





Zuzanna Dziuban (ed.)

# Mapping the 'Forensic Turn'

Engagements with Materialities of Mass Death in Holocaust  
Studies and Beyond

Beiträge des VWI zur Holocaustforschung

Band 5

Herausgegeben vom Wiener Wiesenthal Institut für Holocaust-Studien (VWI)

new academic press, Vienna 2017

Editorial Board des wissenschaftlichen Beirats  
Peter Black/Gustavo Corni/Irina Scherbakowa

Gefördert von:



**ZukunftsFonds**  
der Republik Österreich

Alle Rechte vorbehalten

© 2017

new academic press

[www.academicpress.at](http://www.academicpress.at)

[www.vwi.ac.at](http://www.vwi.ac.at)

Lektorat: Tim Corbett/Miha Tavcar

Cover: Trial plaster cast of a part of the plan of Crematorium 4 in Auschwitz made for *The Evidence Room*, shown at the 2016 Venice Architecture Biennale. Based on the book *The Case for Auschwitz* (2002) by Robert Jan van Pelt, *The Evidence Room* was designed by Donald McKay, with Anne Bordeleau conceiving and overseeing the creation of 70 plaster casts of blueprints, drawings, minutes of meetings and letters attesting to the genocidal intention of the Auschwitz gas chambers and crematoria.

Cast: Siobhan Allman, Anna Beznogova, Anne Bordeleau, Anna Longrigg, and Alexander Vilcu.

Photo: Fred Hunsberger.

Special thanks to Robert Jan van Pelt.

Druck und Bindung: Prime Rate, Budapest

Gestaltung: Hans Ljung

ISBN 978-3-7003-2072-2

---

<i>Zuzanna Dziuban</i> <b>Introduction. Forensics in the Expanded Field</b>	7
<hr/>	
<b>Forensic Fields</b>	
<i>Robert Jan van Pelt</i> <b>A Jack-of-all-Trades in the Witness-Box</b>	39
<i>Eyal Weizman</i> <b>Violence at the Threshold of Detectability</b>	63
<i>Ewa Domanska</i> <b>Dehumanisation Through Decomposition and the Force of Law</b>	89
<hr/>	
<b>History Making/Memory Making</b>	
<i>Claudia Theune</i> <b>Archaeology at the Sites of National Socialist Terror</b>	107
Research Questions – Sources – Methodology – Insights	
<i>Caroline Sturdy Colls</i> <b>The Archaeology of Cultural Genocide</b>	119
A Forensic Turn in Holocaust Studies?	
<i>Rob van der Laarse</i> <b>Bones Never Lie?</b>	143
Unearthing Europe's Age of Terror in the Age of Memory	
<i>Francesco Mazzucchelli</i> <b>From the "Era of the Witness" to an Era of Traces</b>	169
Memorialisation as a Process of Iconisation?	
<hr/>	
<b>Politics and the Agency of Dead Bodies</b>	
<i>Admir Jugo/Sarah Wagner</i> <b>Memory Politics and Forensic Practices</b>	195
Exhuming Bosnia and Herzegovina's Missing Persons	
<i>Layla Renshaw</i> <b>The Forensic Gaze</b>	215
Reconstituting Bodies and Objects as Evidence	

*Małgorzata Wosińska*

**Turning to the Present** 237

A Practical Approach to Human Remains in Comparative Genocide Studies

*Zuzanna Dziuban*

**Between Subjectification and Objectification** 261

Theorising Ashes

---

**Beyond the Scientific/Legal Notion of Forensics**

*Roma Sendyka*

**Posthuman Memorialisations** 291

Memorials After the Forensic Turn

*Stephenie Young*

**The Forensic Imagination** 309

Evidence, Art and the Post-Yugoslav Document

*Johanne Helbo Bøndergaard*

**Forensics and Literature After Testimony** 329

**Bibliography** 347

**Short Biographies of the Authors** 365

Zuzanna Dziuban

# Introduction

## Forensics in the Expanded Field<sup>1</sup>

In a remarkable but telling coincidence, the two weeks preceding the conference on the 'forensic turn' held at the Vienna Wiesenthal Institute for Holocaust Studies, where ideas collected in this volume were first presented and discussed, saw a storm of publicity around an art project: *Die Toten kommen* (The Dead Are Coming) by the Berlin-based artistic collective Das Zentrum für politische Schönheit (ZPS, Centre for Political Beauty). Revolving around the material presence of the dead and their posthumous treatment, the artwork had a particularly strong resonance with the themes and questions debated at the Viennese conference, one of the first of its kind to comprehensively address an emerging cultural phenomenon, namely the turn towards forensics in practical, academic and artistic engagements with mass political violence. The work, which the collective framed as an exercise in action art, involved a very direct confrontation with the problem of death unfolding at the European borders. Initiated by an unexpected media release calling on the public to financially support the cost of exhuming thousands of bodies of refugees drowned in the Mediterranean and bringing them to Berlin for burial, the project triggered an atmosphere of disbelief from the outset.<sup>2</sup> And yet, according to information disseminated by the group, the first transport carrying the bodily remains of a woman exhumed from an unmarked grave on the coast of Sicily was to arrive in Germany in mid-June; another, containing the body of a young man, was to

---

1 The work leading to this publication was supported by the Vienna Wiesenthal Institute for Holocaust Studies (VWI), and was carried out within the framework of the research project *Accessing Campscapes: Inclusive Strategies for Using European Conflicted Heritage* (HERA 15.092 iC-ACCESS), which has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 649307. I wish to thank Béla Rásky for his immense support in editing this book, Estela Schindel and Ewa Stańczyk for reading the draft of this introduction and offering many helpful comments. I am particularly grateful to Kobi Kabalek, who not only read and commented (at various stages) but also helped me remain sane and centred throughout the process.

2 For a documentation of the project and collection of press and media responses see <https://www.politicalbeauty.de/toten.html> (1 December 2017).

reach Berlin shortly afterwards. The dead, identified from ante-mortem data, were said to have been disinterred from their temporary graves with the consent of the relatives, who had been approached directly by members of the ZPS. And sure enough, on 16 June 2015, two coffins were inhumed at the Muslim cemetery in Berlin-Gatow: one with the remains of a Syrian refugee, the other symbolically dedicated to her two-year-old daughter, whose body could not be recovered. Although the exact timing and location of the ceremony were announced only some hours in advance, at least 150 people attended the burial, which was performed in the presence of an imam and widely covered by German and international media.

Soon thereafter, on 21 June, the *Marsch der Entschlossenen* (March of the Determined) – a mass demonstration by regular members of civil society – called upon the ZPS, set off towards the forecourt of the Federal Chancellery in Berlin with the solemn objective to transform its terrain into a (symbolic) burial ground for anonymous victims of the European border regime. Forcing their way through police blockades and ad hoc fences put up around the lawns of the Platz der Republik, thousands of demonstrators, equipped with shovels, spades and makeshift crosses, filled the green area between the Chancellery and the Reichstag. In no time, hundreds of impromptu graves, festooned with flowers, styrofoam tombstones and crosses bearing inscriptions such as “A Human”, “Unknown Migrant”, “Borders Kill”, or “Frontex – Murderer”, covered the lawn of the Chancellery’s forecourt. The initiative also served as a platform to put forward the idea of transforming the site into a permanent memorial “For the Unknown Immigrants”. Designed by the ZPS as a prodigious cemetery, it was meant to highlight the excessive and disturbing visibility of the ongoing humanitarian catastrophe happening on Europe’s shores, and the European community’s continued failure to adequately address and/or prevent it. The timing of the work was by no means incidental. Following estimations of various NGOs and organisations monitoring European border deaths from the late 1990s until the summer of 2015, the number of dead has reached 14,000 to 22,394.<sup>3</sup> The death toll was estimated at 3,777 in 2015 alone. It was also in May of that year that the European Commission adopted the new European Agenda on Migration, a document that allocated more financial resources for Frontex border security and deterrence operations and consequently, according to some, led to an increase in the number of deaths at Europe’s shores.<sup>4</sup>

---

3 The first number comes from the List of Deaths compiled by the Amsterdam-based NGO UNITED for Intercultural Action, the second from the report of Dutch scholars Tamara Last and Thomas Spijkerboer produced for the International Organization for Migration. Tamara Last/Thomas Spijkerboer, Tracking Death in the Mediterranean, in: International Organization for Migration (ed.), *Fatal Journeys. Tracking Lives Lost During Migration*, Geneva 2014, 85-106; <http://www.unitedagainstracism.org/wp-content/uploads/2017/06/UNITEDListOfDeathsActual.pdf>. (30 May 2017). See also [http://fortresseurope.blog.spot.de/2006/02/immigrants-dead-at-frontiers-of-europe\\_16.html](http://fortresseurope.blog.spot.de/2006/02/immigrants-dead-at-frontiers-of-europe_16.html) (20 February 2017).

4 See for instance two reports prepared by Forensic Oceanography (Charles Heller, Lorenzo Pezzani and Situ Studio), a part of the Forensic Architecture, *Death by Rescue and Blame the Rescuers*, <https://deathbyrescue.org>, <https://blamingtherescuers.org> (5 June 2017).



Conceived as a direct, critical intervention into the controversial reality of “European border deaths”<sup>5</sup>, *The Dead Are Coming* was based on assiduous empirical research. For more than a year, representatives of the collective tracked the fates of bodies of asylum-seekers and undocumented migrants from war-torn areas of the Middle East and Africa, individuals who died en route to Europe and were later recovered or washed up on its shores. In doing so, the project addressed the lack of systematic effort to collect and track the bodies of those who perished while attempting to cross the European Union’s borders, “the absence of national or EU budget[s] allocated for the burial of the bodies”,<sup>6</sup> negligence on the part of local/national authorities when it came to collecting and properly storing DNA samples from all unidentified corpses, and their hasty burial in sometimes dramatically provisional mass and individual graves – marked as “NN” (no name) or signposted by gender, assumed country of origin, and date of death –, often with no bureaucratic link between DNA samples, autopsy reports and the gravesites.<sup>7</sup> A media report on the recovery of 17 bodies on the eastern coast of Sicily acted as an immediate incentive for the action. The ZPS traced the routes travelled and the whereabouts of the corpses after they were handed over to the local authorities. According to the group, “at first, [the bodies] were placed into coffins for pictures at the harbour. Then they were put into garbage bags and thrown on top of each other in a cooling chamber in the [local] hospital”,<sup>8</sup> where they remained unattended for weeks and were eventually buried in anonymous graves without any attempt at identification. Another recorded instance of (mis)treatment of the bodies related to the fate of 13 unidentified corpses which were stored at a warehouse in the Italian city of Catania for eight months “due to ‘bureaucratic obstacles’”.<sup>9</sup> It was from those unidentified graves that the ZPS punctiliously exhumed the dead and brought their remains to Berlin for a ‘proper’ burial.

The action immediately become subject to fierce and extensive criticism. This came both from German officials and journalists, on the grounds that it instrumentalised the death of Syrian refugees for the purposes of political provocation, and from activists and intellectuals, who accused the ZPS of patronizing the refugees by “uncritically reproducing the fantasy of a white male saviour who heroically responds to the plight of the

---

5 Leanne Weber, *Knowing-and-Yet-Not-Knowing about European Border Death*, *Australian Journal for Human Rights* 15 (2) 2010, 35-58.

