of violence within film – and that these typologies could be understood in terms of the function they served within the film's narrative. In many ways, the specific representation of a single violent act could be presented within a number of different contexts, based on its function. For example, in the film *Taxi Driver* (dir. Scorsese, 1976) there are several instances of violence carried out by the protagonist, Travis Bickle, an individual of little consequence in the world of the story. The film depicts Bickle's attempted assassination of a senator, and his execution of a pimp who has been prostituting an underage girl, as well as arguably depicting other pathological inclinations that define Bickle's asocial character: the film finally ends with an unfulfilled attempt at suicide.

As I showed in the opening section of the thesis, a standard approach to the analysis of this would be to do so according to a binary of good-versus-bad, legitimate-versus illegitimate categories of violence. However, if these acts of violence are examined with respect to their narrative function, rather than to normative criteria in which a judgement is imposed on the representation, a different understanding of violence emerges – one that I have sought to understand in terms of the dialectics of violence that give shape to a film's narrative. Here, law is seen not as something which is fixed, but which is constantly being transformed in its relationship with violence. In *Taxi Driver*, what begins as an instance of criminal violence for Bickle's character (in the attempted assassination of the senator) results in a sequence that suggests a revolutionary or at least 'emancipatory' function, insofar as it leads to the liberation of the underage prostitute; and yet the film concludes with a further suggestion of excessive violence, which is definitely criminal, if not pathological. In the final

sequences he destroys the pimp and the objective violence associated with this figure. In the final scene he intimates suicide.



Figure 25. ***Taxi Driver*** **(dir. Scorsese, 1976)**

What this film establishes in the context of my argument is that acts of violence represented in film cannot only be evaluated through the facts of their presentation, but must be evaluated in terms of their structural meaning and thus according to its narrative function.

In the third chapter, I examined the narrative function of state violence. I posited that, in its 'normative' form, the function of state violence is to use law to mediate the use of violence. In order to demonstrate how this theory could be applied, I turned to the war film, insofar as this kind of film provides a narrative that explicitly examines the dimensions of state violence. A representational binary of how state violence is constructed occurs through the classification of two types of war films: the 'good' World War II film and the 'bad' Vietnam-era film. Here, the use of violence on the part of the state is viewed as legitimate or illegitimate. To explicate this idea, I used just war theory in order to consider the rational structures that are presupposed in the uses of violence in the war situation – such that, in following certain rules, acts of violence will

be seen to be legitimate. I connected this theory to Weber's interpretation that the state owns the monopoly on the 'legitimate' uses of violence (as revealed in military conflict).

Examining *Saving Private Ryan*, a 'good' war film that was made after a 'bad' war, I identified a fundamental tension in this war film: the conflict between style and ideology. Here, the realistic representation of the actualities of war fundamentally challenged the central tenets of just war theory: how can such extreme examples of violence be reconciled to law? What the film revealed, I suggested, are the ways in which violence challenges the limits of the state's purported relationship with violence, insofar as violence is shown to be irrational – as the film sought to show, with its 'realistic' representation of a chaotic conflict. However, in the case of *Saving Private Ryan*, law – revealed through the concept of the exception – nevertheless allows for a juridical space where normatively illegitimate acts are eventually reconciled to law. What we are presented with here in *Saving Private Ryan* is thus the cinematic depiction of the exception – or put more simply, that when faced with an extreme evil, as in the case of Nazi oppression, the law may temporarily be suspended in order to achieve victory by whatever means are deemed necessary.

Although resolved in the narrative of *Saving Private Ryan*, the tension identified between law and violence is heightened to an extreme point in the 'War on Terror' film. Analysing the use of torture in the war film, as a function of state violence, reveals the point of anomie in the state's relationship of law and violence. Through the narrative of *Zero Dark Thirty* I was able to demonstrate that Agamben's figure of homo sacer characterizes the relationship between the soldier and his enemy, where there is no limit to the use and manner of violence that may be inflicted on the terrorist suspect. As Benjamin warned and Agamben observed: the exception – or permanent suspension of mediating law – has become the rule.

