

## War/Crime

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Choosing a single image to represent a collection of articles is always a challenge. Selecting the cover for this special issue was no exception. Ultimately, a desire to encapsulate the complex intersection of war and crime brought us back to the iconic figure of Henri Désiré Landru, a serial murderer whose story belongs at once to the history of the First World War and to broader histories of crime. Landru cloaked himself in the chaos of the war to move beyond the litany of frauds he had committed in the prewar era. While the police were distracted and many of the men away at war, Landru escalated his crimes, producing a list of casualties that rivaled many soldiers at the front. Arrested in 1919, he was charged and convicted of the murders of twelve women and one man. Landru, though, was no singular aberration. The “Bluebeard of Gambais,” as he was dubbed in the press, was one among a handful of serial murderers active during the First World War including Fritz Haarmann, the “Butcher of Hanover”, Carl Großmann, the “Butcher of Berlin,” George Joseph Smith, the “Brides in the Bath Killer,” and Helmuth Schmidt, the “American Bluebeard.”<sup>1</sup> If the First World War “made” these monsters, it did so conditionally. That is, it provided conditions favorable to the exercise of monstrosities.<sup>2</sup> Moving beyond the First World War, the conditional making of monsters might just as well apply to the actions of the “Ordinary Men” who perpetrated the Holocaust in Poland or the French paratroopers who committed torture during the Algerian War of Independence (1954-62).<sup>3</sup>

If war makes “monsters” conditionally, it also makes them imaginatively and contextually. The dehumanization of the enemy has historically been central to warfare and pivotal in modern genocides.<sup>4</sup> Ideological opponents are imagined as “monstrous,” but “monsters” are also imagined. Famously, the memory of civilian guerrillas in the Franco-Prussian War led to collective delusion among German soldiers in 1914. The belief that they were surrounded by *francs-tireurs*, monsters brought to life by the clash of past and present, led to the deaths of some 6,500 Belgian and French civilians—retribution for imagined crimes.<sup>5</sup> From imagined monsters we move to contextual “monsters”, those whose deeds are ordinary and perfectly lawful outside of the context of war. Conflict renders those same actions criminal and thereby criminalizes the actor. Regime change often turns the tables of legality and illegality overnight.

It is this last category of monster-making that comprises the majority of the articles here. Importantly, though, such categories are not discrete. State terror in the French Revolution, for

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<sup>1</sup> See for instance Watson, *The Trial of George Joseph Smith*; Buhk, *The Shocking Story of Helmuth Schmidt*; Béraud, Bourcier and Salmon, *L’Affaire Landru*; Elder, *Murder Scenes*; Aubenas, *Les Vampires*.

<sup>2</sup> This idea is most famously encapsulated in George Mosse’s “brutalization thesis” and attendant debates. See Mosse, *Fallen Soldiers*. The most pertinent critique of this position for the French context is Prost, “Les limites de la brutalisation,” 5–20.

<sup>3</sup> Browning, *Ordinary Men*; Branche, *La torture et l’armée pendant la guerre d’Algérie*.

<sup>4</sup> See for instance Harrison, *Dark Trophies*, and Hatzfeld, *Machete Season*.

<sup>5</sup> Horne and Kramer, *German Atrocities, 1914*.

example, resulted from the collision of the conditional, imaginative, and contextual making of “monsters.” The *représentants en mission*, ostensibly well-intentioned men, unleashed horrors on enemies both real and imagined. Failures by otherwise law-abiding citizens to appear sufficiently loyal to the new republic saw them targeted as counterrevolutionaries and punished accordingly.<sup>6</sup> It is this tangle of lawful and unlawful, of villain and hero, of monster and man, that emerges when we consider the nature of crime and the criminal in the context of war and conflict. In the “fog of war,” right and wrong become blurred and confusion leads to all manner of violations. What this special issue seeks to investigate, primarily, though not exclusively, is the relative nature of crime in wartime. Notions of crime and criminality are not fixed, but constantly under negotiation, particularly in times of crisis and great societal change.