6 Simon Robins/Iosif Kovras/Anna Vallianatou, *Addressing Migrant Bodies on Europe’s Southern Frontier. An Agenda for Research and Practice*, York 2014, 8.

7 Ibid. See also Stefanie Grant, *Recording and Identifying European Frontier Deaths*, in: *European Journal of Migration and Law* 13 (2011) 2, 135-156; Gerhild Perl, *Uncertain Belongings. Absent Mourning, Burial, and Post-mortem Repatriations at the External Border of the EU in Spain*, in: *Journal of Intercultural Studies* 37 (2016) 2, 195-209.

8 <http://www.politicalbeauty.com/dead.html> (1 December 2017).

9 Ibid.

weak”.<sup>10</sup> The collective itself framed this (justly) highly controversial intervention into the politics of European border death as an enactment of “aggressive” or “pragmatic humanism”.<sup>11</sup> Located within the framework of the collective’s proclaimed aesthetic politics (mobilising political-action-based art as a performative tactic adopted in pursuit of “political beauty”), *The Dead are Coming* aimed at restoring the humanitarian dimension of those deaths and at undoing the inhumane or dehumanising treatment to which they had been subjected. As such, it restored the concept of being human to a set of well-established cultural ideas regarding the treatment of the dead. After all, as Giambattista Vico notes, and as Cornel West and Ewa Domańska (in her contribution to this volume) recently reminded us, the practice of burying the dead plays a critical role in establishing and sustaining the thin line that separates the human animal from other species. According to West, it ought to be considered the starting point from which one can imagine public humanities.<sup>12</sup>

Nonetheless, it could be argued that through explicit mobilisation of protocols and material culture reserved for the professionalised search for bodies, exhumation, identification and reburial, *The Dead Are Coming* also initiated a fascinating play with a much more specific cultural/political imagery – namely that of post-conflict and post-atrocity forensic investigation, a practice increasingly “normalised”<sup>13</sup> as a response to mass death resulting from conflicts and political violence. Overlooked both in critical and apologetic reviews of the work, and in the framing of *The Dead Are Coming* proposed by the ZPS itself, the reference to the globally unfolding turn towards forensics as a means of unearthing, addressing, collecting, preserving and presenting the evidence of war crimes, genocides and human rights violations was of pivotal importance for the action. It was equally crucial for the conceptual direction of the conference held at the Vienna Wiesenthal Institute for Holocaust Studies and for this volume, which builds upon it. This book focuses on the turn to forensics in engagements with the materialities of mass death and aims to provide a framework for inquiry into its social, political, ethical and aesthetic implications and dimensions.

Considered a response to the dramatic rise in public and scholarly interest in the practices and processes pertaining to material legacies of mass political violence at sites related to the Holocaust and beyond – especially those structured around the applica-

---

10 Alice von Biberstein/Erdem Evren, From Aggressive Humanism to Improper Mourning. Burying the Victims of Europe’s Border Regime in Berlin, in: *Social Research* 83 (2016) 2, 453-479, here 469.

11 Philipp Ruch, Aggressiver Humanismus. Von der Unfähigkeit der Demokratie, große Menschenrechtler hervorzubringen, in: Elias Bierdel/Maximilian Lakitsch (ed.), *Wege aus der Krise. Ideen und Konzepte für Morgen*, Wien/Münster 2013, 105-119.

12 See Cornel West, Chekhov, Coltrane and Democracy, in: *The Cornel West Reader*, New York 1999, 551-563.

13 This is a thesis advanced in Elisabeth Anstett/Jean-Marc Dreyfus (ed.), *Human Remains and Identification. Mass Genocide, Violence and the ‘Forensic Turn’*, Manchester 2015.

tion of forensic science in investigating its material remains (objects, buildings, structures) and mass graves (the search for, exhumation, and reburial of bodies) – this book addresses this phenomenon from divergent disciplinary and conceptual perspectives. Recent scholarly engagement with this topic has opened space for and greatly extended our knowledge of social, cultural, juridical, and political contexts and ramifications of the application and ‘normalisation’ of forensic science in the aftermath of mass death and political violence: research projects such as Jean-Marc Dreyfus and Élisabeth Anstett’s *Corpses of Mass Violence and Genocide; Below Ground: Mass Grave Exhumations and Human Rights in Historical, Transnational and Comparative Perspective* (led by Francesco Ferrándiz), and Eyal Weizman’s *Forensic Architecture*; as well as academic publications: *Forensis: The Architecture of Public Truth* (edited by Forensic Architecture), Adam Rosenblatt’s *Digging for the Disappeared: Forensic Science After Atrocity*, Ferrándiz and Antonius Robben’s *Necropolitics: Mass Graves and Exhumations in the Age of Human Rights*, Sarah Wagner’s *To Know Where He Lies: DNA Technology and The Search for Srebrenica’s Missing*, and Anstett and Dreyfus’s book series *Human Remains and Violence*.<sup>14</sup>

Yet while it was, in fact, precisely this ‘normalisation’ of the deployment of forensic science, exhumation and reburial in the aftermath of atrocities and mass death that gave rise to proclamations about the emergence of the ‘forensic turn’ – made, most notably, by Eyal Weizman, Thomas Keenan, Élisabeth Anstett and Jean Marc-Dreyfus<sup>15</sup> – it is the ‘appropriation’ performed by the ZPS that most powerfully resonates with the many and varied multidisciplinary explorations of the phenomenon discussed in this volume. All of them, in different ways (and often implicitly), respond to the need “to salvage the word ‘forensics’ and wrest it from the grip of state agencies and bureaucratic processes”,<sup>16</sup> and explore its potential as a political, cultural, theoretic, and aesthetic concept. Following the trajectory set by Weizman and Thomas Keenan’s 2012 book *Mengele’s Skull: The Advent of a Forensic Aesthetics*, where the authors consider the impact of the turn

---

14 Forensic Architecture (ed.), *Forensis. The Architecture of Public Truth*, Berlin 2014; Adam Rosenblatt, *Digging for the Disappeared. Forensic Science After Atrocity*, Stanford 2015; Francisco Ferrándiz/Antonius Robben (ed.), *Necropolitics. Mass Graves and Exhumations in The Age of Human Rights*, Philadelphia 2015; Sarah Wagner, *To Know Where He Lies. DNA Technology and The Search for Srebrenica’s Missing*, Berkeley/Los Angeles/London 2008; Thomas Keenan/Eyal Weizman, *Mengele’s Skull. The Advent of a Forensic Aesthetics*, Frankfurt am Main 2012; Élisabeth Anstett/Jean-Marc Dreyfus (ed.), *Destruction and Human Remains. Disposal and Concealment in Genocide and Mass Violence*, Manchester 2014; Jean-Marc Dreyfus/Élisabeth Anstett (ed.), *Human Remains and Violence. Methodological Approaches*, Manchester 2015; Anstett/Dreyfus (ed.), *Human Remains and Identification*; Jean-Marc Dreyfus/Élisabeth Anstett (ed.), *Human Remains in Society. Curation and Exhibition in the Aftermath of Genocide and Mass Violence*, Manchester 2016.

15 Keenan/Weizman, *Mengele’s Skull*; Eyal Weizman, *Forensic Architecture. Violence at the Threshold of Detectability*, New York 2017; Élisabeth Anstett/Jean-Marc Dreyfus, Introduction. Why Identify? Why Exhume? in: Anstett/Dreyfus (ed.), *Human Remains and Identification*, 1-14.

16 Weizman, *Forensic Architecture*, 65.

towards forensics on wider cultural and political landscapes, this book expands this analytical focus to comprehensively examine the implications of the 'forensic turn' for practical, but also conceptual, political and artistic engagements with mass political violence. Focusing on the concept's trajectory from the scientific to a broader social/cultural/political realm, this book maps the multilateral and complex dynamics through which the 'forensic turn' extends beyond sites where forensic science operates, and transforms the fields of social and human sciences, memory practices, political activism, popular imagination, and art. Based on a diverse range of historical cases from multiple geographical contexts, it offers a unique investigation into the manifold implications of a discernible shift from scientific/legal to cultural notions (and dimensions) of forensics.

This introduction aims to trace and analyse some of the most pertinent of those implications. It is organised around explorations of the transformative dynamics brought about by the 'forensic turn' as it shapes contemporary investigations of mass death, individual dynamics of memory and grief, history and memory-making in the aftermath of political violence, and conceptualisations of the politics and agency of the dead. Finally, the introduction discusses the question that motivated us in conceiving this book and runs through all chapters collected in this volume. It asks about the conceptual, aesthetic and political potential of the 'turn' when defined by a firm move beyond the scientific/legal notion of forensics.

## The 'Forensic Turn'

The notion of forensics refers to the application of scientific knowledge and technological means to investigate and establish facts in a court of law. It encompasses a set of highly standardised practices of collecting, preserving, analysing and presenting evidence, instrumental in the detection of crime and admissible in legal contexts. Although the systematic use of forensic science for criminal investigations and its utilisation by law enforcement dates back to the 19<sup>th</sup> century at least, it has only recently – since the mid-1980s – assumed a truly dominant position in the investigation of genocides, war crimes, human rights abuses and various instances of political violence. Its emergence as an integral part of investigation into mass death is usually traced to the Argentinian experience in the aftermath of the last right-wing, civic-military dictatorship (1976–1983), during which ten to thirty thousand citizens were imprisoned in clandestine detention centres, tortured and murdered as the result of a state-adopted politics of forceful disappearance. Their bodies were then disposed of in a way that mirrors the terror-generating modality of political violence: the victims were dumped in the sea from airplanes, burned, buried in clandestine graves or as “NN” in local ceme-

teries.<sup>17</sup> After the country's transition to democracy in 1984, the new government, prompted by survivors and relatives of the disappeared, opened space for the investigation of mass and individual anonymous graves.

With the aim of exhuming unidentified bodies and determining their identity and cause of death, these first investigations were carried out by local medical practitioners and forensic scientists at the direct request of the courts. Yet the very nature of the crimes and the character of body disposal, coupled with the relatives' distrust towards (potentially complicit) representatives of the state apparatus, quickly exposed limits to the applicability of "ordinary criminal investigation" in the context of mass-scale political violence.<sup>18</sup> Actively lobbied for by some associations of the relatives of the disappeared and fiercely contested by others, the recovery and identification of the bodies was undertaken by an international team of forensic experts under the leadership of Clyde Snow – a forensic anthropologist famous for his contribution to the 1985 identification of the remains of notorious Auschwitz-Birkenau doctor Josef Mengele.<sup>19</sup> Initially focussed on identifying the victims and gathering evidence for the perpetrators' potential court trials – and carried out by the newly established Argentine Forensic Anthropology Team (the first of its kind to commit fully to investigating human rights violations) from 1984 onwards<sup>20</sup> – the exhumations have achieved much more than that. In *The Least of All Possible Evils: Humanitarian Violence from Arendt to Gaza*, Weizman argues that they not only radically reframed the mutual dynamics between forensic science and legal processes in the aftermath of violence, but also irrevocably transformed the very understanding of its material legacies: "Mass graves, starting at this time, turned from the sites of commemoration into epistemic resources from which the precise details of war crimes could be reconstructed and entered into the domain of legal process."<sup>21</sup> Although this shift has not been as straightforward and one-directional as this quote might suggest, it nevertheless signifies the moment of the advent of, in Weizman's words, "the era of forensics".<sup>22</sup>

---

17 See for instance Mario Ranalletti, When Death is not the End. Towards a Typology of the Treatment of Corpses of 'Disappeared Detainees' in Argentina from 1975–1983, in: Anstett/Dreyfus (ed.), *Destruction and Human Remains*, 146-179.