In Chapter Four, I turned to consider the narrative functions of criminal violence, interrogating the gangster film through the application of Žižek's concepts of subjective and objective violence. Violence in the gangster film is most often recognized in the form of subjective violence – for example, the violence of an identifiable criminal agent in the role of gangster protagonist. Through the analysis of key films in this genre,

particularly those produced after the 1960s, I reveal that, although the violence of the gangster is in opposition to the state, there is simultaneously a complex set of unofficial laws or rules to which the gangster adheres. These directives are unique to the extent that they involve the use of violence. For example, the 'made man' may exercise violence, but violence may not be legitimately exercised against him: he represents the limits of the uses of violence in the criminal enterprise. This chapter then proceeded to examine how the dialectic of violence in the gangster film is itself a product of the tension that exists between subjective and objective violence.

In the fifth chapter, I considered the narrative function of revolutionary violence. I posited that, in film which portrays the use of revolutionary violence, the relationship of law and state-sanctioned violence is depicted as inefficient and corrupt, which necessitates the dismantling of one form of law and its replacement with another. In the films I analysed, the relationship of law and violence represented by those in political power at the beginning of the narrative was dismantled through violence, with the intention of producing a new relationship with law. The revolutionary function of violence expressed in the films I discussed aimed at a new system, which is achieved through violence and motivated by a perceived injustice.

While *The Battle of Algiers* and *A Prophet* are clearly different films, the main characters in both share similarities, providing insight into how revolutionary violence works at the level of the individual. This function of violence, I suggested, is transformative – or emancipatory – not only for the socio-political situation, but also at the level of the individual. These films indicate that revolutionary violence functions at both an ontic and ontological level. Importantly, the level of violence that permeates both narratives illuminates the issue of the temporal limits on an act of violence. Revolutionary violence has the tendency to sublate into other forms of violence – for example, criminal violence, which occurs when the state successfully quashes the movement, or when the protagonist returns to a subjective criminal lifestyle.

In the sixth chapter, analysing the film *Bad Lieutenant*, I specifically considered a central tenet of this thesis: that there are many functions of violence at play within one narrative. Within this chapter, I demonstrated that, at the level of the narrative, an act of violence functioned as divine violence for the protagonist, even though it was a

criminal act when viewed in the wider context of the state. This enabled me to explore one of the principal concerns of this thesis, that an act of violence is always evaluated in film in relation to something else. In the case of *Bad Lieutenant*, the reaction of the Lieutenant to a particular sequence of violence produces the function of divine violence.

In this way, we can consider how, in the examination of divine violence, there is a form of violence which is distinguished by its qualities, which have a 'deus ex machina' character, in that this form of violence does not relate to law and arises out of nowhere. I have taken care to point out that the function(s) of violence that I have analysed in this thesis revolve around the purpose or ends an act of violence has for a particular character or set of characters. We saw in the case of *Bad Lieutenant* that a specific act of violence, the rape of the Nun, severs the relationship of law and violence for the Lieutenant himself. In the film's narrative, which is awash with instances of the Lieutenant's criminal activity, where he uses violence as the form of law, this is the first time that law and violence have no relation for him, just as justice (the Nun's forgiveness) is not achieved through violence. Using Benjamin's theoretical analysis of violence, we were able to consider how, in the filmic narrative, justice may in fact be wholly incompatible with law. Therefore, random film violence, which can irrevocably change the course of the narrative, can be considered 'divine,' as elaborated by Benjamin.

In the seventh and last chapter, I considered the final case study: the narrative function of pathological violence. The representation of the violence in *The Killer Inside Me* is the most extreme of all the films I have surveyed; consequently, I proposed that it is due to this level of violence – motivated by the protagonist's 'pathology' – that the most extreme narrative or dialectical configuration (of violence) in the thesis is finally revealed. It is against this form of violence that the other functions of violence may be measured. State, criminal, and revolutionary violence all maintain a form of association with the law. Even divine violence, which breaks its relationship with law, does so in such a way that law is not destroyed, but exists separately, insofar as what it destroys is the relationship with law.

