Fiction, War and Criminology

Vincenzo Ruggiero
Middlesex University
London (UK)

Abstract

This paper proposes an understanding of *war and criminology* through the use of the creative sources offered by literature. These sources, while communicating exemplary meanings and morals, can help describe and comprehend the social and cultural landscapes of war and crime. Stendhal and Tolstoy are chosen as classical major providers of such sources, and an analysis of their respective novels, 'The Charterhouse of Parma' and 'War and Peace', will offer support to the idea that the inclusion of war in criminological thinking is timely as well as necessary.

Introduction

If it is true that literature enshrines cultural values, it is plausible to maintain that it is also an instrument for resisting social and political decay (Boxall, 2015). Literature can unravel oppression and indicate possibilities for action, as it can make unpredictable things happen in contexts described as static and unchangeable. The imaginary representations offered by fiction can foreground the systemic contradictions of societies, while art in general can covey 'complexes of ideas which tend to generate activities towards changes of the prevailing order' (Malloch and Munro, 2013: 2).

   The perspective adopted in this paper contains elements of cultural criminology, which is similarly engaged in unveiling the human dimensions of crime, the evidence of everyday existence and the 'aesthetic' edge of deviance (Presdee, 2000). This paper intends to engage with the growing 'popular' criminology that shapes collective understandings of crime, and might be seen as corrective of, or supplementary to, conventional criminological knowledge. However, it does not limit itself to adding yet other viewpoints in relation to war and crime, or to conveying a better understanding of the subject matter. The understanding it seeks to communicate comes in the form of artistic imagination, and imagination is a prerequisite of empathy: imagining the suffering of others, seeing their face, as Lévinas (1996) would argue, is crucial for peaceful coexistence (see Eamonn Carrabine's contribution in this issue). In this sense, this paper tries to locate empathy at the centre of criminology, a criminology that strives to delineate a variety of social frames (Goffman, 1974), in that it digs 'into human motives, intentions, goals, aspirations, dreams and desires rather than proposing mechanical, natural, technical, law-like or "dehumanized" answers and solutions' (Jacobsen, 2014:3). The writers discussed here experience events

while renouncing conventional language and, like children, use only their senses and their imagination, giving us all a lesson on how criminology could develop.

Looking through the eyes of Stendhal, it is possible to see war as chaos and narcissism, two crucial protagonists of 'The Charterhouse of Parma', a novel that Tolstoy admired. 'War and Peace' follows the trajectory of its author, who through the horror of destruction and killing, reaches his spiritual goal, a unique mélange of primitive Christianity, anarchism and pacifism. This trajectory will bring us to a series of sociological and criminological concepts that contain a radical critique of war.

The origin of war novels is found in epic poetry and classics such as Homer's *The Iliad* and Virgil's *The Aeneid*. This type of fictional literature was also influenced by the tragedies of Euripides, Seneca, Marlowe and Shakespeare. In the seventeenth century, while realistic portrayals timidly took shape, the genre was largely represented by picaresque satires. The origin of *anti-war novels*, our interest here, is more difficult to trace, although Aristotle's (1995) view proposed half a millennium ago may be a candidate, namely his description of war as hunting, the hunt for human rather than animal prey. Sophocles was well aware of the 'death of heroes', particularly when he narrated the savagery ingrained in the very being of *Aias* and *Herakles*: the latter engages in brutish, deceitful, selfish acts, and when he dies, burned by acid, the audience finds it difficult to feel sorry for him. Dante's *Inferno* and Milton's *Paradise Lost*, on the other hand, can also be regarded as founding texts of anti-war literary sensitivities.

The nineteenth century sees both the flourishing of realistic descriptions of wars and the appearance of unsurpassed anti-war novels. The choice of Stendhal and Tolstoy, in this paper, is due to the paradigmatic nature of their novels and the exemplary mixture of horror and empathy we find in them. Many important anti-war novels have been produced in the twentieth century, for example *All Is Quiet on the Western Front* (Erich Maria Remarke), *A Farewell to Arms* (Ernest Hemingway), *The Case of Sargent Grischa* (Arnold Zweig), *Troubled Sleep* (Jean-Paul Sartre), and *L'Acacia* (Claude Simon). The authors of these books, we may speculate, would not object to the suggestion that Stendhal and Tolstoy are the progenitors of the genre. And even when reading more recent novels focused on the tragedies of Iran and Iraq, such as *Son of Iran* (Sayyid Noureddin Afi) and *One Woman's War* (Seyyedeh Zahra Hosseini), we may perhaps be authorized to regard them as Stendhal's and Tolstoy's distant progeny.