18 Louis Fondebrider, The Application of Forensic Anthropology to the Investigation of Cases of Political Violence, in: Dennis C. Dirkmaat (ed.), *A Companion to Forensic Anthropology*, Malden/Oxford 2012, 639-648, here 641; Rosenblatt, *Digging for the Disappeared*.

19 For a detailed account of Snow's investigation of Mengele's skeletal remains and their broader juridical, political and aesthetic implications, see Keenan/Weizman, *Mengele's Skull*.

20 Fondebrider, *The Application*; Luis Fondebrider, Forensic Anthropology and the Investigation of Political Violence. The Lesson Learned from Latin America and the Balkans, in: Ferrándiz/Robben, *Necropolitics*, 41-75; Mercedes Doretto/Luis Fondebrider, Science and Human Rights. Truth, Justice, Repatriation and Reconciliation, A Long Way in Third World Countries, in: Victor Buchli/Gavin Lucas (ed.), *Archaeologies of the Contemporary Past*, Oxon 2001, 138-144.

21 Eyal Weizman, *The Least of All Possible Evils. Humanitarian Violence from Arendt to Gaza*, London/New York 2011, 109.

22 *Ibid.*, 112.

In unpacking its coming about, fundamentally transforming the sites of violence into scenes of crime, Anstett and Dreyfus somewhat ironically define the 'forensic turn' as "the arrival of forensic pathologists and anthropologists on the scene of mass violence as the decisive agents of the practices in the search for bodies".<sup>23</sup> Facilitated by development and professionalisation in both disciplines as well as transborder exchanges of expertise and scientific protocols, its emergence translates, first and foremost, into a quick expansion of the geographical scope of forensics to investigate material legacies of violence. Forensically informed investigations of mass graves (state sponsored and/or initiated by non-governmental human rights organisations) took place in Guatemala, Chile, Peru and Colombia.<sup>24</sup> In the aftermath of the Rwandan genocide and the war crimes of Srebrenica, the phenomenon has assumed a truly global character. The establishment of International Criminal Tribunals for the Former Yugoslavia (1993) and Rwanda (1994), whose proceedings were to be based on the reports of forensic experts (often travelling between the sites), institutionalised the on-site and laboratory-based investigations of mass graves carried out by international and interdisciplinary teams as a response to the reality of mass death and human rights violations. Forensic science was also deployed in the service of special courts for Sierra Leone (1996), East Timor (1999), Cambodia (2003), and Iraq (2003).<sup>25</sup> Massive forensic effort went into examining the scenes of the 9/11 attacks and the recovery and identification of their victims.<sup>26</sup>

In a parallel development, examinations of material legacies of the less recent past, dating back to the 1930s and the 1940s, began to evolve in Eastern Europe. The 1990s witnessed a resurgence of investigations into graves of (mostly) Polish victims of the NKVD.<sup>27</sup> Initiated by the Soviet Chief Military Prosecutor's Office in 1990 and taken over by various Polish governmental institutions after the collapse of the Soviet Union, they encompassed mass graves in Kharkiv, Katyn, Mednoye (1991–1996) and Bykivnia

---

23 Anstett/Dreyfus, Introduction. *Why Exhume?* 1-14, here 4.

24 Some of these are discussed in the recent special issue of *Human Remains and Violence. An Interdisciplinary Journal* 2 (2016) 2, *Exhumations in Latin America*.

25 William Haglund/Melisa Connor/Douglas Scott, *The Archaeology of Contemporary Mass Graves*, in: *Historical Archaeology* 35 (2001) 1, 57-69; Rosenblatt, *Digging for the Disappeared*; Ferrándiz/Robben (ed.), *Necropolitics*; Anstett/Dreyfus, Introduction. *Why Exhume*.

26 See for instance Shiya Ribowsky/Tom Shachtman, *Dead Center. Behind the Scenes at the World's Largest Medical Examiner's Office*, New York 2007; Jay D. Aronson, *Who Owns the Dead? The Science and Politics of Death at Ground Zero*, Cambridge/London 2016.

27 I use the term resurgence purposefully here, alluding to highly publicised and politicised investigations into the graves of the victims of Soviet mass executions in Katyn and Vinnytsia, which were already being carried out during the Second World War by international forensic teams at the request of the Nazi officials. Thomas Laqueur ironically argues that the Katyn investigation, in fact, provided a template for those to follow decades later in places such as Srebrenica and Rwanda. Thomas Laqueur, *The Body and Human Rights*, in: Sean Sweeney/Ian Hodder (ed.), *The Body*, Cambridge 2002, 75-93. See also Irina Paperno, *Exhuming the Bodies of Soviet Terror*, in: *Representations* 75 (2001) 1, 89-118.

(2001–2011).<sup>28</sup> Since the early 2010s, the Polish Institute of National Remembrance, in its capacity as an investigative body, searches for and examines clandestine burial sites of the victims of state socialism in Poland (1945–1956), and similar research is being done in the Czech Republic.<sup>29</sup> Graves from the Spanish Civil War (1936–1939) have also been scenes of intense forensic work since 2000.<sup>30</sup> Mass graves at the battlefields of the First World War are being opened and investigated as well.<sup>31</sup> Substantially varying in terms of the scope, character and positionality of stakeholders involved, conceptual and political framings, as well as in the specificity of binding legal contexts (some of which will be addressed later on), these examples do not in any way exhaust the long list of forensic investigations carried out across the globe since the 1980s. They do, however, demonstrate the successive broadening of the incidence of the ‘forensic turn’ and its ever-shifting temporal reach – from the immediate to the more distant past – and establish mass graves as “the site par excellence of forensics”.<sup>32</sup>

In a somewhat paradoxical manner, this dynamic geography of forensic investigations has recently extended onto (and irrevocably transformed) the “paradigmatic space[s] of testimony”.<sup>33</sup> Nazi concentration and extermination camps. While this is explained partly through the halachically sanctioned prohibition against exhuming

28 Andrzej Kola, *Archeologia zbrodni. Oficerowie polscy na cmentarzu ofiar NKWD w Charkowie* [Archaeology of Crime. Polish Officers at the Cemetery of NKWD Victims in Kharkiv], Toruń 2005; Andrzej Kola/Mieczysław Góra, *Archeologiczne badania grobów polskich ofiar na tajnych cmentarzach NKWD w Charkowie i Kijowie* [Archaeological Investigations into the Graves of Polish Victims at the Clandestine NKWD Burial Sites in Kharkiv and Kiev], in: Olgierd Ławrynowicz/Joanna Żelazko (ed.), *Archeologia totalitaryzmu. Ślady Represji 1939–1956* [Archaeology of Totalitarianism. Traces of Repression 1939–1956], Łódź 2015, 217–249; Karel C. Berkhoff, *Bykivnia. How Grave Robbers, Activists, and Foreigners Ended Official Silence About Stalin’s Mass Graves Near Kiev*, in: Anstett/Dreyfus, *Human Remains and Identification*, 59–82.

29 A selection of reports from these investigations can be found in Ławrynowicz/Żelazko, *Archeologia totalitaryzmu*. See for instance Pavel Vařeka/Zdeňka Vařekova, *Stan i perspektivy badań nad režimem komunistycznym na terenie Czech* [State of and Prospects for Research on the Communist Regime in the Czech Republic], 383–403; Krzysztof G. Latocha, *Poszukiwania miejsc pochówku ofiar terroru komunistycznego z lat 1945–1956 w Łodzi* [Searching for Burial Sites of Victims of Communist Terror from 1945–1956 in Łódź], 303–327; Krzysztof Szważyk, *Poszukiwanie nieznanych miejsc pochówku ofiar terroru komunistycznego 1945–1956. Projekt badawczy IPN* [The Search for Unknown Burial Sites of Victims of Communist Terror 1945–1956. IPN Research Project], 329–345.

30 See for instance Carlos Jerez-Farrán/Santiago Amago (ed.), *Unearthing Franco’s Legacy. Mass Graves and the Recovery of Historical Memory in Spain*, Notre Dame 2010; Francisco Ferrándiz, *Exhuming the Defeat. Civil War Graves in 21<sup>st</sup>-Century Spain*, in: *American Ethnologist* 40 (2013) 1, 38–56; Francisco Ferrándiz, *The Return of Civil War Ghosts. The Ethnography of Exhumations in Contemporary Spain*, in: *Anthropology Today* 22 (3) 2006, 7–12; Layla Renshaw, *Exhuming Loss. Memory, Materiality and Mass Graves of the Spanish Civil War*, London/New York 2011.

31 See for instance Yves Desfosés/Alain Jacques/Gilles Prilau, *Great War Archaeology*, Rennes 2009; Andrew Robertshaw/David Kenyon, *Digging the Trenches. The Archaeology of the Western Front*, Barnsley 2008; Nicholas Saunders, *Killing Time. Archaeology and the First World War*, Stroud 2007; Julie Summers/Louise Loe (ed.), *Remembering Fromelles. A New Cemetery for a New Century*, Maidenhead 2010; and Layla Renshaw’s contribution in this volume.

32 Keenan/Weizman, *Mengele’s Skull*, 62.

33 *Ibid.*

and disturbing burial sites of their (predominantly) Jewish victims, the belated catching up with the 'forensic turn' itself sheds a particularly interesting light on its dynamics, both as a practice and analytical lens. As a matter of fact, mass graves at the former camps have previously been subject to forensic efforts, albeit constrained by the limited means available at the time. Immediately upon the liberation of Majdanek and Auschwitz-Birkenau, Soviets established investigative commissions tasked, amongst other things, with the examination of mass graves and analysing material evidence of crimes committed in the camps. Mass burial sites were uncovered and investigated at Belżec and Treblinka by Polish and Polish-Soviet commissions; in Ukrainian Rogan, hundreds of bodies were exhumed and subjected to medico-legal examination.<sup>34</sup> Similar practices were performed at the camps liberated by British and American military forces throughout Germany. In his recent book, *Forced Confrontation: The Politics of Dead Bodies in Germany at the End of World War II*, Christopher Mauriello meticulously documents practices surrounding bodies exhumed from mass burial sites along the routes of Nazi death marches, contributing to reports prepared by the US Criminal Investigative Corps.<sup>35</sup>

Forensic experts also participated in searches for and the recovery of remains belonging to American and British POWs, aimed not so much at gathering incriminating evidence as at identifying the dead for the purposes of repatriation. Acting under the leadership of pathologist Arthur Keith Mant, the British War Commission alone exhumed and investigated over 150 graves between 1945 and 1948.<sup>36</sup> Up until 1958, a French mission undertook search operations for the bodies of deportees and political prisoners from France at the concentration camps in Germany, exhuming and forensically identifying over 7,000 of them.<sup>37</sup> Interestingly, it is precisely the French mission's 1958 attempt to perform a mass scale investigation of mass graves at the Hohnhe cemetery at the Bergen-Belsen camp – an act fiercely contested by the German Jewish community, Jewish survivors of the camp, and various rabbinical authorities – that led to consolidation of a strict no-exhumations/no-disturbance policy pertaining to post-Holocaust graves that effectively governs their contemporary treatment.<sup>38</sup> Until the late 1950s, the recovery,

---

34 For an account of these early forensic investigations, see Caroline Sturdy Colls, *Holocaust Archaeologies. Approaches and Future Directions*, New York 2015, 25-27.