Yet while it is not hard to find evidence to support the adage “war makes monsters”, which frames this collection, this aphorism tells only part of the story. Evidence suggests that war makes criminals of some, while exonerating others. It creates a context for the renegotiation of what constitutes “crime” and provides cover for certain varieties of misdeed while training a spotlight on others. During the First World War, for example, French senator Louis Martin proposed the suspension of legal penalties for abortion in the invaded territories where the rape of French women by advancing German forces was endemic.<sup>7</sup> The London Blitz of 1940-1941 created diversions that allowed nefarious activity to flourish, from the smashing of shop windows and looting of stores to murder.<sup>8</sup> The history of the European empires is replete with examples of legal exceptionalism,<sup>9</sup> particularly during moments of violent confrontation, within which the systematic use of torture by the French state during the Algerian War of Independence stands as a particularly notorious example.<sup>10</sup> During the Cold War, leftist thought became tantamount to subversion in the United States and Senator Joseph McCarthy brought hundreds of Americans before the House Un-American Activities Committee to investigate treason.<sup>11</sup> Though such examples are both highly selective and pertain to quite different, even incomparable, contexts, it is precisely the variable, unstable and often contradictory nature of the relationship between war and crime that the authors of this special issue aim to elucidate further.

A desire to explore in more detail this multifaceted and often fraught relationship between war and crime/criminality provided the impetus for a gathering of interdisciplinary scholars from the United States and Europe in June 2022 at the Humanities Institute of University College Dublin. The workshop, “War Makes Monsters: Crime and Criminality in Times of Conflict” took a global approach to understanding crime in wartime from a wide-ranging set of perspectives. Yet within that diversity, a cohesive set of French-focused contributions emerged which we decided

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<sup>6</sup> See for instance Tackett, *The Coming of the Terror in the French Revolution*; Palmer, *Twelve Who Ruled*; Lucas, *The Structure of the Terror*; Martin, *Violence et Révolution*.

<sup>7</sup> For fuller discussion of this issue, see Audoin-Rouzeau, *L'enfant de l'ennemi* and Harris, “The ‘Child of the Barbarian.’”

<sup>8</sup> See Staveley-Wadham, “Investigating Blackout Crime in the Second World War” and Francis, *The Flyer*, 147-151.

<sup>9</sup> See, for example, discussions of the ‘indigénat’ by Mann, “What was the Indigénat?,” 331-53; Saada, “La loi, le droit et l’indigène,” 165-90; Thénault, “L’Indigénat dans l’empire français,” 21-40.

<sup>10</sup> The classic text here is Branche, *La torture et l’armée pendant la guerre d’Algérie*.

<sup>11</sup> See, for instance, Fried, *Nightmare in Red*.

collectively to develop further. Spanning the fifteenth to the twentieth centuries, encompassing both metropole and the empire, the case studies presented in this issue include constructions of military criminality in the wake of the Hundred Years War and during the First World War, the drawing of distinctions between legitimate violence and murder in the French Revolution, the mid-twentieth-century criminalization of Algerian black marketeers, and the criminalization of war itself through association with a famed serial murderer. They are united in that they all recognize crime in wartime as both a cultural construction and a product of circumstances. As Joseph Clarke noted in his original workshop paper, “Conflict complicates things. Acts that normally appear intolerable, aberrant, an affront to every known norm – the act of killing for example – suddenly become acceptable, instrumentalized, even admirable in wartime.” This collection of articles digs into this complexity, into the instability of definitions and understandings of crime and criminality in specific historical moments, and into the worlds of a range of historical actors whose lives were far richer and more interesting than externally affixed labels such as “criminal” or “monster” might suggest.