Deception and chaos

In a late novella based on a Renaissance manuscript, Giulio is a brigand who is determined to visit the woman he loves, Elena, whose father has locked her in a convent. *The Abbess of Castro* (Stendhal, 2014) is replete with amorous and military undertaking, where seductions of women are planned as military campaigns. The adventurer is advised by his more experienced companions to travel in disguise, never confess his real name, never tell the truth and, if he sees no advantage in any particular falsehood, to lie 'at random'. It describes political and familial machinations and offers a profoundly unsentimental view of war, waged by ambitious and shallow individuals. Dissimulation is practiced by many of Stendhal's characters, with Julien in *The Red and the Black* (Stendhal, 2002)

hiding his love for Mathilde for fear of losing her, and achieving success by expressing the opposite of what he believes (Robinson, 2017). The author too made a habit of deception, multiplying his pseudonyms, disclaiming authorship and writing about a journey through Rome while sitting in a café in Paris.

La Charterhouse of Parma receives an admiring review by Balzac, exactly because of its author's artful use of deception: lies, codes, fantasy, secrecy, faints, bluff, dissimulation – the basic stuff of fiction. But Stendhal is aware that he has to avoid clichés and fine writing, and regards beauty of phraseology, its roundness and rhythm, as a fault. This is why, while writing the Charterhouse, in order to acquire the desired style, he occasionally reads a few pages of the Code Civil.

War is part of passion, something one needs in order to avoid boredom: without passions one is stupid (ibid: 61). But all battlefields are the same: the stench, the mud, the dead robbed of their boots. Fabrizio, while trying to join his regiment, bumps into a corpse who obstructs his path and horrifies him and his horse. Naturally pale, he turns green when facing the repugnant spectacle: a bullet has entered the poor soldier through his nose and disfigured him horribly, leaving him with a wide-open eye (Stendhal, 2006). If passionate, war is also a chaotic affair, with soldiers ignoring where they are going and failing to distinguish friend from foe. Fabrizio, chaotic as the chaos surrounding him, will nevertheless gain the reputation of a valiant and brave officer. He has little recollection of what he has been involved in, and yet his imagined exploits will grant him an aura of heroism.

Stendhal lived in the transitional period from the ancient régime through the age of Napoleon and saw the return of the monarchy in France. He wrote his novels well after the fall of Napoleon and his grief for that fall transpires in many pages he wrote. In his personal experience as a soldier, he saw that many around him were not the heroic figures he hoped to become (Josephson, 1946). They stole from fellow soldiers while being thrilled by their role as men of action. Sure, in the Charterhouse, General Bonaparte enters into Milan at the head of a youthful army and teaches the world that after so many centuries Caesar and Alexander have a successor. But in reality, when Stendhal enthusiastically joins Napoleon who decides to invade Russia, he realizes how deluded the General is in his belief that the expedition would amount to a series of quick victories (May, 1977). Stendhal's trip to Russia provides images that he will not forget: war is a dirty business. When he reaches Smolensk, he finds the town in flames, and in his letters confesses to his unhappiness, noting that he has changed, and his old thirst for the new has been entirely quenched. All he sees is an ocean of barbarity where 'not a sound finds an echo in my soul' (Stendhal, 1952: 139). He is disgusted by the entire situation and relieved when Napoleon orders a withdrawal from Moscow. The battle leaves 20-30,000 combatants and as many non-combatants on the ground.

Back in Paris, in 1813, Stendhal still yearns for more, and is sent to Germany, where he witnesses the battle of Bautzen: again, the general confusion strikes him, as many soldiers do not seem to make out exactly what is happening (Alter and Cosman, 1986). Presumably, this experience provides him with the material for his celebrated description of the battle of Waterloo in the Charterhouse.

The noise of the battle is unbearable, human shouts mix with gunshots, and Fabrizio is terrified: the hero of the Charterhouse, in brief, is very unheroic. A field is strewn with bodies, and the soldiers exclaim joyfully 'Red-coats! Red coats!' Many of the enemies wearing read coats are still alive and ask for help, to no avail. Horses are streaming with blood, their hooves caught in their own entrails. But Fabrizio's ambition is satisfied: he is finally under fire, he can see shots crisscrossing in the air. 'At last I can kill', he whispers. But again, he can hardly understand what is happening. Soldiers steal horses from each other and chase the thieves on the battlefield, while someone is sawing someone else's leg in order to stop gangrene developing. Fabrizio shuts his eyes, drinks four glasses of brandy, and at the end he is drunk, happy and disgusted. War after all is not that noble and universal impetus of elect souls seeking glory.