35 Christopher E. Mauriello, *Forced Confrontation. The Politics of Dead Bodies in Germany at the End of World War II*, London 2017.

36 See for instance Haglund/Connor/Scott, *The Archaeology of Contemporary Mass Graves*, 57-69, here 58; Sturdy Colls, *Holocaust Archaeologies*, 26-27; Arthur Keith Mant, *Knowledge Acquired Through Post-war Exhumations*, in: A. Boddington/A.N. Garland/R.C. Janaway (ed.), *Death, Decay, and Reconstruction. Approaches to Archaeology and Forensic Science*, Manchester 1987, 65-78.

37 Jean-Marc Dreyfus, *Renationalizing Bodies? The French Search Mission for the Corpses of Deportees in Germany, 1945–1958*, in: Anstett/Dreyfus (ed.), *Human Remains and Mass Violence*, 129-145.

38 Jean-Marc Dreyfus, *Conflit de mémoires autour du cimetière de Bergen-Belsen [Conflicting Memories on the Bergen-Belsen Cemetery]*, in: *Vingtième Siècle. Revue d'histoire* 2 (2006) 90, 73-87; Menachem Rosenhaft, *Mass Graves of Bergen Belsen. Focus for Confrontation*, in: *Jewish Social Studies* 41 (1979) 2, 155-186.



exhumation, investigation, and reburial of human remains often met with endorsement, if not direct involvement, by the rabbis.<sup>39</sup>

And yet the very fact that all these early postwar practices unfolding at the sites of former camps and Nazi killing sites still remain relatively unknown – and have only become the subject of scholarly engagement very recently – could indicate a paradigmatic shift captured through the emergence of ‘the era of forensics’. Addressing the ‘historiographic silence’ around exhumations and forensically informed investigations of Nazi crimes, Dreyfus notes that it “perhaps implies a certain disembodiment in the accounts of concentration camps, which tend to focus on the stories of survivors and to neglect the material aspects of the [...] treatment of the dead”,<sup>40</sup> let alone their framing as epistemic resources. But as historiographic as it is, this ‘silence’ had been intrinsically entwined with the logic behind legal proceedings pertaining to the Nazi crimes, long before the advent of the “era of the witness”, customarily identified with the 1961 Israeli trial of Adolf Eichmann.<sup>41</sup> It was the abundance of documentary evidence left behind by the perpetrators, not the material evidence of their crimes – which they in fact went to great lengths to destroy – that shaped the legal idiom adopted by the International Military Tribunal at Nuremberg, and fashioned a great deal of Holocaust historiography. Paradoxically, the “sudden sensitivity about evidence”,<sup>42</sup> identified by Jens Hoffmann as a direct incentive for the crime concealment Operation 1005 (*Enterdungsaktion*) entailing the mass reburial and cremation of corpses of victims of the Holocaust, launched as early as 1942, did not encompass the whole corpus of incriminating documents. The prosecution in Nuremberg was, therefore, constructed predominantly on this basis.<sup>43</sup>

39 See for instance Doron Bar, *Between the Chamber of the Holocaust and Yad Vashem. Martyrs’ Ashes as a Focus of Sanctity*, in: *Yad Vashem Studies* (2010) 38, 195-227; Jean-Marc Dreyfus, *The Transfer of Ashes after the Holocaust in Europe, 1945–1960*, in: *Human Remains and Violence* 1 (2015) 2, 21-35; David Deutsch, *Exhumations in Post-War Rabbinical Responsas*, in: *Dreyfus/Anstett, Human Remains in Society*, 90-112. Gabriel N. Finder, *Final Chapter. Portraying the Exhumation and Reburial of Polish Jewish Holocaust Victims in the Pages of Yizkor Books*, in: *Anstett/Dreyfus (ed.), Human Remains and Identification*, 34-58; Gabriel N. Finder, *Yizkor! Commemorating the Dead by Jewish Displaced Persons in Postwar Germany*, in: *Alon Confino/Paul Betts/Dirk Schumann (ed.), Between Mass Death and Individual Loss*, Washington 2011, 232-257; and my contribution in this volume.

40 Dreyfus, *Renationalizing Bodies?* 129-145, here 131.

41 We owe this framing to Annette Wieviorka. *Annette Wieviorka, The Era of the Witness*, New York 2006.

42 Jens Hoffmann, ‘Das kann man nicht erzählen.’ ‘AKTION 1005’ – Wie die Nazis die Spuren ihrer Massenmorde in Osteuropa beseitigten, Hamburg 2008, 8.

43 See for instance Telford Taylor, *The Anatomy of the Nuremberg Trials*, Boston 1992; Donald Bloxham, *Genocide on Trial. War Crimes Trials and the Formation of Holocaust History and Memory*, Oxford 2001. In *The Shrunk Head of Buchenwald*, Lawrence Douglas, reflecting on those predominantly document-based juridical proceedings, nevertheless, points out the importance of material evidence – the eponymous head of a male victim of the Buchenwald concentration camp and the bars of soap, allegedly produced by the Nazis from human fat, exhibited during court proceedings – for the Nuremberg trials, and many others to follow. Yet, as he argues, their relevance was grounded not so much in the evidentiary value as in the way both the head and the ‘human soap’ materialized and affectively/interpretatively framed the crimes against humanity perpetrated at the Nazi camps in terms of “horrific deeds committed in an orgy of mass savagery and lawlessness”. A similar function could be attributed to the Nazi Concen-

Perhaps this is also the reason why no major instance of political violence has since been traceable through and reconstructed solely from a paper trail.<sup>44</sup>

To a certain extent, the forensic reframing of Holocaust sites instigated by a renewed attention to their material evidence exemplifies the dynamics binding the emergence of the ‘forensic turn’ to the end of the era of the witness – even before the arrival of “the post-testimonial era”. As much as the gradual passing away of survivors, the slow undermining of the epistemic value of their testimony in legal contexts has paved the way for a reorientation from evidentiary logic based on eyewitness accounts to one based on forensic evidence.<sup>45</sup> Already underway during Holocaust-related trials in the 1980s, including those of Klaus Barbie in Lyon and Ivan (John) Demjanjuk in Jerusalem, the process of impeaching reliability and truthfulness of survivors’ accounts – grounded in the fallibility of memory and “the complexities, uncertainties, and ambiguities of the human subject”<sup>46</sup> – came most prominently to the fore in legal proceedings centred around Holocaust denial. In a dramatic reversal of the politically and ethically inflected premises guiding the didactic legality of the Eichmann trial – and, for that matter, much of the work of human rights and humanitarian activism of the last decades – survivors’ testimony was called into question, if not ridiculed, at the Ernst Zündel 1985 and 1988 trials in Toronto.<sup>47</sup> Tellingly, not one Holocaust survivor was asked to testify at the London David Irving trial in 2000, a result of a libel suit filed by Irving against Penguin Books, the publisher of Deborah Lipstadt’s *Denying the Holocaust*.<sup>48</sup>

But it was also the very fact that many of the arguments deployed by Holocaust deniers relied on meticulous, site-based, if misguided, analysis of material evidence (per-

---

tration Camps documentary screened during the trial. Lawrence Douglas, *The Shrunken Head of Buchenwald. Icons of Atrocity at Nuremberg*, in: *Representations* (1998) 63, 39-64, here 40. See also Christian Delage, *The Juridical Construction of the Genocide at Nuremberg. Witnesses on Stand and on Screen*, in: David Bankier/Dan Michman (ed.), *Holocaust and Justice. Representation and Historiography of the Holocaust in the Holocaust in Post-War Trials*, Jerusalem 2010, 101-113; and his *The Nuremberg Trials. Confronting the Nazis with the Images of their Crimes*, in: Diane Dufour (ed.), *Images of Conviction. The Construction of Visual Evidence*, Paris 2015, 131-149.

44 See for instance Nancy Amoury Combs, *Fact-Finding Without Facts. The Uncertain Evidentiary Foundations of International Criminal Convictions*, Cambridge 2010, 1.

45 Although in her discussion of the evidential regimes guiding, for instance, proceedings of various International Criminal Tribunals and Special Courts in *Fact-Finding Without Facts*, Nancy Amoury Combs points out that they are still predominantly based on eyewitness testimony, she also brings to the fore its notorious unreliability, confirmed not only by a myriad of studies carried out by legal psychologists but also by advances in forensic science. She writes: “Although in centuries past, eyewitness testimony was considered among the most reliable forms of evidence, it has recently fallen into disrepute. Numerous studies have shown the fallibility of eyewitness perception, and the advent of DNA testing has borne out these studies by showing that nearly 80 percent of wrongful convictions in the United States involved eyewitness error.” Combs, *Fact-Finding*, 14.

46 Weizman, *Forensic Architecture*, 82.

47 All trials are analysed in detail in Lawrence Douglas, *The Memory of Judgement. Making Law and History in the Trials of the Holocaust*, New Haven/London 2001.

48 See Deborah Lipstadt, *Denial. Holocaust History on Trial*, New York 2005; Robert Jan van Pelt, *The Case for Auschwitz. Evidence from the Irving Trial*, Bloomington/Indianapolis 2002.

taining, for instance, to the existence/non-existence of the holes in the roof of one of the Auschwitz-Birkenau crematoria, through which Zyklon-B could be poured into gas chambers; or a laboratory analysis of its debris aimed at determining its chemical composition) that necessitated a shift in strategies adopted to effectively combat their claims. This was famously the case at the Irving trial, where ‘negations science’ was efficaciously challenged by the (forensic) expertise of architectural historian Robert Jan van Pelt – a point both van Pelt’s and Weizman’s chapters in this book discuss in detail. This also serves as a rationale for many recently launched archaeological projects tracing and collecting material evidence at the sites of former Nazi camps performatively, through the application of forensic methods, and discursively (re)constructed as ‘crime scenes’, as is the case with Caroline Sturdy Colls’ investigations at Treblinka and her forensic research on cultural genocide (presented in her contribution to this volume), or Paul Michell’s at Mauthausen.<sup>49</sup> As in other contexts of political violence, surrounded by contradictory statements and competing truth claims, also where examination of mass graves is (almost) impossible, forensics is called upon to serve as a means to “establish definitive and reliable evidence”<sup>50</sup> – be it a gas chamber, an execution site, or the outline of a grave. In Eric Klinenberg’s pertinent formulation, this means getting “to the dead bodies, the corpses whose materiality cannot be denied”.<sup>51</sup>

## Evidential Regimes and Forensic Forums

This epistemic shift towards bodies and objects, based on and unfolding through the privileging of material evidence in its capacity to contain ‘truth’ and substantiate truth claims, has profoundly transformed both the framings of sites of political violence and the juridical engagements with perpetrators. Even if this has not necessarily entailed an overall invalidation of human testimony and its disappearance from the courtrooms and human rights activism,<sup>52</sup> forensically acquired and assessed evidence has assumed critical importance in evincing the existence and nature of the crimes, which has led, in

---

49 See Sturdy Colls, *Holocaust Archaeologies*; and her forthcoming *Finding Treblinka. Archaeological Investigations at Treblinka Extermination and Labour Camps*. The outcomes of her research have been presented at the exhibition *Finding Treblinka: An Exhibition of Forensic Archaeological Research*, <http://blogs.staffs.ac.uk/archaeology/finding-treblinka-exhibition/>. For the outcomes of research at Mauthausen see Verein für Gedenken und Geschichtsforschung in österreichischen KZ-Gedenkstätten (ed.), *Der Tatort Mauthausen – Eine Spurensuche/The Crime Scenes of Mauthausen – Searching for Traces*, Wien 2014. For a detailed discussion of various archaeological research projects at the sites of Nazi terror, including those not necessarily framed as forensic, see Claudia Theune’s contribution in this volume.