Pathological violence aims not only at destroying the other (which may be interpreted as a result of pure subjective violence); within the narrative, the function of pathological

violence is to destroy the protagonist as well. In the narrative that depicts the function of pathological violence, there is nothing left. Both law and violence are destroyed, and, along with them, all possibility of subjective and objective violence.

The Dialectics of Violence in Narrative Cinema

What this thesis has sought to reveal is how the narrative function of the cinematic representation of violence can be understood in terms of a 'dialectics of violence'. The narrative function of violence is developed from the association of law and violence, which, I have argued, can be found at a structural level 'internal' to the narrative, and this relationship – of law and violence – is remade according to the particular ways in which those functions are transformed in any given film.

At the same time, a dialectics of violence can be seen to operate – and thus be disclosed – at several levels.

First, a dialectics of violence requires the analysis of film violence, viewed in terms of its narrative function, thereby classifying a cinematic representation of violence in relation to the purposes of the violence, or what belongs to the telos of the narrative. Thus, the cinematic dialectics of violence reveals itself to have a teleological function. Second, a dialectics of violence is developed from the association of law and violence in a particular sequence. In this thesis, I have analysed five functions of violence, demonstrating that there can be at least five different associations of law and violence in the filmic narrative. However, within these five distinct functions, the possibility of transformation between them is always immanent to the narrative. Thus, the dialectics of violence reveals a function that is 'immanent' to the filmic narrative and must be interpreted as such (in contrast to 'external' interpretations of violence in film). Which brings me to the third conclusion of my thesis. A dialectic approach to the analysis of film violence considers the possibility that a function of violence is not fixed within a narrative: that the function of violence is both transformed in its relationship to law, and may sublate into other functions. For example, the criminal violence of a gangster protagonist may turn pathological – when the subjective violence upon which the criminal enterprise is based becomes purely subjective and turns against the interests of the very system it was meant to support. Thus, a third finding is that the dialectics of

violence structures the very movement of the filmic narrative: it is always 'transformative'. Finally, the analysis of the functions of narrative violence has allowed me to consider how, instead of interpreting an act of violence as being judged legitimate or illegitimate, its function may be examined at a level internal to the narrative, while at the same time revealing how law becomes an axiomatic interpretative structure for analysing the uses of violence in film.

Conclusions Based on Case Study Analysis

First, through the analysis of the war film, I argued that we are witnessing the makings of a third paradigmatic shift regarding the narrative function of state violence in cinema. Previously, the categorization of the war film as dealing with either a 'good' or 'bad' war demonstrated the law-violence binary as inherently normative. However, in the 'War on Terror' film, the violence used in the war situation eclipses law. The 'normative' manifestation of the relationship of law and violence is placed in a condition of anomie or 'lawlessness'. Through the examination of the use of torture as an institutionalized practice within the 'War on Terror', the extreme use of violence on behalf of the state threatens to destroy law, by making the exceptional the rule.

Second, within the analysis of the gangster film, the narrative function of criminal violence revealed a key tension: a dialectic that exists in this representational form between subjective and objective violence. What is evident in the gangster film is the organization's use of violence as a structuring device, against which individual acts of violence must be judged. In the gangster film, its illegitimate character usually distinguishes violence. An analysis of its narrative function, however, reveals that there is a violence inherent to the system and that the system assumes a 'legitimating' function in the world of the gangster. The emphasis on the individual in the gangster film reveals a key tension in the conflict of violence and law, which is the use of violence by an individual for his or her own ends. While the objective violence of the criminal enterprise relies on the transgressive individual to support its alternative 'system', it is these same tendencies which reveal the potential for the undoing of the system as such. What differentiates the 'systemic' use of violence in the gangster world, as opposed to the same use of violence by the state, is that, for the latter, law mediates

violence, providing it with a basis in legitimacy, whereas, in the gangster world, there is no mediation via law, leaving it exposed to the excesses of its members. These films ultimately reveal the close proximity of the law that seeks to control violence and the violence that threatens to undermine it.