After his exploits, Fabrizio sees that also among non-combatants egotism, greed and violence spread, during and after the war. He witnesses the intrigues, the plundering, the careers based on hypocrisy and criminality encouraged by the general climate of hostility. Far from the battlefield, life mimics war. In Parma, where Fabrizio establishes himself and kills a man in an unnecessary duel, he counts on a lady who is prepared to help him by choosing lovers among the powerful members of inimical political parties. These men have concerns of capital importance, namely how many buttons should the soldiers' uniform have, seven or nine? These are monsters of avidity and acrimony but can help turn harsh prison sentences into mild punishment. These 'liberals' see virtue less as the search for happiness of the greatest number, than the accomplishment of their own happiness first of all. Despotism reigns and judges rejoice when someone is hung. These 'souls of mud' who emit contempt become heads of the police and all citizens tremble when facing them, like they do when facing the sovereign. Aristocrats hide their wealth and dream of illegally exporting their diamonds to Geneva, where they plot to settle and escape taxes and prosecution. In brief, war is criminogenic for those who fight but also for those who do not.

The criminology of war

More than a century after Stendhal, Bonger (1936) discusses the crimes caused by war situations. In such situations, he argues, all the factors which may lead to crime are driven up; family life is ripped apart, children are neglected, destitution spreads, while scarcity of goods generates theft and begets illicit markets. It should be noted that, in the Charterhouse, the neglect of the child born of the relationship between Fabrizio and Clelia leads to his death. Bonger suggests that crime is also caused by the general demoralization, while violent behaviour increases as a mimetic outcome of the spectacle of 'killing, maiming and terrible destruction' (ibid: 105). The dark figure of crime goes up, due to the weakening of institutional agencies such as the police and the judiciary. War, therefore, pushes all towards criminality, including those who are engaged in the battlefield, although 'the figures of the crimes committed in the field will probably never be published' (ibid).

The chaotic situation described by Stendhal echoes that prevailing in contemporary wars. It is a situation well captured by Kaldor (2001), who noted the shift from old to new wars, highlighting the ascent of new bellicose agencies specialising in the use of violence. In Iraq, chaos inspired 'market patriotism' and

generated profit (Whyte, 2007), so that international security and business interests ended up coinciding. In current war situations it is extremely hard to distinguish crimes committed by those who fight from crimes committed by those who do not: paramilitary organizations, organised criminal groups, corporations, private contractors, advisor and mercenary companies (Whyte, 2003; Ruggiero, 2015). The criminology of war foregrounds mass violence, violations of human rights and state crime, it focuses on gender-specific victimization and on increases of social and ideological control, on the development of new techniques of surveillance and corresponding derogation of civil rights (Jamieson, 1998).

Stendhal equates war with ambition, excitement in following leaders and indifference in killing enemies. Although Fabrizio is not even sure he has killed anyone, and despite his nauseous reaction to the spectacle of death, he feels that a career as a soldier will bring glory, along with an aura of undeserved heroism that will help him once discharged. As a consequence, both on the frontline and in civil society, he literally gets away with murder, makes a successful career, and at the end his only penance consists in turning into a preacher and a solitary inhabitant of the Charterhouse. The criminology of war too connects warfare with private success, looking at the nexus linking the public and the private areas, the expansion of private international policing and global security (Lea, 2016). State accountability, it is felt, is thus eroded, while new actors are invested with the legitimacy to use violence as a tool for the development of market strategies and the consequent accumulation of political power. Echoing Stendhal, who shifts from crimes committed at war to crimes committed in public and private interactions, war has been equated to a new form of corporate crime. Analyses of war as crime focus on the illegality perpetrated by invading states and the criminality of private enterprises these states involve in their military ventures. The hazy areas of 'conflict consultancy' and 'security services' are examined, highlighting the shared traits of war and the crimes of the powerful (Ruggiero, 2007).

A contemporary understanding of war may be still inspired by the work of von Clausewitz (1968), who conceptualised war as a remarkable trinity: first, primordial violence, hatred, and enmity driven by blind instinct; second, probability and chance; and third, political calculation. This remarkable trinity is rendered as the three-dimensional illegality of contemporary wars: first, the illegal nature of their very inception; second, the nebulous normative contexts in which they take place; and third, the criminal fashion in which they are fought. Of course, von Clausewitz wrote about 'old wars', but his remark that often, by waging war, 'governments part company with their peoples' (ibid: 235) find an echo in contemporary events, when majorities invoking peace are ignored. In the current situation, however, majorities may be ignored as well as stimulated by what Stahl (2009) has termed 'militainment', that is to say the militarization of entertainment and of popular culture, regarded as a new social formation of our catastrophic times. As an extreme sport, war is now incorporated in the military-industrial-media-entertainment complex, being divulged by films and feeding a burgeoning military toy industry, complete with collectable marine-like teddy bears for adults. Moreover, war becomes interactive, allowing citizens to play and act as virtual soldiers.

With the 'privatisation' of international conflict, a crucial statement by Karl von Clausewitz is validated, namely that we can compare war to commerce, which is also a conflict between human interests and activities. Business, war, and statecraft are contests between organisations, and they only differ in their weapon or tools of competition.