50 Eric Klinenberg, *Bodies that Don’t Matter. Death and Dereliction in Chicago*, in: *Body and Society* 7 (2001) 2-3, 121-136, here 121.

51 *Ibid.*

52 This is one of the issues addressed by Eyal Weizman in his contribution to this volume.

turn, to the emergence of a new evidentiary model, labelled by Weizman in terms of “object-oriented juridical culture”.<sup>53</sup> Yet as much as this orientation towards the material, and its ability to contain and transmit information, reintroduced objects and bodies into legal proceedings around political violence, it also brought in the figure of the forensic expert, an agent endowed with the capacity to interpret it. If, as famously claimed by Clyde Snow, bones never lie,<sup>54</sup> it is mainly because they do not speak and always need someone to do so on their behalf. Whether on-site, in forensic laboratories or in juridical processes, this is being done by anthropologists, pathologists, odontologists, archaeologists, biologists, specialists in forensic taphonomy, and sometimes even by architectural historians. The foregrounding of forensic expertise, its scientific methods and regimes of truth in translating material legacies of violence, therefore, necessarily relies on mediation, itself operating on various scales of probability and structured by divergent modes of argumentation.

In fact the modes of argumentation imposed by juridical settings differ significantly from the ones governing scientific practice. Constituted on adversarial logic and based on cross-examination of evidence, the trial process, as its practitioners are well aware, requires specific “rhetorical strategies” and “techniques and technologies of demonstration”.<sup>55</sup> It is for this reason that Keenan and Weizman argue in *Mengele’s Skull* that the advent of the ‘forensic turn’ not only failed to conclusively solve the problems associated with human testimony, its vulnerability and resulting unreliability and, instead, invited doubt over conflicting interpretations of material evidence. It also signalled an advent of ‘forensic aesthetics’ understood both as a reconfiguration of the field of mass violence investigations through forefronting its material dimension, and as a means or art of persuasion: “it is an arduous labour of truth construction, one employing a spectrum of technologies [...], all sorts of scientific, rhetorical, theatrical and visual mechanisms [that] can make things appear in the world”.<sup>56</sup> Perhaps the term as such should be framed in plural, giving justice to a variety, in Zoe Crossland’s words, of the “fields within which [...] evidence is produced as part of forensic investigations”,<sup>57</sup> also beyond the bounds of the court. The search for and analysis of material legacies of political violence, apart from being called upon to support legal arguments, is also considered a vehicle to construct historical records of their unfolding (reconstruction of sequences of events, circumstances and causes of death etc.) and to identify the victims for the purpose of repatriation. All three objectives of forensics, framed by forensic scientists as legal, historical and

---

53 Weizman, *The Last of Possible Evils*, 114.

54 See Christopher Joyce/Eric Stover, *Witnesses from the Grave. The Stories Bones Tell*, Boston 1991, 144.

55 Keenan/Weizman, *Mengele’s Skull*, 67.

56 *Ibid.*

57 Zoe Crossland, *Evidential Regimes of Forensic of Forensic Archaeology*, in: *Annual Review of Anthropology* (2013) 4, 121-137, here 122.

humanitarian, respectively,<sup>58</sup> demand distinct and, at times, competing, modes of truth construction and of collecting, preserving, assessing and presenting evidence. It is in this sense that Crossland writes about “evidential regimes” of forensic investigations that dictate and differentiate “what is allowed to enter in as a material fact and how it is evaluated”,<sup>59</sup> depending on their situated conditions, specific goals and audiences addressed.

And it is exactly this diversification of forensic forums, the publics addressed by forensic experts (which go far beyond the courtroom), that is probably most indicative of the dynamic of the ‘forensic turn’ in the context of mass death and political violence. This diversification has also significantly contributed to a profound shift in the very idea of forensics, which Adam Rosenblatt identifies as a refocusing of forensic efforts from merely legal (prosecution of perpetrators) to predominantly humanitarian that revolve around the dead, their identification and return to family members for burial,<sup>60</sup> and around (re)constructing narratives of past events. As exemplified by the logic of legal proceedings pertaining to the Srebrenica war crimes, the evidence required by prosecution at the International Criminal Tribunal for the former Yugoslavia encompassed forensic reconstruction of circumstances and *modi operandi* of the perpetrators, but did not include establishing the identity of the 8,000 victims executed in July 2014 by the soldiers of the Bosnian Serb Army of Republika Srpska.<sup>61</sup> The latter was demanded by the relatives of the dead and undertaken by a different body, the International Commission on Missing Persons established in 1996. Here, it was the needs of the families and relatives of the dead (largely incompatible with those of the court) that influenced the dominant trajectory of forensic efforts – this being the search for, recovery and individual identification of the bodies, from 2001 on structured by development and mass application of DNA biotechnology. In this way, the evidential regime of the juridical process gave way to one increasingly framed in terms of human and humanitarian rights: the rights of victims’ families to know the fate of the missing and the whereabouts of his/her remains, to repatriate the remains of next of kin, and, finally, to the restitution of the deceased’s identity by means of forensic genetics, recommended by a 2009 UN Human Rights Council Resolution on *Forensics and Human Rights*.<sup>62</sup>

---

58 Hugh Tuller, Identification Versus Prosecution. Is It Simple, and Where Should the Archaeologist Stand, in: Zoe Crossland/Rosemary A. Joyce (ed.), *Disturbing Bodies. Perspectives on Forensic Anthropology*, 85-101, here 86-97; William Haglund, Recent Mass Graves. An Introduction, in: William Haglund/Marcella Sorg (ed.), *Advances in Forensic Taphonomy. Method, Theory, and Archaeological Perspectives*, Boca Raton 2002, 243-261.

59 Crossland, *Evidential Regimes*, 121-137, here 124.

60 Rosenblatt, *Digging for the Disappeared*, 12-16.

61 See for instance Tuller, *Identification Versus Prosecution*, 85-100; Crossland, *Evidential Regimes*, 121-137; For an account of struggles of the relatives of the Srebrenica dead, see Wagner, *To Know*; and Wagner and Jugo’s contribution to this volume.

62 See UN Human Rights Council Resolution 10/26, *Forensics and Human Rights*, [http://ap.ohchr.org/documents/E/HRC/resolutions/A\\_HRC\\_RES\\_10\\_26.pdf](http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_10_26.pdf) (1 February 2017). See also Rosenblatt, *Digging for the Disappeared*, 16-17.

Interestingly, forensic investigations' emphasis on mourning relatives of the missing and/or the dead rather than (or less predominantly) the courts was already pivotal in the context of Argentinian exhumations – the cradle of the 'forensic turn'. Back then, the main intention behind the exhumations and identifications was to bring an end to the uncertainty around disappearances, facilitate (potential) closure for grieving families, and restore the dignity of the dead. They were, therefore, from beginning to end, founded on direct involvement of victims' families, though some fiercely objected to them on political grounds.<sup>63</sup> Largely governed by the wishes of relatives of the missing, based on transparency of adopted procedures and continuous negotiation of research results, the work done by the Argentine Forensic Anthropology Team established a direction paradigmatic for many subsequent forensic investigations. But the investigations' family- or victim-centric character also articulated a thoroughly ethical dimension of forensic work in the context of political violence, one revolving around the question of how, in Rosenblatt's words, forensics can and does "respond to the dynamics of grief, the desire to care for bodies and objects, and the violations inflicted on the victims of atrocity even after their deaths".<sup>64</sup> This obligation towards the living and the dead assumed by forensic scientists in the course of investigations of mass and individual graves has tightly bound forensic aesthetics with the project of a 'forensic ethics'. As Gabriel Gatti states powerfully, though not without an element of criticism, by applying a scientific instrumentarium:

"[F]orensic anthropology is *reclaiming* good by *rebuilding* the identities destroyed by the practice of forced disappearance, *recovering* remains of the disappeared and *restoring* them to relatives. And even though it is not possible to *return* to a time before they were disappeared and/or killed, finding and identifying their bodies at least makes it possible to manage their death in a territory where pain is more bearable."<sup>65</sup>

But it also transforms this territory into one where both death and the dynamics of grief become inherently and irrevocably forensically mediated.

Gatti and Crossland's ethnographic work on Argentina, Sarah Wagner's on Srebrenica, Franciso Ferrándiz's on the exhumations of Spanish Civil War graves, and Layla Renshaw's on Spain and graves from the First World War (discussed in this volume through the interpretive lens of the 'forensic gaze') are an excellent illustration of the ways in which the forensic "response to the dynamic of grief", in fact, happens to actively shape it. The 'normalisation' of forensics at sites of mass death and political violence, in

---

63 See for instance Zoe Crossland, *Violent Spaces. Conflict Over the Reappearance of Argentina's Disappeared*, in: John Schofield/Colleen M. Beck/William G. Johnson (ed.), *Material Culture. The Archaeology of Twentieth Century Conflict*, London 2002, 115-131; Rosenblatt, *Digging for the Disappeared*.

64 Rosenblatt, *Digging for the Disappeared*, 7.

65 Gabriel Gatti, *Surviving Forced Disappearance in Argentina and Uruguay. Identity and Meaning*, New York 2014, 59.

courts, and in the spaces between the living and the dead translates into how the latter are cared for, how their bodies and practices around them are being constructed, performed and experienced by the relatives. This applies equally to the imposition of the often unwelcomed equation of closure with identification, repatriation and reburial of human remains, framed by Renshaw as an orthodoxy of forensic discourse (even in its most humanitarian incarnation);<sup>66</sup> as to the conditioning of mourning by “external rhythms, procedures, and regimes of truth”<sup>67</sup> determined by the rigid rules of forensic practice. Perhaps the ‘normalisation’ of DNA-based identification, first in Srebrenica and later in other contexts of mass death, both politically inflicted and otherwise, brings most sharply into focus the extent to which forensic science fashions the treatment and the very understanding of the dead. Based on extraction and analysis of genetic material unique to every human individual, DNA biotechnology as a technoscientific production of identities not only contributes to their reframing in purely biological terms and, through retracing genetic bonds, to their unequivocal positioning within familial networks defined by blood, at the cost of other social and affective affiliations. Just as it individualises each and every death, it also individualises loss and structures it around material economies of needles, blood samples, and repositories filled with remains still awaiting identification, and around affective economies nested in forensically defined material presence/absence of the corpse. It is in this sense that one can understand Keenan and Weizman’s assertion that the advent of the ‘forensic turn’ not so much responds to existing forums (both juridical and extra-judicial), but, through its reorientation towards objects and bodies, actually profoundly transforms them.