The relationship of law and violence represents a potentially transformative function – a third finding. Through my research, revolutionary violence demonstrated that violence may have an emancipatory effect at the level of either the individual or the wider social system – and so we find in certain films a narrative function of revolutionary violence, where violence structures an emancipatory narrative. The aim of revolutionary violence is 'emancipatory' in that it seeks to destroy a systemic oppression. Since violence is associated with the oppression (the preconditions of revolutionary violence), revolutionary violence is the violence to counter it. However, a paradox arises, which is the result of the susceptibility of revolutionary violence to transform into criminal violence. This highlights one of the key avenues this research would like to pursue further: the question of what happens to the function of violence, or what is the function of violence after the revolutionary moment? If revolutionary violence is a necessary process to found a new relation with law, what are the limits around its use? For example, what corrupted the violence at the level of the 'bad' Lieutenant was his law-establishing violence. If the revolutionary seeks to do this, what are the limits to these acts?

Divine violence is unique in its ability to exist without a relation to law; or, rather, it emerges in a 'non-relation' to law (insofar as it destroys all relationality). This function of violence is evaluated not through its ends, but through its means alone, which distinguishes it from the other narrative functions. Here, a fourth finding emerges: while the narrative function of divine violence has the potential for changing the circumstance of the protagonist in the narrative, this is always the result of unintended consequence. It is transformative violence but without 'agency'.

Finally, while divine violence destroys the relationship of law and violence, my fifth finding is that it is pathological violence which destroys the protagonist in the narrative. The narrative function of pathological violence builds on the destructive potentialities found in the cinematic gaze and the scopic regime more generally. The narrative

function of pathological violence, viewed in terms of *The Killer Inside Me*, revealed, however, not just the sadism inherent in the gaze, but the function of the law's obscene supplement. In the wider application of this thesis, it is demonstrated through the implication that, of all the functions of violence, those that belong to the law are inherently violent. As long as the law maintains its control over the violence it employs, the irrational nature of that violence is kept hidden – discreet – and the use of violence appears within a rational construct. However, as we have seen through the case studies, when violence is used as the narrative action of the protagonist, it is often capable of overwhelming the law that necessitated its existence in the first place.

This thesis has argued, then, that the consideration of violence in the filmic narrative should involve an examination of how violence functions, insofar as those functions are immanent to the narrative of the film. I have advocated an understanding of cinematic violence less through the means it uses – which encourage an external reading of violence in cinema – than through an internal analysis: through the ends it pursues. I would say, finally, that in my consideration of the function of violence in cinema, what is perhaps indicated is the possibility for a potential 'paradigmatic shift' in the way film violence might be analysed.

Further research would include the consideration of other functions of violence, of which this thesis has identified five possibilities. One could be the analysis of the function of revenge. This thesis has proposed that we are in the makings of a third paradigmatic shift in the way film violence is analysed, particularly in the war film. Further examination of the potentialities of this claim would be an interesting next step.

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Django Unchained (2012) Directed by Quentin Tarantino. [DVD]. USA: The Weinstein Company.

Eye in the Sky (2015) Directed by Gavin Hood [Film]. United Kingdom: Entertainment One.

Full Metal Jacket (1987) Directed by Stanley Kubrick [DVD]. US: Warner Bros.

*Godfather, The (*1972) Directed by Francis Ford Coppola [DVD]. USA: Paramount Pictures.

*Godfather Part II, The (*1942) Directed by Francis Ford Coppola [DVD]. USA: Paramount Pictures.

GoldenEye (1995) Directed by Martin Campbell [DVD]. USA: MGM/UA Distribution Co., United International Pictures.

Goodfellas (1990) Directed by Martin Scorsese [DVD]. USA: Warner Bros.

Great Train Robbery, The (1903) Directed by Edwin S. Porter [DVD]. USA: Warner Bros.

Halloween (1978) Directed by John Carpenter [DVD]. USA: Compass International Pictures.

Hell or High Water (2016) Directed by David Mackenzie [Film]. USA: CBS Films, Lions Gate Films.

High Noon (1952) Directed by Fred Zinnemann [DVD]. USA: United Artists.

Hora de los hornos, La (*The Hour of the Furnaces*) (1968) Directed by Octavio Getino and Fernando Ezechiel 'Pino' Solanas. Argentina: Groupo Cine Liberacion Solanas Productions.