Since the fifteenth century, French history has not lacked for major conflicts – the Hundred Years War, the Wars of Religion, the Revolutionary and Napoleonic Wars, the World Wars, the wars of conquest and liberation that marked the rise and fall of the First and Second French Empires. Each of these episodes has been extensively studied, not only from legal and intellectual perspectives but also in terms of “war as practice”, from qualitative and quantitative angles, from the top down and the bottom up, as well as in comparative frames. Within this body of scholarship, questions of crime and criminality appear in multiple guises. As the footnotes to our respective articles attest, the contributors are very conscious of the ways in which our work engages with and is indebted to this extensive hinterland. Although a summary of this vast historiography is simply not possible in the space of this introduction, there are certain key themes and debates that have particularly informed the framing of this collection. Much of the discussion within this special issue relates to the challenges war posed to existing legal systems and processes, whether their authority was royal, republican, or military in nature. This is particularly well-trodden ground for the late medieval and early modern periods.<sup>12</sup> What the authors of this special issue share with these scholars is an interest in the gap between perception and practice. Writing about the French Wars of Religion, for example, Tom Hamilton has pushed back, both qualitatively and quantitatively, against the assumption that criminal justice was already so weak that it effectively ceased to function during this turbulent period.<sup>13</sup> In a similar vein, the supposed “laxity” of fifteenth century monarchs or the widely touted “harshness” of

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<sup>12</sup> Useful surveys of this literature include Parker, “Early Modern Europe”, 40–58; Gunn, Grummitt, and Cools, “War and the State in Early Modern Europe,” 371–88; Wilson, “Warfare in Europe,” 174–93; Bowd, *Renaissance mass murder*. For the French context specifically, see Verreycken, *Crimes et gens de guerre au Moyen Âge*; Skoda, *Medieval Violence*; Cohen, “The Hundred Years’ War and Crime in Paris, 1332–1488,” 109–24; Carroll, “Violence, Civil Society, and Civilization,” 660–78; Carroll, “Political Justice and the Outbreak of the Wars of Religion,” 177–98; Hamilton, “Adjudicating the Troubles,” 417–34; Margolf, *Religion and Royal Justice in Early Modern France*; Nassiet, *La violence, une histoire sociale*; Paresys, *Aux marges du royaume*; Prétou, *Crime et Justice En Gascogne à La Fin Du Moyen Âge*; Potter, “‘Rigueur de Justice’,” 265–309; Roberts, “Royal Authority and Justice during the French Religious Wars,” 3–32.

<sup>13</sup> Hamilton, *A Widow’s Vengeance*; Hamilton, “The Crisis and Recovery of Criminal Justice in Late Sixteenth-Century France”.

military justice during the First World War are critically interrogated here to reveal more complex realities about the roles judicial systems actually play in maintaining or undermining different forms of authority and social cohesion during times of conflict.

In a collection about war, the military unsurprisingly looms large. Until the second part of the 20th century, military criminality was mostly approached through questions relating to the practice of military justice, and primarily investigated by legal scholars, former military judges, and critics of military justice.<sup>14</sup> Even as military justice remains a point of reference, we seek to build on the work of scholars who have done so much to broaden the field in terms of method and approach in recent decades.<sup>15</sup> This is hopefully evident in our focus on the experiences of the soldiers and civilians caught up in these conflicts. In particular, we see these articles as complementing the distinct yet interconnected literatures that, on the one hand, tackle the links between conscription, draft evasion, and criminality — a particularly vibrant sub-field for the Revolutionary period—,<sup>16</sup> and, on the other hand, those that deal with banditry and brigandage.<sup>17</sup> Like this special issue, both sets of scholarship speak to the social tensions produced by war, particularly during periods of mass conscription, to the agency of those who sought to challenge or subvert the systems and controls imposed upon them, and to the marginal spaces and blurred boundaries where these individuals often found themselves.<sup>18</sup>

In addition to crossing chronological boundaries, “War Makes Monsters” also straddles the metropole/colony divide. Reflecting the French state’s preoccupations with maintaining control across its colonial territories, a substantive scholarship exists addressing law, order, and policing in these spaces. The majority of this work focuses either on the empire — be it a single territory<sup>19</sup>

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<sup>14</sup> For an overview of this historiography, see the introduction to Berlière, Campion, Lacchè, and Rousseaux, *Justices Militaires et Guerres Mondiales*.