## History Making/Memory Making

The changes brought about by the ‘normalisation’ of forensics and its emphasis on materialities of mass death have extended far beyond the realm of individual dynamics of memory and grief. They have led to the emergence of new links and tensions between science, religion, and individual and collective memory practices at the time and in the wake of exhumations and archaeological investigations. Some of these were prominently brought to the fore in the context of Srebrenica, a case analysed in depth in Admir Jugo and Sarah Wagner’s chapter. There, the method of disposal of victims’ remains (their fragmentation and comingling through burials in secondary and tertiary mass graves) and their resulting forensic handling (i.e. stepwise exhumation, DNA identification, and storage) entailed the development of a new commemorative idiom constitutively struc-

---

<sup>66</sup> Renshaw, *Exhuming Loss*, 12.

<sup>67</sup> Francisco Ferrándiz/Antonijs Robben, Introduction. *The Ethnography of Exhumations*, in: Ferrándiz/Robben, *Necropolitics*, 1-38, 11.

tured around the dead. On 11 July every year, an official commemorative ceremony and burial of recently identified bodies takes place at the state-sponsored Srebrenica-Potočari Memorial Centre, efficaciously investing individual/familial experience of grief with a social and political dimension, perhaps unsurprisingly experienced by some as a nationalist instrumentalisation.<sup>68</sup> It has also necessitated theological redefinitions of the dead (as martyrs) to make their religious burial possible, and contributed to revisions of what, in religious terms, constitutes a dead body (advising that incomplete human remains should be treated in the exact same way as a complete body).<sup>69</sup> Similar tensions also invariably animate debates around research carried out at Holocaust-related sites: those are fuelled by the rabbinical prohibition to disturb the graves. And while this has motivated some archaeologists working at the former concentration/extermination camps and Nazi killing sites to devise new methodological approaches – as is the case with Caroline Sturdy Colls, who frames her own application of non-invasive methods in terms of research ethics rooted in responsiveness to religious sensitivities – the issue remains contentious.<sup>70</sup>

This contentiousness has been perhaps most powerfully epitomised in the clashes surrounding the mass graves of Jedwabne since the early 2000s. It was there that in July 1941 over 340 Jewish Poles were brutally murdered by their non-Jewish compatriots, the vast majority of them burned alive in a barn.<sup>71</sup> The Institute of National Remembrance (IPN), tasked with investigating the crime between 2000 and 2003, examined the case and closed it after releasing related findings.<sup>72</sup> Due to religiously motivated objections of many rabbinical authorities in Poland and abroad, the graves in Jedwabne were never fully opened, nor were human remains taken to forensic laboratories for further analysis,<sup>73</sup> and the investigation was called to a halt after a couple of days, frustrating forensic scientists and many representatives of the wider public.<sup>74</sup> But this also created the incen-

---

68 Wagner, *To Know*, 185–212. See also Wagner and Jugo's contribution in this volume.

69 These are discussed in detail in Wagner, *To Know*, 215–220.

70 See Caroline Sturdy Colls, *Holocaust Archaeology: Archaeological Approaches to Landscapes of Nazi Genocide and Persecution*, in: *Journal of Conflict Archaeology* 7 (2012) 2, 71–105; Caroline Sturdy Colls, *The Archaeology of the Holocaust*, in: *British Archaeology* (2013) 130, 50–53; Sturdy Colls, *Holocaust Archaeologies*, 87–109; and her contribution to this volume.

71 The investigation was prompted by the Polish publication of Jan Tomasz Gross' book on the pogrom in 2000. Jan Tomasz Gross, *Neighbors. The Destruction of the Jewish Community of Jedwabne, Poland 1941*, Princeton 2001; see also Anna Bikont, *The Crime and the Silence. A Quest for the Truth of a War-time Massacre*, London 2015.

72 See Paweł Machcewicz/Krzysztof Persak (ed.), *Wokół Jedwabnego*. Studia, Warsaw 2002; Paweł Machcewicz/Krzysztof Persak (ed.), *Wokół Jedwabnego*. Materiały, Warsaw 2002.

73 Only the top level of two graves was removed to uncover human remains, which were then examined on site, in compliance with the wishes of the Chief Rabbi of Poland. See Michael Schudrich, *Jewish Law and Exhumation*, in: *International Holocaust Remembrance Alliance* (ed.), *Killing Sites. Research and Remembrance*, Berlin 2015, 79–84.

74 See for instance Joseph A. Polak, *The Neighbors. A Halakhic Inquiry*, in: *Tradition. A Journal of Orthodox Jewish Thought* 35 (2001) 4, 23–43; Jan Tomasz Gross, *Critical Remarks Indeed*, in: Antony Polonsky/



tive for a social campaign launched in 2016 by right-wing activists in Poland to compel the state to exhume and forensically investigate human remains of the victims of the Jedwabne pogrom. As many as 12,000 people, including numerous inhabitants of the town, signed a petition calling on the Polish government to reopen both the investigation and the graves, and to subject recovered remains to a thorough examination.<sup>75</sup> Based on the argument that during the investigation in the 2000s forensic exhumations had not been carried out conclusively and, consequently, did not play a significant role in establishing the verdict of the IPN inquiry (unequivocally asserting culpability of the town's wartime inhabitants), the 2016 initiative was explicitly directed against 'Jewish' authority over the graves, substantially constraining the applicability of archaeology and forensic science. Yet in calling for exhumations of mortal remains and their forensic investigation as a means to "establish the truth about the events of 1941",<sup>76</sup> the initiative also exposed how the dominance of and uncritical reliance on the truth regime of forensics can feed and fuel not only historical records supporting legal arguments and requests for justice,<sup>77</sup> but also revisionist historical claims.

Layla Renshaw, reflecting on the representational dimension of forensic investigations, contends that "excavation constitutes a production of the past, not simply the exposure of the neutral and natural evidence of the past hitherto concealed".<sup>78</sup> If this pertains to forensically informed and mediated practices of collecting, preserving, analysing and presenting material traces of past violence, it applies even more so to statements of the past constructed on this basis. Instead of establishing a source of "definitive and reliable evidence", and putting an end to the circulation of conflicting and contradictory truth claims, investigations often open space for new representations and narratives of past events, and for their new political and conceptual framings.<sup>79</sup> Or, conversely, being largely dependent on the positionality of stakeholders behind investigations and those constructed as their addressees and/or beneficiaries, they serve to strengthen and substantiate existing (dominant) narratives around the past. This also applies to forensic interventions cast as not directly implicated in and orientated towards political truth-making, such as, for instance, the one behind the Polish Genetic Database of Victims of Totalitarianisms,<sup>80</sup> tasked with collecting and analysing DNA samples of anonymous

---

Joanna B. Michlic (ed.), *The Neighbors Respond. The Controversy over Jedwabne Massacre in Poland*, Princeton/Oxford 2004, 344-370; Rosenblatt, *Digging for the Disappeared*, 125-152.

75 Agnieszka Domanowska, *Ekshumacja w Jedwabnem?* [Exhumation in Jedwabne?], in: *Gazeta Wyborcza*, 15 July 2016, <http://wyborcza.pl/7,75398,20401801,ekshumacja-w-jedwabnem.html> (12 August 2016).

76 For the content of the contentious petition (in Polish), see <http://solidarni2010.pl/33634-zadamy-wznowienia-ekshumacji-w-jedwabnem-12-tys-podpisow-pod-wnioskiem-i-ciszanbspnbsp--aktualizacja.html> (8 February 2017).

77 Crossland, *Evidential Regimes*, 128-129.

78 Renshaw, *Exhuming Loss*, 167.

79 See, for instance, Rob van der Laarse's contribution to this volume.

80 <https://www.pbgot.pl> (12 May 2016).

remains recovered from mass and individual graves dating back to 1939–1956. Launched in 2012 by the Pomeranian Medical University and IPN, initially as a means to forensically identify the victims of Stalinism in Poland (1944–1956), this project effectively upholds and perpetuates state-sponsored nationalist ‘historical politics’ structured around the double occupation/genocide paradigm and based on politically inflected (and undifferentiated) construction of the dead as victims or ‘heroes’.<sup>81</sup>

But it is not only the truth appeal of forensics that renders it a particularly valuable ally in debates around the past and its variously fashioned production. As the sharp responses to the work mentioned in the introduction also indicate, the processes of unearthing, displaying and manipulating with ‘forensically’ acquired material – bodies, but also objects that once belonged to the dead – almost invariably elicit strong emotive responses.<sup>82</sup> Its immediate and/or mediated presence unlocks a vast array of affects, and, when ‘appropriately’ framed, becomes capable of spurring political engagement, fostering identification and empathy or, on the contrary, hostility towards the other. This affective impact of forensic findings comes to be increasingly mobilised not only in public, medial, and political representations of violence, but also in the processes of memory formation, memorialisation and musealisation, analysed in detail in Rob van der Laarse and Francesco Mazzucchelli’s contributions to this volume. In this context, Jean-Marc Dreyfus and Élisabeth Anstett even speak of a “real paradigm shift in remembrance”, one characterised by increased attentiveness to materialities of mass death brought about by (and further putting in force) the ‘forensic turn’, as an effect of which “collective memories would [...] no longer be drawn from testimonial paradigm but from the paradigm of material evidence”.<sup>83</sup> It is debatable whether this shift will (or ought to) result in a complete replacement of one paradigm by the other, instead of initiating new tensions and interconnections between the two – a point that comes to the fore in different ways in the chapters written by Eyal Weizman, Johanne Helbo Bøndergaard, and Roma Sendyka, all of whom advocate for acknowledging the political/ethical/aesthetic role of testimony after the advent of ‘the era of forensics’. Nonetheless, what is clear by now is that it is not only the epistemic value of forensic evidence that renders it a powerful tool in memory making, but also its discursive, performative and affective qualities: the ability to materialise and ‘authenticate’ the past, and to invite individuals and societies to relate affectively, practically, and interpretatively to the past it embodies. It is in this sense that in his

---

81 This pertains particularly to a highly diversified group of members of military organizations, who, at the end of the Second World War and in its aftermath, refused to accept the new political regime and fought against it. Although some members of those organizations were extremely nationalist, antisemitic and/or had committed crimes against civilians (ethnic minorities, but also ethnic Poles), nowadays they are all honoured and commemorated as ‘cursed soldiers’ – an umbrella term introduced to political and public discourse in 2011, which effectively conceals and devaluates differences between those groups.