In business, as in war, the notion of 'thriving on chaos' has entered management theory: international confusion is exploited to create and shape the marketplace in locations previously regarded as impenetrable (Peters, 1991). Skilled competitors 'will ride the whirlwind of chaos' and the tempest will sweep the losers away (Levinson, 1994: xxii). Thriving on chaos means that we cannot shout 'to safe harbour', for there is none: every corner of the world, every political turbulence and human and social crisis offers business opportunities. 'Thriving on chaos' applied to management predates the application of the same philosophy to war; it is in the realm of the former that uncertainty is met by emphasising a set of new basics: enhanced responsiveness, increased flexibility and continuous, short-cycle innovation (Ruggiero, 2013).

The Charterhouse of Parma contains several of these aspects, as chaos, illegality, violence on the battlefield and in society intertwine, echoing van Clausewitz's notion that war, careers and competition share similar weapons and anticipating insights developed by the criminology of war. Let us turn to Lev Tolstoy for further insights.

Spiritualized rationalism

Excommunicated by the Russian Orthodox Church, Tolstoy claims that God is his desire, the desire to know Him. A severe, sometimes savage moralist, setting nonviolence above every other value, Tolstoy uses a technique of 'strangeness' to convey his views. This technique, in combination with the tonality of his prose, makes the reader think that the author has seen an object or a conduct for the first time (Bloom, 1995).

According to Lukacs (1972), the defeat of the 1848 uprisings in the most important western European countries brought about profound ideological depression, a universal despairing pessimism that descended on the greatest writers of the time. While some turned to forms of tragic nihilism, others pursued regeneration by facing life in a way that shunned petrified conventionalities. For this reason the things that Zola, Ibsen and Tolstoy seemed to have in common made a great impression: their adherence to reality, their ruthless, uncompromising reproduction of life. Realism, however, did not entail impassibility or cynicism, and unlike naturalism contained 'a passionate striving to hold a mirror up to the world in order to redeem it' (ibid: 247). The exposure of the ills of society, in Tolstoy, is performed through the description of events whose causes, evolution and even ultimate purpose remain vague. Under the surface of common everyday reality, he detects 'great unknown and unfathomable forces' to which he gives dramatic expression (ibid: 248). 'War and Peace', like other war novels, hinges on individual destinies and blind, uncontrollable forces.

'Such narratives have something in common with the picaresque novel, in that the latter is built around the tribulations of some individual who is plunged into an incoherent, dangerous and unpredictable social world where the contours of reality constantly tend to shift and change shape' (Boltanski, 2014: 126).

Echoing 'The Charterhouse of Parma', 'War and Peace' represents Napoleon imagining that his campaign against Russia would be played out in the same "traditional" five acts, just like all his previous campaigns: 'march against the capital, a great battle, entry into the capital, conclusion of a peace treaty, triumphal return to Paris' (Lucaks, 1972: 252). But everything happens quite differently, as the novel displays a lack of clear strategies and sensible reasoning in many of its protagonists, who seem to be led by mysterious forces to act as they do. General Kutuzov is regarded as weak by his soldiers, but he is only wavering between which action to undertake by his constantly changing perception of circumstances: in this, he is as irresolute as those who keep at a distance from war. Like for instance Nicholas, who resolves to return to Sonya, but then marries Mary, or like Hélène who surprisingly pairs with Pierre. Instinct dictates choice, although errors are repeatedly made that leave a sense of void and uselessness. The war itself is a succession of useless battles, and Andrej joins in with the expectation to find meaning in earthly life. He only glimpses it, in the form of a spiritual vision, when an injury he suffers makes him nearly moribund. Pierre, in turn, finds his life empty and false not only for having married the wrong woman, but also because he is unable to understand why humans are on the earth. The mystical practices of Freemasonry, to which he adheres, fail to provide an answer, as does the unaccomplished dream to assassinate Napoleon.

The rationality of the French is contrasted with the faith of the Russians, and the latter proves victorious in the Battle of Borodino, which is far more than a decisive turning point in the war. During the occupation of Moscow, reason and logical strategy are defeated by instinct and spirituality, and while the Russian elite apes the invaders by learning their language, it is the humble farmer Platon Karataev who inspires the unworldly resistance of the Muscovites.

Tolstoy portrays different social groups, peasants and servants, architects and aristocrats, military commanders and nurses, and those in charge of exercising some form of leadership are depicted as the most inadequate. He questions their abilities: the Tsar seems an unremarkable man, and Napoleon himself, the plump and clumsy body immersed in the bathtub, is far from appearing as the glorious conqueror of Europe. Lack of appreciation for leaders indicates Tolstoy's view that history is not the creation of great men, but the outcome of acts performed by masses of individuals engaged in a common effort and aided by chains of circumstances. In his philosophy of history laid down in the concluding pages of 'War and Peace', he sees under the calm sea of pacified Europe the movements of humankind, the forming of aggregations which are set to prepare future events. These movements are guided by laws unknown to us that secretly determine collective action. Chance gave power to Napoleon, chance enticed his followers, and chance determined his fall. The mysterious pattern of events echoes the mystery of death.