<sup>15</sup> With respect to military justice, for the earlier time period covered by the this special issue, see, for example, Staiano-Daniels, “Masters in the Things of War,” 497–518; Cazaux, *Les capitaines dans le royaume de France*; Kaeuper, *War, Justice and Public Order*; Maffi, *Tra Marte e Astrea*; Meumann, “Civilians, the French Army and Military Justice,” 100-17; Musson and Ramsay, *Courts of Chivalry and Admiralty in Late Medieval Europe*; Schnerb, “L’honneur de La Maréchaussée”. For the later periods, see Germani, “Military Justice under the Directory,” 47-68; Bach, *Justice militaire 1915-1916*; Bock, “Les parlementaires et la justice militaire pendant la Grande Guerre,” 197-208 ; Saint-Fuscien, “Entre guerre et paix. La décennie décisive de la justice militaire française,” 15-31.

<sup>16</sup> Forrest, *Conscripts and Deserters*; Brown, *Ending the Revolution*; Cobb, *The Police and the People*; Bell, *The First Total War*; Auvray, *Objecteurs, insoumis, déserteurs*; Perry, *Mutinous memories*; Ruquet, *Déserteurs et insoumis*.

<sup>17</sup> In addition to Eric Hobsbawm’s classic work *Bandits*, see Wright, “‘Pillagers’ and ‘Brigands’ in the Hundred Years War,” 15–24; Toureille, *Vol et brigandage au Moyen Âge*; Furon, *Les Écorcheurs*; Broers, *Napoleon’s Other War*; Sottocasa, *Les Brigands*; Sottocasa *Les Brigands et la Révolution*; Kwass, *Louis Mandrin and the Making of a Global Underground*; Plarier, “Le Banditisme rural en Algérie,”; Kalman “Criminalizing Dissent,” 19-38; Déjeux, “Un bandit dans l’Aurès,” 35-54; Colonna, *Le Meunier, les moines, et le bandit*.

<sup>18</sup> For a non-French example of this approach see Emsley, *Soldier, sailor, beggarman, thief*.

<sup>19</sup> Algeria has emerged as a particular focal point for such work: Crane, “Housing as Battleground,” 187–212; House “Intervening on ‘Problem’ Areas and Their Inhabitants,” 121-150; Thénault, *Violence Ordinaire dans l’Algérie Coloniale*; Surkis, *Sex, Law, and Sovereignty in French Algeria, 1830-1930*; Bouzaher, *La justice répressive dans l’Algérie coloniale*; Cole, *Lethal Provocation*.

or a broader panoramic<sup>20</sup> — or on communities of colonized peoples who found themselves living and working in metropolitan France.<sup>21</sup> Placing metropole and colony in the same analytical frame, pieces like the ones here on the multi-ethnic Armée d’Afrique in First World War France or black marketeers in Algiers and Marseille thus join a growing body of work that seeks to expand these discussions, simultaneously underscoring the porousness of these spaces without ignoring the distinctions between them.<sup>22</sup>

Historians often turn to crime, and to the institutions charged with preventing and prosecuting such acts, because of the richness of the associated source base and the diversity of historical actors and voices that can be found within these. The authors in this collection are no different. Carolyn Steedman’s observation that the law “mattered to eighteenth-century people out of necessity, because it was there – in their face – shaping and dictating the lives they led, the love they felt, the labor they exchanged for livelihood” applies more broadly across the centuries under consideration.<sup>23</sup> It mattered just as much, and perhaps even more so, in moments when the law and its associated categories were fickle and in flux, liable to change from one moment to the next, with significant real world consequences— all hallmarks of the periods of conflict under discussion here. Indeed, wars are often transformative of the nature of the state itself and the claims it makes upon its citizens/subjects, reconfiguring the relationship between the ruler and the ruled, thereby engendering new categories of crime and criminal, which in turn require new agents of law enforcement; all processes that leave a paper trail. By maintaining, modifying but also creating new points and types of contact between the state and people from all layers of society, as well as new actors and institutions claiming authority over the populace, wars can thus be particularly generative when it comes to historical records.