82 See for instance Renshaw, *Exhuming Loss*; Renshaw’s, Wosinska’s and my contributions to this volume.

83 Anstett/Dreyfus, Introduction. *Why Exhume?* 1–14, here 6–7.

contribution to this volume Mazzucchelli and Sendyka argue against identifying the ‘forensic turn’ with the irrevocable end of the era of the witness. It is to be conceptualized rather as a complex process through which the (discursive) role of the witness is extended onto materiality and the myriad of non-human actors that surround us.

## Politics and the Agency of Dead Bodies

A paradigmatic change intrinsically entwined with the advent of the ‘forensic turn’ relates also to a fundamental shift in the position of the dead within contemporary cultural and political imaginaries, especially those shaped in response to the experience of political violence. It is perhaps in this sense that one can most convincingly locate the evocative power and interpretive potential of *The Dead Are Coming* by the Centre for Political Beauty and its resort to imagery of forensic investigation. While the main intention of the action was to expose the ‘external’ frontiers of the European Union as the site of an ongoing and unsatisfactorily addressed humanitarian catastrophe, and to lay bare the dramatic ramifications of the ever-strengthening European border regime, it also brought into sharp focus the importance of the dead – as bodies searched for, exhumed, and reburied – for contemporary accounts of mass death, and for fostering not only affective but also political mobilisation around it. By locating the dead at the centre of attention, the collective manifested the role of human remains as a prime locus of dense politics during and in the aftermath of mass violence. In *Dead Commodities*, Godofredo Pereira writes about this phenomenon as a cultural and political “rediscovery of the dead”<sup>84</sup> and directly links it to the post-1980s development of forensic sciences. The question as to which came first fades into insignificance beside the need to consider the implications of their close entanglement. The proliferation of politically driven forensic investigations, exhumations and reburials has translated into a significant change of the status of the dead in contemporary societies.<sup>85</sup>

Undoubtedly, the forensic-led exhumations of mass graves have invested human remains with unprecedented power to organise imagination, structure (memory) politics, and make social worlds. In this, they have created a germane addition to the diagnoses advanced by Katherine Verdery in her 1999 book *The Political Lives of Dead Bodies: Reburial and Postsocialist Change*. Verdery analysed nationally-based responses to the post-socialist transformation expressed in the treatment of “political corpses”.<sup>86</sup> Yet while her focus was mostly on the highly publicised practices of digging up and reburying the bodies of important political figures throughout Eastern Europe in the aftermath

---

84 Godofredo Pereira, *Dead Commodities*, in: *Cabinet* (2011) 43, *Forensics*, 90-94, here 90.

85 *Ibid.*

86 Katherine Verdery, *The Political Lives of Dead Bodies. Reburial and Postsocialist Change*, New York 1999.

of 1989, the advent of the 'forensic turn' radically broadened the scope of – or, perhaps, democratised – the “corpocentric focus”<sup>87</sup> of politics and its ability to reconfigure the communities as communities of the dead (to which both the dead and the living belong).

Francisco Ferrándiz and Antonius Robben argue that this corpocentrism of politics is never as visible as in contexts where forensic investigations are commissioned and performed. Each of them actualises a distinctive necropolitical regime, understood as a thoroughly politically inflicted management of dead bodies.<sup>88</sup> In this, the authors of *Necropolitics* make it clear that the practices performed by forensic scientists tasked with the recovery and identification of human remains are inevitably enmeshed in a dense network of social and political relations. Scientifically (and ethically) driven as they are, forensics-led exhumations aim to re-establish human remains as individual, social and political beings and reinscribe them into familial, but also social and political communities. This can also be a source of the often considerable tension between the state – whose role is commonly to institute the trajectories of human remains and decide on their fate (including inscription of collectivised identities) – and ownership claims put forward by the relatives of the dead. Again, the use of DNA biotechnology can serve as a telling example. As it enables individual identification of the bodies, it also implicates them into legal and bureaucratic regimes of power, reconstituting anonymous human remains into political subjects, i.e. victims of political or genocidal violence; members of collective bodies; and, most importantly, grievable people.<sup>89</sup> For this reason, the two trajectories of forensic investigation – scientific/judicial (establishing the dead body as evidence, *corpus delicti* in various legal contexts) and necropolitical (restoring the identity and dignity of the dead on a social and political plane) – though distinct, are practically inseparable. As famously put by Sarah Wagner, DNA biotechnology is at the same time a technoscientific tool, a technology of repair, and an instrument of governmentality.<sup>90</sup>

*The Dead Are Coming* also highlighted the deep, politically-charged dynamics behind forensic investigations and their role in the processes of fashioning communities of the dead. As it provided a bitter commentary on, and performative alternative to, “Europe’s selective sense of compassion”<sup>91</sup> – rendering the deaths of those perishing on the shores of Europe politically invisible and, thus, unworthy of grieving – the action forefronted, above all, the problem of uneven distribution of forensic efforts, extensively invested in some geopolitical contexts and effectively denied in others. It raised questions: Why are certain graves investigated and others not? Why do only certain dead gain recognition as

---

87 Ferrándiz/Robben, *The Ethnography of Exhumations*, 1-38, here 2.

88 *Ibid.*, 2-3.

89 The latter term comes from Judith Butler’s, *Frames of War. When Is Life Grievable?* London/New York 2010.

90 Wagner, *To Know*, 245-265.

91 <https://www.politicalbeauty.de/toten.html> (1 December 2017).

victims of political violence? Why do certain dead remain excluded from the communities of the dead? These questions remain relevant in the context of European border deaths, but also in relation to the globally unfolding ‘forensic turn’ and its rather selective impact. In *Human Remains and Identification*, Dreyfus and Anstett remark, for instance, that we still know little about the graves of victims of the Armenian genocide, of Sinti and Roma victims of the Holocaust, and those killed by the Khmer Rouge regime in Cambodia (1975–1979). And while this observation leads them to ask about the conditions (the character and scale of violence) rendering “planning and implementing of search for and identification of human remains”<sup>92</sup> difficult, it could also invite (as it does) reflection on the broader implications and inclusionary/exclusionary logics of situated politics of dead bodies. This issue is of crucial importance for Małgorzata Wosińska’s contribution in this volume, devoted to the complex politics around the dead in contemporary Rwanda. In her chapter, Ewa Domanska pushes the question one step further and, from a post-anthropocentric perspective, asks the reader to probe the very consequences of ‘normalisation’ of forensic investigations and exhumations (and the resulting politicised treatment of the dead) for our planetary future.

Nevertheless the necropolitical dimension of the “rediscovery of the dead”, rendering dead bodies into objects of variously fashioned political operations, also goes hand in hand with an increased attention to their status as actors, endowed with various forms of agency. Weizman posits that “the entry of bones to the forums of international justice”, and, one can assume, their very presence in the context of forensic investigations and exhumations, “gave agency to the dead”.<sup>93</sup> Paradoxical as it might seem, this pertains, first and foremost, to the framing of corpses and human remains by forensic experts themselves. As Renshaw notes in her contribution to this volume,

“The attribution of agency to the dead recurs in forensic science as a discipline [...]. It is a trope, bordering on a cliché, that the remains of the dead can ‘bear witness’ to what has befallen them. This frames forensic evidence collected from the body as a kind of post-mortem testimony, with the forensic scientist or archaeologist merely acting as the interlocutor who allows the dead to ‘speak’.”

Epitomised in the “figure of a speaking corpse”,<sup>94</sup> a body that tells the (osteobiographical) story of its life and of the violence inflicted upon it, the agency of the dead relates in this particular context to their ability to convey a ‘truthful’ account of events: details about circumstances and causes of death, and about *post-mortem* treatment of human remains, are invariably inscribed in bone fractures, wounds, tissue, and blood. While this testifies predominantly, in Crossland’s words, to the “empiricist view of the dead

---

92 Anstett/Dreyfus, Introduction. Why Exhume?, 1-14, here 7.

93 Eyal Weizman, Notes on Forensics, in: Dufour (ed.), *Images of Conviction*, 231-234, here 233.

94 Zoe Crossland, The Agency of the Dead, in: N.J. Enfield/Paul Kockelman (ed.), *Distributed Agency*, Oxford 2017, 181-189, here 181.

body as self-evident fact”<sup>95</sup> and perpetuates the construction of forensic science as a mere reconstruction of ‘truth’ inscribed in the material traces of mass death and political violence, it also gives voice to the ambivalence of working with and on human remains. Grounded in their unsettling ontological status as both material things and once living human beings – as objects of forensic investigation and carriers of deferred intentionality of the dead<sup>96</sup> – the figure of a speaking corpse speaks to the often unacknowledged affective dimension of forensic work. To construct a corpse as capable of bearing witness and to reduce the forensic truth-construction to a reading of its language “is to transfer agency to the dead, and along the way to acknowledge some of the conflicted emotions that the work with the dead entails – emotions that are foreclosed to scientists working within a legal context”<sup>97</sup> – contends Crossland.

Perhaps unsurprisingly, the agentivity of the forensic corpse finds a powerful counterpart in ethnographic accounts proposing perspectives that extend beyond scientific and/or legal contexts. In her chapter on the graves of Spanish Civil War and First World War graves at French Fromelles, Renshaw shows that the attribution of agency to human remains, framed here as “the collaboration of the dead in their own recovery”, constitutes a recurrent trope in the accounts both of archaeologists and relatives of the dead. Also Wosińska, building upon her field research in Rwanda and upon various theorisations of human remains in the emergent field of dead body studies, introduces the agency of the dead into the analysis – an agency that rests upon their disturbing physical and sensuous presence and their ability to shape relations among the living. In my own contribution concerning the material, political and affective afterlives of the ashes of the victims of the Holocaust, I develop a conceptual frame in which the categorically unstable subjecthood/objecthood of human remains not only translates into their unobtrusive agentivity but, in fact, also comes to act as a *locus* of a differently orchestrated politics of dead bodies.

## Beyond the Scientific/Legal Notion of Forensics

In its engagement with the ‘forensic turn’ and its various dimensions and implications, this book, nevertheless, decisively moves beyond a mere focus on the fields structured around, and transformed by, the deployment of forensic science in the context of political violence. In expanding the conceptual space to include the movement of the concept into broader social/cultural/political/theoretical realms, it also calls for an alternative mapping of the ‘forensic turn’ and resulting shifts in the very notion of forensics. This

---

<sup>95</sup> Ibid., 182.

<sup>96</sup> See for instance Howard Williams, *Death Warmed Up. The Agency of Bodies and Bones in Early Anglo Saxon Cremation Rites*, in: *Journal of Material Culture* (2004) 9, 263-291.