For Tolstoy, death is not a biological but a moral event. When approaching the end at Austerlitz, Andrej feels the absurdity of the chain of command to which he

is subjected and, witnessing the death of others, finally understands the insanity of war and all violent human conflicts. The heroic code associated with battles, violence and the cult of manliness is shattered, and in the final pages of 'War and Peace' the 'victories' achieved by the western powers in Africa are described as crimes. Those invasions, depicted as glorious deeds worthy of Caesar and Alexander the Great, regarded as a source of pride and glory, are instead labelled by Tolstoy as examples of cruelty and genocide. This denunciation is proffered through the device of 'not understanding' previously used by Voltaire and Montesquieu, who portray French social structure from the point of view of a foreigner who knows little about it. Tolstoy employs this device widely, in the description of a battle from the point of view of an uncomprehending combatant, or in the chronicle of political events and of a session in the Moscow Duma. War and military exploits are, in this way, 'de-heroized' (Bakhtin, 1981).

Criminalizing war

The criminology of war addresses several of these issues.

   The Battle of Borodino causes some 70,000 casualties in a single day, leading Tolstoy to question whether acts of heroism can be assessed through the number of victims they cause. Similarly, the massive violence and victimization that constitute the essence of war prompt criminologists to question the official definitions of crime (Jamieson, 2014). Challenging established paradigms that separate legality from illegality, the pathological aspects of war suggest new interpretations and research agendas. War is often included within the study of state crime, an arena which investigates pathological manifestations of power and the complicity between institutional and economic interests. For instance, authors have explored how war situations encourage joint action by state and private forces and how violence, therefore, can be seen as 'dual-purpose', 'simultaneously serving private and political goals' (Green and Ward, 2009: 609). 'War as crime' has been analysed as an amalgam of illegality perpetrated by invading states and the criminality of the private enterprises these states involve in their military ventures. The shared traits of war and white collar crime have been highlighted, and the definition 'war as corporate crime' situated within the analytical framework of the study of the crimes of the powerful (Ruggiero, 2007; 2016). Quintessentially interdisciplinary in nature, criminology has examined war from the perspective of international law, providing insights into victims and perpetrators without which the brutality of international conflicts would disappear behind legalistic preoccupations (Roberts and McMillan, 2003).

   The denunciation of the heroic code in Tolstoy finds echoes in contributions mobilizing responsibility among scholars in pointing at human suffering in war. Tolstoy's realistic tones find reiteration in academics claiming that heroism hides atrocities, which compels everyone, including criminologists, to take sides and speak out (Hagan and Rymond-Richmond, 2009). A specific form of crime against women, war is seen as an acutely pathological expression of masculinity (Oliver, 2007; Cavarero, 2007; Butler, 2009, see also Sandra Walklate's contribution in this issue). Masculinity prevails even when women are at work in wars, where their skills are not acknowledged or rewarded, and their patriotic duty consists in simply releasing men from industry so that they can fight for their country. In wars, women at work are often met with resistance and

hostility, with governments and trade unions establishing strategies to protect the masculinity of the workplace (Goodman, 2001).

Throughout the twentieth century wars have increasingly targeted civil populations. In some cases armies have avoided fighting one another, going straight for the cities and their inhabitants, raping, destroying the achievements of the daily civilising work of women (Stevanovic, 1997). In countries at war medical conditions which had virtually disappeared return, particularly affecting women who have been raped: they epitomize war against women. A practice that many would attribute to conflicting factions in developing countries devastated by civil war, rape in fact was also routine during and after WW2, perpetrated in Germany by regular soldiers of the Western Alliance (Gebhardt, 2016). Wartime rape of women has been identified as part of the rules of war, a mode of communication among men, and the elevation of masculinity that accompanies war as a way of destroying the enemy's culture. Culturally rooted in the contempt for women (Seifert, 1994), wartime rape is inscribed in a temporal continuum of violence (pre-war, war-fighting, peace-making and post-war) and in space and place (from the bedroom to the battlefield) (Cockburn, 2014). The existence of rape itself is a constant or warfare, and while the type and quantity of sexual violence vary, 'it is a truism to say that where there is war, there is rape' (Mullins, 2016: 117).