In seeking to take advantage of this situation, the “War Makes Monsters” contributors share a concern to locate the experiences of “ordinary” people caught up in these turbulent times. In this way, we follow historians such as Elwin Hofman, Rebekka Habermas, Katie Barclay and Laura Kounine who, as Hoffman puts it, “have adopted the perspective of ‘doing justice’, giving more attention to the role of the actors in criminal justice, their different degrees of power and their negotiations, spaces, bodies and emotions,” although we extend this approach to the remit of military as well as civilian justice.<sup>24</sup> Such work entails drawing on a wide array of source materials from royal pardon letters, to Revolutionary engravings, census data, military interrogation transcripts, films, novels and *bandes dessinées*. These last sources in particular remind us that crime and criminality are not only defined in the courtroom, but in the cultural sphere. Accounts of the trials of Landru, as well as those of Henriette Caillaux, Marguerite (Meg) Steinheil, Violette

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<sup>20</sup> Blanchard and Glasman, “Le Maintien de l’ordre dans l’empire français,” 11-41; Blanchard, Blombergen, and Lauro, *Policing in Colonial Empires*; Thomas, *Empires of Intelligence*; Thomas, *Violence and Colonial Order*; Kalman, “Policing the French Empire”; Keller, *Colonial Suspects*; Boittin, *Undesirable*.

<sup>21</sup> Blanchard, *La Police Parisienne et les Algériens (1944-1962)*; Frank, *Hostages of Empire*; Prakash, *Empire on the Seine*.

<sup>22</sup> For other examples, see Thénault, “L’état d’urgence (1955-2005),” 63-78.

<sup>23</sup> Steedman, *History and the Law*, 223.

<sup>24</sup> Hofman, *Trials of the Self*, 8; Habermas, *Theives in Court*; Kounine, *Imagining the Witch*; Barclay, *Men on Trial*. For discussion of these issues in the medieval period see Goodich, *Voices from the Bench*.

Nozière, and Captain Alfred Dreyfus are illustrative in this regard.<sup>25</sup> But just as criminals are tried in the court of public opinion, so too are victims. Hallie Rubenhold's *The Five* acknowledges, and indeed refutes, the historical criminalization of the victims of Jack the Ripper.<sup>26</sup>

But we need look no further than present-day press coverage of sexual assaults and police violence to see the role culture plays in turning crime narratives on their head, often inverting victim and perpetrator and excusing all manner of wrongdoing.<sup>27</sup> In considering such sources, we acknowledge a debt to cultural histories of crime, a field indelibly associated with Dominique Kalifa.<sup>28</sup> Unintentionally evoking images of war graves that dot the French countryside and the myriad memorials that anchor its urban landscapes, Kalifa suggested in 1995 that violent crimes create their own maps of "fatal footprints, puddles of blood, and corpses," geographical identities that constitute "another History of France, hierarchical and orderly, possessing its own saints, martyrs, and monsters."<sup>29</sup> Yet, as the special issue demonstrates, Kalifa's "History of Crime" is not "another" history, but an integral part of history more broadly, wherein the histories of war and crime regularly intersect and notions of criminality and war are made and remade not separately, but together.

Taking a particular theme, in this case the relationship between war and crime/criminality, and exploring it across different historical moments is, of course, not a unique approach, especially for a special issue. Nonetheless, by adopting a comparative and chronologically expansive view, we hope to draw some of the different historiographies outlined above further into conversation with each other. When it comes to large scale conflicts with global ramifications like the ones covered in this issue – the Hundred Years War, the Revolutionary era, the two World Wars – their multi-dimensional and multi-scalar significance create powerful gravitational forces that tend to produce constellations of scholarship bound to and bounded by those events. This collection represents a small effort to redirect some of that scholarly energy by looking out and across seemingly disparate time periods for threads of continuity when it comes to the war/crime nexus and the historical actors drawn into its orbit. In so doing, what becomes clear is just how unstable and malleable the boundaries between legal and illegal have been in wartime throughout French history, not least because of the wider questions being posed about loyalty, authority, and belonging in those same moments.