Hotel Rwanda (2004) Directed by Terry George [DVD]. USA: United Artists Lionsgate.

If... (1968) Directed by Lindsay Anderson [DVD]. UK: Paramount Pictures.

Jurassic World (2015) Directed by Colin Trevorrow [DVD]. US: Universal Pictures.

Kill Bill Vol. 1 (2003) Directed by Quentin Tarantino [DVD]. USA: Miramax Films.

Kill Bill Vol. 2 (2004) Directed by Quentin Tarantino [DVD]. USA: Miramax Films.

Killer Inside Me, The (2010) Directed by Michael Winterbottom [DVD]. USA: IFC.

Lemon Tree (2008) Directed by Eran Riklis [DVD]. Israel, Germany, France: HeimatFilm, MACT Productions, Eran Riklis Productions.

Malcolm X (1992) Directed by Spike Lee [DVD]. US: Warner Bros.

Musketeers of Pig Alley, The (1912) Directed by D. W. Griffith [DVD]. USA: General Film Company.

Natural Born Killers (1994) Directed by Oliver Stone [DVD]. USA: Warner Bros.

No Country for Old Men (2007) Directed by Joel Coen and Ethan Coen [DVD]. USA: Miramax Films.

Nostalgia for the Light (*Nostalgia de la luz*) (2010) Directed by Patricio Guzman [DVD]. France: Icarus Films.

Patriot, The (2000) Directed by Roland Emmerich [DVD]. US: Sony Pictures.

Peeping Tom (1960) Directed by Michael Powell [DVD]. UK: Michael Powell.

Pervert's Guide to Ideology, The (2012) Directed by Sophie Fiennes [DVD]. United Kingdom: Zeitgeist Films P. Guide Productions.

Prophet, A (*Un Prophète*) (2009) Directed by Jacques Audiard [DVD]. France: UGC Distribution.

Public Enemy, The (1931) Directed by William A. Wellman [DVD]. USA: Warner Bros.

Pulp Fiction (1994) Directed by Quentin Tarantino [DVD]. USA: Miramax Films.

Rashoman (*Rashōmon*) (1950) Directed by Akira Kurosawa [DVD]. Japan: Daiei Film.

Reservoir Dogs (1992) Directed by Quentin Tarantino [DVD]. USA: Miramax Films.

Saving Private Ryan (1998) Directed by Steven Spielberg [DVD]. USA: Dreamworks Pictures.

Scarface (1983) Directed by Brian De Palma [DVD]. USA: Universal Pictures.

Scarface (1932) Directed by Howard Hawks [DVD]. USA: United Artists.

Soy Cuba (1964) Directed by Mikhail Kalatozov [DVD]. Cuba: Instituto Cubano del Arte Insudtrios Cinematogaficos (IGAIC).

Standard Operating Procedure (2008) Directed by Errol Morris [DVD]. US: Sony Pictures.

Star Wars: The Force Awakens (2015) Directed by J. J. Abrams [Film]. USA: Walt Disney Studios Motion Pictures.

Taxi Driver (1976) Directed by Martin Scorsese [DVD]. USA: Columbia Pictures.

Taxi to the Dark Side (2007) Directed by Alex Gibney [DVD]. Brazil: Discovery Channel.

The Texas Chain Saw Massacre (1974) Directed by Tobe Hooper [DVD]. USA: Bryanston Pictures.

Thin Red Line, The (1998) Directed by Terrence Malick [DVD]. USA: 20th Century Fox.

White Heat (1949) Directed by Raoul Walsh [DVD]. USA: Warner Bros.

Wild Bunch, The (1969) Directed by Sam Peckinpah [DVD]. USA: Warner Bros-Seven Arts.

Wolf of Wall Street, The (2013) Directed by Martin Scorsese [DVD]. USA: Paramount Pictures.

Zero Dark Thirty (2013) Directed by Kathryn Bigelow [DVD]. USA: Columbia Pictures.

Zodiac (2007) Directed by David Fincher [DVD]. USA: Paramount Pictures.