The rational logic of battle, juxtaposed by Tolstoy to spirituality, echoes current attempts to justify war as a rational way of changing repressive regimes by exporting (or imposing) democracy. Contemporary Napoleons are tackled by movements fighting against war, like in Tolstoy by luminous and tolerant peasants such as Platon Karataev. They are also opposed by critics who see in war an attempt to put violence at the service of what is purported to be a higher moral good, namely the relational model in which some countries are subservient and dependent on others. In this respect, see Tolstoy's radical criticism of the 'glory' achieved by dominant countries in Africa. The criminology of war has argued that challenging this relational model ignites various reactions, from puzzlement to outrage to violence. What is specifically challenged, in the perception of invaders, is their integrity or unity and a hierarchical arrangement deemed natural. Violence becomes in this way morally motivated in that it aims 'toward realizing ideal models of relationships', restoring hierarchy, integrity and unity (Fiske and Rai, 2015: 6). Invaders, normally, are most disposed to violence when thy regard their own group or country as cohesive, inherently superior and historically or divinely appointed to cover a special international role and determine the shape and destiny of the world. Against these self-serving assumptions, Tolstoy's spirituality posits that all wars are inherently criminal, a view that sounds like a call to criminologists to act as pacifist moral entrepreneurs (Ruggiero, 2005).

Conclusion

Elements of cultural criminology, as noted at the beginning, are scattered in this paper, while it should be acknowledged that a 'cultural criminology of war' is now developing in its own right (Klein, 2016). This new area of research seeks 'a theoretical framework for understanding how culture and ideology contribute to war, particularly ideological "enlistment" of the public' (ibid: 369). The role of

the public is examined as are the ways in which the elites legitimate their decisions to wage war. 'Catalysts' have been identified in the form of deep cultural ideas that support military aggression. These include socialization, alienation, definition of situations, obedience to authority and normalization.

> 'Aggressive war has structural and cultural/ideological roots. A criminology of war must further analyze the social, ideological, and psychological levels on which war is promoted' (ibid: 382).

Imagination, as mentioned in the initial pages of this paper, is the added variable used in this paper, a prerequisite of empathy, discussed by Emmanuel Lévinas (1996) in his ethics of alterity. Lévinas explores otherness in the aftermath of the Holocaust, emphasizing the responsibility we all have when meeting others. The encounter is eminently social, as the other is what we are not, and our interaction requires nonviolent reciprocity, so that our reciprocal alterity is preserved. Empathy, in such encounter, entails that the other becomes a neighbor, because his/her face summons us, at times begs us, reminding us of our responsibility. The notion of community, here, turns into a signifying meeting with difference that is not founded on knowledge about the other, but upon being-for and feeling-for the other. War is the opposite of this notion of community, its violence being the experience of a totality that binds the self to a country, its interests and its own opinion of itself. Empathy, by contrast, unbinds the subject by binding it to the other, it provides a guideline for action in the name of life (Critchely, 2012). Responsibility has an experimental character, of course, it is a practice that seeks to preserve rather than destroy, it is not a principle, but a practice which attends to the precariousness of life.

The practice of empathy causes shuddering and trembling, experienced as justice understood as the prohibition to murder and the acknowledgement of human weakness (Levinas, 1969).

'When the counting begins, understanding ceases', goes a polemical statement intended to critique the predominance of quantitative studies of crime (Jacobsen, 2014). The author of this paper has a less categorical opinion of such studies, although he shares concerns around the bogus of positivism (Young, 2011), its fetishism (Ferrell, 2009), and the methodological inhibition caused by the obsession with measurements which may lead to lack of genuine intellectual puzzlement and passionate curiosity (Mills, 1959). Fiction and war have featured jointly in the preceding pages, implicitly granting the former the power to elucidate meanings and prompt new analytical paths to criminology.

Fiction may temporarily assuage our dissatisfaction with life, and as a miraculous interval it may give us a provisional suspension from reality, immersing us into literary illusion. It may even transform us into citizens of a timeless world: we become 'other'. According to Nobel Prize winner Vargas Llosa (2001: 10), when we close the book, abandoning the splendid territory we have just visited, we are disappointed, because 'life in fiction is better, and literature helps us see the servitude in which we live'. In this sense, fiction is often seditious, non-subjugated, rebellious, a challenge against what exists. We feel defrauded after having read 'War and Peace', when we return to our world, made up of boundaries and prohibitions: 'literature reminds us that the world is badly made and that it could better' (ibid: 10).

But this is only one aspect, well exemplified by Anna Karenina, who finds in reading a taunting reminder of the life she does not live, or by Emma Bovary, who devours books and imagines that the fictional lives are her own, thus becoming a heroine of Balzac or Sue. Don Quixote also devours books and models his behaviour according to certain fictional codes that he deems just and proper, 'though he knows that he himself is neither Lancelot nor Amadis'. (Manguel, 2013: 117). However, the fiction examined in this paper is bereft of the balsamic power that might assuage our daily existence, it does not provide a provisional suspension from our life, nor does it compel to imitate its heroes and heroines. On the contrary, Stendhal and Tolstoy see little heroism in the wars they describe, detecting in them pure ignoble carnages. In other words, if their war novels do remind us that the world is badly made it is because they are ruthless reflections of that world.