Central to many of these histories of warfare are the histories of those (usually men) engaged to fight in them. The articles presented here are no exception. Starting in the fifteenth century, "Mercy at War: Soldiers and the Politics of Royal Pardon in Fifteenth Century France" opens up the recurring question of how the exceptional circumstances of conflict impacted what behaviors

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<sup>25</sup> Harris, *Dreyfus*; Horowitz, *The Red Widow*; Maza, *Violette Nozière*; Berensen, *The Trial of Madame Caillaux*.

<sup>26</sup> Rubenhold, *The Five*.

<sup>27</sup> An illustrative example of this is the question of rape during war time which went unstudied for a long time. Susan Brownmiller was one of the first to broach the topic in *Against Our Will*. Subsequently, the sociologist Robert Lilly struggled to publish his book on rapes committed by American GIs in France. The text was finally published in French in 2003 and a few years later in English: Lilly, *La face cachée des GI's* and *Taken by Force*.

<sup>28</sup> Among his extensive oeuvre, see in particular Kalifa, *L'encre et le sang* and *Crime et culture au XIX<sup>e</sup> siècle*.

<sup>29</sup> Kalifa, *L'Encre et le sang*, 274-5.

were considered legal and/or legitimate for those in the military. Analyzing when and how royal pardons were granted to soldiers who perpetrated offenses against civilian populations in fifteenth-century France, Quentin Verreycken exposes the complex mix of (often competing) factors being weighed up in these decisions as the King sought to balance an imperative to exercise justice and protect his subjects against the very practical need to ensure he could retain loyal soldiers, maintain an army, and continue to wage war. In drawing our attention to the constructed, subjective, and situational definition of “crimes” and enactment of punishments, this piece exemplifies a set of themes that underpin all the contributions to this special issue.

Moving the chronology forward to the Revolutionary period, the second article in this collection, “The Burning of Bédoin: Crime, Complicity and Civil War in Revolutionary France,” broaches the question of “how a society can come to terms with crime when the very notion of crime is itself constantly changing.” Focusing less on the rank-and-file and more on those giving the orders, Joseph Clarke uses the ‘burning of Bédoin’ —a horrifying example of collective punishment inflicted on a small town following the uprooting of their liberty tree by persons unknown—to draw our attention to the “immense difficulties involved in defining what crime and criminality meant in a civil war context.” Committed at the height of the revolutionary terror of the year II, the burning of Bédoin and associated summary mass executions in May 1794 were initially approved by the Committee of Public Safety, and even applauded when reported to the National Convention. Yet, only a few months later, in January 1795, the principal instigator of these events, Etienne Maignet, was under investigation by the same Convention for perpetrating such “disgusting horrors.” The fact that he ultimately escaped punishment on the grounds that to indict him would require acknowledging the complicity of the Convention and thus edifice of revolutionary government, offers another example in the collection where “justice” was redefined and subordinated to other priorities, in this case preserving the fledgling Republic.

Where and how the boundary between acceptable and unacceptable violence was drawn is also a theme tackled by Claire Eldridge in “Brutal by Temperament and Taste,” which explores the prosecution by military justice tribunals of instances of serious interpersonal violence between comrades in France’s multi-ethnic Armée d’Afrique during the First World War. In the same way that fifteenth-century pardon letters allow us to see how ordinary soldiers constructed particular images of themselves while revealing invaluable incidental details about their personal histories, the multi-vocal military justice sources on which this case study rests give us access to the voices, perspectives and wider lives of a group of racially and socio-economically marginalized historical actors. Testimonies provided by accused soldiers, as well as victims and witnesses, are used to illustrate the different ways individuals reacted to the pressures they were placed under between 1914 and 1918, how they related to the men around them within this highly fraught context, how they chose to frame and justify their choices when called upon to explain themselves and their behaviors, and the role that race and racial stereotypes played in all of the above.