<sup>97</sup> Crossland, *The Agency of the Dead*, 181-189, here 182-183.

involves reflection on its place within wider structures of knowledge production, distributed in this volume between scholarly, political and artistic practice, and explored at their intersections. In this sense, the book loosely builds upon the conceptualisation of mapping proposed by Jonathan Flatley and developed in a dialogue with Gilles Deleuze and Felix Guattari's rhizomatic map. Considered a means of (self-)representation and charting of one's own historically conditioned position(s), a map is, in this view, "not a stable representation of a more or less unchanging landscape; it is a map less in the sense that it establishes a territory than it is about providing a feeling of orientation and facilitating mobility".<sup>98</sup> The reference to mobility implies, here, both the importance of connectivity, i.e. movement between a multiplicity of possible directions, and the fact that the map is always potentially subject to revision. But this kind of map also, necessarily, remains inclusive, both in its conceptual, disciplinary and temporal reach. To quote Flatley, it "not only gives a view of a terrain shared with others in the present but also traces the paths, resting places, dead ends, and detours we might share with those who came before us",<sup>99</sup> and those who will come after. In this, it perhaps provides a model for a differently constructed 'turn' – one understood not so much as a strong paradigmatic *coup* in social and human sciences but as a weak and diffused shift, a "certain set of not always entirely compatible developments".<sup>100</sup>

The disciplinary openness of this book – bringing together contributions written, amongst others, by architects, (forensic) archaeologists, anthropologists, historians, literary scholars, semioticians, representatives of cultural, memory and genocide studies – ensures that these developments are addressed through disparate conceptual lenses and, indeed, call forth divergent articulations. For a forensic archaeologist, Caroline Sturdy Colls, the 'forensic turn' implies, simultaneously, a deployment of forensic methods at the scenes of crime to recover evidence of physical and cultural genocides, and an ethically-driven reorientation of archaeological practice towards fulfilling humanitarian goals, identified, here, with a broadly defined "right to know"<sup>101</sup> (for instance, through locating unmarked mass graves and, in the case of cultural genocide, through revealing "information about lost culture and the people to which it relates"). In Robert Jan van Pelt's contribution, in turn, it entails the need to critically engage with the role of history and, more specifically, of historians, when called upon to act as forensic expert witnesses in the trials over genocides and political violence. Whereas in Claudia Theune's chapter the turn towards forensics could be seen to constitute an

---

98 Jonathan Flatley, *Affective Mapping. Melancholia and the Politics of Modernism*, Cambridge/London 2008, 7.

99 Ibid.

100 Richard Grusin, Introduction, in: Richard Grusin (ed.), *The Nonhuman Turn*, Minneapolis/London 2015, vii-xxix, here x.

101 See Sturdy Colls, *Holocaust Archaeologies*, 34.

exemplification or a constituent of a wider paradigm shift in the humanities – the material turn, with its emphasis on materiality and material culture –, Ewa Domanska argues for an altogether different conceptualisation. Instead of naming processes related to ‘normalisation’ of forensic investigations of the material legacies of mass violence, she contends, the ‘forensic turn’ ought to evince (and contribute) to a transformative dynamics brought about by “naturalisation and ecologisation of the humanities”, further opening space for a “non-dualist approach to relations between culture and nature, the human and the non-human, the living and the dead”. Based on an exploration of perspectives combining humanities, life and natural sciences (including forensic pathology, archaeology, and taphonomy), her contribution addresses the conceptual and practical implications of acknowledging the status of human remains not so much as social/political bodies but as organic matter constituting an element of a natural environment.

A similar perspective informs analyses proposed by Roma Sendyka and myself. The former, moving beyond the culture/nature divide, works towards a concept of a ‘forensic monument’ – a site not framed by human agency but marked by various bioenvironmental agents (for instance, vegetation or geophysical anomalies). Even when abandoned or not commemorated, genocidal sites remain hallmarked by the “presence of human remains that have not been naturalised by funerary rites” and, as such, continue to exert an affective impact. And while the task of deciphering them could be delegated to forensic scientists, Sendyka argues that the unobtrusively disturbing presence of such sites also calls for a decisive turn towards a ‘forensic sensitivity’ among scholars working in other disciplines addressing the legacies of political violence: anthropologists, cultural studies researchers, and representatives of memory studies. In Małgorzata Wosińska’s chapter, this translates into a need for a more conscious (ethnographic) engagement with the local, the site-specific, and the material. In a similar vein, though from a very different conceptual position, Francesco Mazzucchelli discusses the possibility of developing an integrative, semiotic-forensic approach to sites of political violence and the processes of their memorialisation. In her analysis of literary works increasingly “informed by the analytical, archaeological, and juridical orientation of forensic practices”, Johanne Helbo Bondergaard, too, advocates for a reorientation in memory research, to a large extent still organised around the category (and practice) of testimony. This is not to diminish or devalue the role of testimony in the context of political violence but to initiate a critical reconsideration of the entanglements between the testimonial and the forensic, their divergent modalities and purposes: “[R]ather than leaving testimony behind”, she claims, “a forensic shift reminds us of the differences between various forms and functions of testimony and reinstates it as an important juridical genre and historical source, the legacy of which we should acknowledge [...] in the courtroom and with regard to current forensic practices”, as much as in memory studies.



But Bøndergaard's focus on the emergence in post-Holocaust literature of a new 'forensic' genre, defined by an increased attentiveness to traces, landscapes, and documents, brings to the fore yet another dimension of the 'forensic turn' – one hinted at already in the introductory reference to *The Dead Are Coming*. It is not only in the humanities that a 'forensic sensitivity' has been adopted or, better yet, appropriated; this also comes about in a vast array of cultural and artistic practices evolving and revolving around materialities of mass death and political violence – in literature, action art, and in the visual arts. In his 2014 article, Paul Lowe discussed, under the umbrella of the 'forensic turn', a major development in contemporary post-atrocity photography, increasingly moving away from depicting victims of violence and characterised by an orientation towards objects and things, based on conscious reference to the genre of forensic, legal and evidential photography and to the methodologies of evidence-gathering.<sup>102</sup> In his view, this reorientation speaks both to the political dimension of photographic work documenting conflict and human rights violations, and the necessity of reconsidering the ethics of secondary witnessing: "Images of things that depict the traces of people rather than people themselves can potentially avoid much of the ethical quagmire of photojournalist practice [for instance, the exploitation and aesthetisation of suffering] whilst retaining its emotional and moral impact."<sup>103</sup> In her contribution to this volume, Stephenie Young, analysing examples of contemporary forensic art from the former Yugoslavia, pushes this discussion one step further. She shows how art used to document traces of war can, and does, go beyond merely grappling with the ethics and politics of witnessing. It also critically engages with the very concept (and practice) of 'documenting' structured by and around the truth regimes of forensics. Seen through the conceptual lens of 'forensic imagination', this kind of art deliberately moves beyond its scientific/legal connotations and "acts as a creative intervention that rejects the notion of forensics as a declaration of 'unequivocal truth' and therefore the end of contemplation and questioning". Opening up discourse about truth, it opens space for circulation of alternative narratives about the past.

Young's interpretation (which runs through many of the contributions collected in this volume), according to which forensics is not so much a scientifically or legally driven "uncovering [of] the unequivocal truth of what transpired"<sup>104</sup> as an arena where claims about the past are being constructed and contested by a myriad of political actors, comes most prominently to the fore in the chapter written by Eyal Weizman. The latter dis-

---

102 Paul Lowe, The Forensic Turn. Bearing Witness and the 'Thingness' of the Photograph, in: Liam Kennedy/Caitlin Patrick (ed.), *The Violence of the Image. Photography and International Conflict*, London/New York 2014, 211-234.

103 Ibid., 213.

104 Susan Schuppli, Forensic Imagination, <http://www.forensic-architecture.org/lexicon/forensic-imagination/> (14 July 2016).

cusses a series of investigations carried out by Forensic Architecture, an independent research agency he leads at Goldsmiths, University of London, which is engaged in exemplary work in the emergent field of “forensic activism”.<sup>105</sup> Resuming and expanding on the etymological meaning of the word as “pertaining to the forum”, Weizman shows how forensics – when appropriated by scholars, artists, and activists – can be mobilised to expose political violence perpetrated and effectively concealed by the states involved. In this way, he decidedly redefines *forensis* in terms of the critical, political practice of “civil counter-forensics”: a practice drawing from the forensic instrumentarium (i.e. techniques of collecting, analysing and presenting evidence) to put forward bottom-up demands for accountability. But he also brings in the meaning of forensics, which predates the conceptualisations instantiated by the emergence of the ‘forensic turn’ – namely those associated with technologies of surveillance and control.<sup>106</sup> “Indeed, the modern history of forensics is the history of the techniques by which state agencies monitor, survey, and govern their populations, enforce order, and regulate deviations”,<sup>107</sup> Weizman reminds us. This recognition is of crucial importance for his analyses of the legal, technical, and aesthetic implications of material limits of images mobilised as forensic evidence, and of the ability of counter-forensics to invert the disciplinary (forensic) gaze of the state. In considering both the perpetrating of violence and its investigations as image-based practices, Weizman makes manifest that they invariably operate in the fields structured by uneven access to technologies and media, which condition the vision and, to a great extent, constrain political action.

It could be argued that this recognition also stands behind the Centre for Political Beauty’s attempt to remap the imagery of forensic investigation onto the reality of European borders. After all, by proclaiming the border dead as victims of political violence, the action sought to expose the critical role played by sophisticated technologies of detection and surveillance and increasing border enforcement in transforming European border zones into scenes of (potential) crime. Based on the logic whereby the future threat is presented to legitimise security measures, this inherently forensic operation effectively partakes in further production of death at European borders – *The Dead Are Coming* means, among other things, that more dead are still to come. But there is more at stake than that. In performing an artistic exercise in ‘forensic activism’, the action has also drawn attention to a salient paradox running through the ‘forensic turn’ as defined by the ‘normalisation’ of forensic investigations. Initiating an interpretive play with both meanings of forensics – as a technology of surveillance and control and as a technology of repair – *The Dead Are Coming* exposed the essentially belated and compensatory

---

105 See <http://www.forensic-architecture.org> (12 May 2016).

106 For a discussion on this point and its implications for thinking about the contemporary ‘forensic turn’, see also Ewa Domanska’s contribution to this volume.

107 Weizman, *Forensic Architecture*, 65–66.

character of the latter: the fact that it is, constitutively, a practice of the aftermath. As Adam Rosenblatt rightly observes:

“The paradox is that international forensic teams arrive at mass graves only *after* the people in the graves have already had their most fundamental rights violated, irrevocably. They operate in a setting that is painted with failure: the failure of other nations to intervene against genocide in a prompt, legal, and effective manner (as in Rwanda and the former Yugoslavia), the failure of governments to preserve democratic institutions and protect basic rights (as in Chile and Argentina), and the everyday moral failure of human beings who slaughter in the name of dehumanizing ideologies.”<sup>108</sup>

The need to acknowledge this paradox and its politically charged implications is at the heart of *The Dead Are Coming*, an action that unmask (and inverts) the compensatory dimension of forensic investigation and, through the focus on failures and violations taking place in the present, proposes its subversive counterpart. But it should also inform scholarly, artistic and political engagements with the ‘forensic turn’, its “paths, resting places, dead ends, and detours”, not only in relation to past but also to unfolding realities of violence. It calls for a ‘forensic sensitivity’ that not so much responds to as opens work on the ways the aftermaths – also those projected onto the future – are yet to be imagined.

---

108 Adam Rosenblatt, International Forensic Investigations and the Human Rights of the Dead, in: Human Rights Quarterly 32 (2010) 4, 921-950, here 926.