Stendhal's and Tolstoy's writings stand as a powerful encouragement to criminologists to include war in all its different aspects among their objects of study. Before their novels appeared, war had already been described as ignoble carnage or heroic butchery. Candide, an alien catapulted into a society he did not know, witnesses people covering themselves with honour after disembowelling and raping their enemies (Voltaire, 2006). He learns that Homer's 'Iliad' is universally appreciated despite its interminable sequence of fights and battles, the seemingly endless account of the siege of Troy that many readers should find nothing short of intolerable (Brombert, 1999). Primo Levi (1981; 1986) disliked the 'Iliad' for much the same reason, finding its reading intolerable: that orgy of battles, wounds and corpses, that stupid endless war and the childish anger of Achilles fighting it. Following in Voltaire's footpath, Stendhal and Tolstoy demote the hero to the rank slaughterer.

'The Charterhouse of Parma' and 'War and Peace' both feature Napoleon, whom Hegel saw as the world-spirit on horseback. Stendhal and Tolstoy, instead, feature vanity and egotism, chaos and deception, brutality and crime. Their moral indignation and pessimism feeds the hope that tolerance and justice might be the outcome of their own antiheroic stance, a stance that the criminology of war may want to adopt.

References

Alter, R. and Cosman, C. (1986), *A Lion for Love: A Critical Biography of Stendhal*, Cambridge: Cambridge University Press.

Aristotle (1995), *Politics*, Oxford: Oxford University Press.

Bakhtin, M.M. (1981), *The Dialogic Imagination*, Austin: University of Texas Press.

Barberet, R. (2014), *Women, Crime and Criminal Justice: A Global Enquiry*, London and New York: Routledge.

Bloom, H. (1995), *The Western Canon*, London: Papermac.

Boltanski, L. (2014), *Mysteries & Conspiracies*, Cambridge: Polity.

Bonger, W.A. (1936), *An Introduction to Criminology*, London: Methuen.

Boxall, P. (2015), *The Value of the Novel*, Cambridge: Cambridge University Press.

Brombert, V. (1999), *In Praise of Antiheroes*, Chicago: University of Chicago Press: pp. 3-4).

Bull, M. (2013), *Inventing Falsehood, Making Truth*, Princeton: Princeton University Press.

Butler, J. (2009), *Frames of War*, London and New York: Verso.

Cavarero, A. (2007), *Orrorismo, ovvero della violenza sull'inerme*, Milan: Feltrinelli.

Cockburn, C. (2014), 'A Continuum of Violence: Gender, War and Peace', in Jamieson, R. (ed), *The Criminology of War*, Farnham: Ashgate.

Critchley, S. (2012), *The Faith of the Faithless*, London and New York: Verso.

Ferrell, J. (2009), 'Kill Method: A Provocation', *Journal of Theoretical and Philosophical Criminology*, 1 (1): 1-22.

Fiske, A.P. and Rai, T.S. (2015), *Virtuous Violence*, Cambridge: Cambridge University Press.

Gebhardt, M (2016), *Crimes Unspoken. The Rape of German Women at the End of the Second World War*, Cambridge: Polity.

Goffman, E. (1974), *Frame Analysis. An Essay on the Organization of Experience*, New York: Harper & Row.

Goodman, P. (2001), *Women, Sexuality and War*, London: Palgrave Macmillan.

Green, P. and Ward, T. (2009), 'The Transformation of Violence in Iraq', *British Journal of Criminology*, 49: 609-627.

Hagan, J. and Rymond- Richmond, W. (2009), 'Criminology Confronts Genocide: Whose Side Are You On?', *Theoretical Criminology*, 13: 503-511.

Jacobsen, M. H. (ed) (2014), *The Poetics of Crime. Understanding and Researching Crime and Deviance Trough Creative Sources*, Farnham: Ashgate.

Jamieson, R. (1998), 'Towards a Criminology of War in Europe', in Ruggiero, V., South, N. and Taylor, I. (eds), *The New European Criminology*, London: Routledge.

Jamieson, R. (2014) (ed), *The Criminology of War*, Farnham: Ashgate.

Josephson, M (1946), *Stendhal, or the Pursuit of Happiness*, New York: Garden City.

Kaldor, M. (2001), *New & Old Wars: Organized Violence in a Global Era*, Cambridge: Polity.

Klein,J.R. (2016), 'Cultural Criminology of War', in McGarry, R. and Walklate, S. (eds), *The Palgrave Handbook of Criminology and War*, London: Palgrave Macmillan.