Extending the focus beyond the military but remaining attentive to the entanglement of metropole and empire, Danielle Beaujon’s “The Algerian Enemy Within” offers a multi-sited investigation into the policing of the black market in Marseille and Algiers during and immediately following the Second World War. It too demonstrates the centrality of colonial knowledge and

racial stereotypes to the construction of notions of criminality, embedding these within a discussion of the spatiality and materiality of crime. In both cities, pre-existing ideas about North Africans as ‘suspicious’ and even as ‘internal enemies’ led to the demonization and disproportionate targeting of areas associated with this community, while illegal economic activity by Europeans went largely unremarked and unchecked. This selective policing of black market activity speaks to the ways in which old discourses were superimposed onto new preoccupations and priorities, usefully reminding us that for all war is often conceived of as a moment of rupture or a set of exceptional circumstances, some things – such as racialized practices of policing and control - remain constant.

The last article in the collection, “Dead but Not Buried: Serial Murderer Henri Désiré Landru and a Century of War Critique,” opens the discussion of the relationship between war and crime further into the realm of cultural representation and considers it in the *longue durée*. As Julie M. Powell notes, from 1919 into the twenty-first century, Landru and the wartime murders for which he was convicted generated a remarkable volume of cultural material—fiction and non-fiction narratives, films, spectacles, and television and radio broadcasts. An examination of this *oeuvre* reveals the ways in which the Landru, an “allegory of large and obvious content” as he was described by one contemporary, has been used, time and again, to critique modern war.<sup>30</sup> The slaughter of the Western Front provides the context for Landru’s crimes and, as works from 1926, 1947, 1963, and 2006 demonstrate, comparison is inevitable. By shedding light on the incongruity of celebrating one form of mass murder while condemning another, such critiques remind the public that war is monstrous. Though, just as notions of criminality are historically contingent, so too are ideas about the righteousness of warfare. The article makes clear that a society’s contemporary relationship to war plays a significant role in whether war itself can be considered a crime.

Events in recent years have underlined the contemporary salience of the themes that this issue explores. Sociologists Sandberg and Fondevila argue that volatile periods “give rise to new types of criminal, reignite old ones, and repurpose justifications for crime.”<sup>31</sup> Amid a time of intense social disorder—including the COVID-19 pandemic, the rise of social justice movements, particularly in response to racialized instances of police brutality, and a resurgence of grassroots organizing—many have begun questioning the legal systems and cultural milieux that criminalize and target the marginalized while whitewashing certain varieties of crimes and shielding the perpetrators. At the heart of movements for social and economic justice that now span the globe are efforts to understand, and ultimately, rewrite the legal codes and cultural scripts that define what crime is and who the criminals are. At the heart of each contribution to the special issue lies the same concern to unpack the negotiations, contestations, and power dynamics underpinning determinations of what is and is not a crime, who is and is not a criminal, and how and why these designations change. By investigating the contingent nature of crime and criminality and exposing the ways in which they have historically been made and unmade, this issue hopes to contribute to this important effort.

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<sup>30</sup> Bolitho, *Murder for Profit*.

<sup>31</sup> Sandberg and Fondevila, “Corona crimes,” 224.



## Acknowledgements

In addition to the contributors featured here, we'd like to thank Angélique Ibáñez Aristondo, Andrew McKeown, Jessica Meyer, Ariel Mond, Chloë Peters and Katja Pyötsiä for their thoughtful contributions to the War Makes Monsters workshop. We are also grateful to the Humanities Institute and the College of Arts and Humanities at University College Dublin, the Irish Research Council, and the National University of Ireland whose generous financial support made this event possible. Finally, we'd like to thank the members of the online Histories of Crime and Criminal Justice reading group started in autumn 2020 by Briony Neilson. This forum not only brought Claire and Julie together in the first place, but the stimulating and supportive conversations the group has hosted over the years have immeasurably enriched our thinking on the issues addressed in this collection.

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