Lea, J. (2016), 'War, Criminal Justice and the Rebirth of Privatisation', in McGarry, R. and Walklate, S. (eds), *The Palgrave Handbook of Criminology and War*, London: Palgrave Macmillan.

Levi, P. (1981), *La ricerca delle radici*, Turin: Einaudi.

Levi, P. (1986), *I sommersi e i salvati*, Turin: Einaudi.

Lévinas, E. (1969), *Totality and Infinity*, Dordrecht: Kluwer.

Lévinas, E. (1996), *Basic Philosophical Writings*, Bloomington: University of Indiana Press.

Levinson, W.A. (1994), *The Way of Strategy*, Milwaukee: Quality Press.

Loader, I. and Sparks, R. (2010), *Public Criminology?*, London: Routledge.

Lukacs, G. (1972), *Studies in European Realism*, London: The Merlin Press.

Malloch, M. and Munro, B. (eds), *Crime, Critique and Utopia*, London: Palgrave Macmillan.

Manguel, A. (2013), *The Traveler, the Tower, and the Worm. The Reader as Metaphor*, Philadelphia: University of Pennsylvania Press.

May, G. (1977), *Stendhal and the Age of Napoleon*, New York: Columbia University Press.

Mills, C.W. (1959), *The Sociological Imagination*, New York: Oxford University Press.

Morrison, W. (2015), 'War and Normative Visibility: Interactions in the Nomos', In Francis Peter; Wyatt Tanya; Davies Pamela (eds) *Invisible Crimes and Social Harms*.,London: Palgrave-Macmillan pp. 178-98

Mullins, C.W. (2016), 'Sexual Violence During Armed Conflict', in McGarry, R. and Walklate, S. (eds), *The Palgrave Handbook of Criminology and War*, London: Palgrave Macmillan.

Oliver, K. (2007), *Women as Weapons of War*, New York: Columbia University Press.

Peters, T. (1991), *Thriving on Chaos: Handbook for a Management Revolution*, New York: Harper Collins.

Presdee, M. (2000), *Cultural Criminology and the Carnival of Crime*, New York: Routledge.

Roberts, P. and McMillan, N. (2003), 'For Criminology in International Criminal Justice', *Journal of International Criminal Justice*, 1: 315-338.

Robinson, J. (2017), *An Overcoat. Scenes from the Afterlife of H.B.*, London: CB Ed

Ruggiero, V. (2005), ''Criminalizing War: Criminology as Ceasefire', *Social & Legal Studies*, 14 (2): 239-257.

Ruggiero, V. (2007), 'War, Crime, Empire and Cosmopolitanism', *Critical Criminology*, 15: 211-221.

Ruggiero, V. (2013), *The Crimes of the Economy*, London and New York: Routledge.

Ruggiero, V. (2015), 'War and the Death of Achilles', in Walklate, S. and McGarry, R. (eds), *Criminology and War*, London and New York: Routledge.

Ruggiero, V. (2016), 'Corporate War Crimes', in McGarry, R. and Walklate, S. (eds), *The Palgrave Handbook of Criminology and War*, London: Palgrave/Macmillan.

Stahl, R. (2009), *Militainment, Inc.: War, Media, and Popular Culture*, London and New York: Routledge.

Steifert, R. (1994), 'War and Rape: A Preliminary Analysis', in Stiglmayer, A. (ed), *Mass Rape: The War against Women in Bosnia-Herzegovina*, Lincoln: University of Nebraska Press.

Stendhal (1952), *To the Happy Few: Selected Letters*, London: Soho.

Stendhal (2002), *The Red and the Black*, Harmondworth: Penguin.

Stendhal (2006), *The Charterhouse of Parma*, Harmondsworth: Penguin.

Stendhal (2014), *The Abbess of Castro*, New York: Melville House

Stevanovic, I. (1997), 'The Feminine Experiences of War', *Temida: Bulletin of the Group for Women's Rights*, 1: 21-23.

Tolstoy, L. (1962), *Tutti i romanzi*, Florence: Sansoni.

Vargas Llosa, M. (2001), 'E' pensabile il mondo moderno senza il romanzo?', in Moretti, F. (ed), *Il romanzo*, Vol. 1, Turin: Einaudi.

Voltaire (2006), *Candide*, Harmondsworth: Penguin.

von Clausewitz, K. (1968), *On War*, Harmondsworth: Pelican.

Whyte, D. (2003), 'Lethal Regulation: State-Corporate Crime and the UK Government's New Mercenaries', Journal of Law and Society, 30: 575-600.

Whyte, D. (2007), 'Market Patriotism and the War on Terror', *Social Justice*, 34:111-131.

Young, J. (2011), *The Criminological Imagination,* Cambridge: Polity.