



## Review Article

# A review of the changing culture and social context relating to forensic facial depiction of the dead



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## ABSTRACT

The recognition of a decedent by a family member is commonplace in forensic investigation and is often employed as identity confirmation. However, it is recognised that misidentification from facial recognition is also common and faces of the dead may be extremely difficult to recognise due to decomposition or external damage, and even immediate post-mortem changes may be significant enough to confuse an observer. The depiction of faces of the dead can be a useful tool for promoting recognition leading to identification and post-mortem facial depiction is described as the interpretation of human remains in order to suggest the living appearance of an individual. This paper provides an historical context relating to the changing view of society to the presentation and publication of post-mortem facial depictions and discusses the current ethical, practical and academic challenges associated with these images.

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## 1. Introduction

The recognition of a decedent by a family member is commonplace in forensic investigation and is often employed as identity confirmation. However, it is recognised that misidentification from facial recognition is also common, especially in mass disaster scenarios where emotional, taphonomic and environmental factors become significant.

The depiction of faces of the dead can be a useful tool for promoting recognition leading to identification. Post-mortem facial depiction is described as the interpretation of human remains in order to suggest the living appearance of an individual

[1]. The aim of post-mortem facial prediction is to recreate an in vivo countenance of an individual that sufficiently resembles the decedent to allow recognition [2]. In a forensic investigation the publicity campaign promoting the facial depiction may lead to recognition by a member of the public and eventually identification. Since human remains may be presented in a variety of post-mortem states, different techniques of facial analysis and depiction may be appropriate for different cases [3].

Traditionally post-mortem craniofacial analysis has been carried out by forensic anthropologists [4,5], anatomists [6], artists [2,7] and sculptors [8,9] or through collaborations between scientists and artists [10,11]. Techniques incorporate anatomical principles [12], artistic skills [7] and anthropological standards [13], and may utilise photo-editing software [14], computer modelling [15], automated systems [16], sketching [7] and sculpture [2].

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## 2. Historical context and culture

Faces of the dead may be extremely difficult to recognise due to decomposition or external damage, and even immediate post-mortem changes may be significant enough to confuse an observer. Following major natural disasters, such as the Tsunami of 2004 and Hurricane Katrina of 2005, or terrorist events, such as the Bali bombing of 2002 or the London bombing of 2005, the emotional circumstances may lead to false identification by a family member, even where facial preservation appears sufficient for recognition [17]. Ten per cent of victims of the Tsunami and 50% of victims of the Bali bombing were incorrectly identified by facial recognition [18]. In the M/S Estonia disaster visual identification by next-of-kin was tentatively used in 48% of cases, but proved to be unreliable [19] with one member of the crew even falsely identified another crew member based on ante-mortem and post-mortem photographs [20]. After the Zeebrugge ferry disaster bodies recovered immediately were mostly identified visually by next-of-kin [21]. However, one small group of relatives made premature misidentifications, whilst others had to make repeated visits, even when the corpse showed minimal physical damage, allowing subtle changes in the face to block acceptance of reality [21]. The social, legal and religious implications of misidentification are enormous and international investigative authorities advocate that it is vital to identify the deceased for the return to the family for cultural/religious observance, for grieving and acceptance of death and for judicial matters of estate [18].

Unknown human remains have been identified through visual inspection in the UK since the Middle Ages, when dead bodies were laid out for identification in public streets [22]. There is a record from 1726 of a severed head found washed up on the banks of the Thames (Horseferry Wharf) by a night-watchman. The head was placed on a spike at St Margaret's Churchyard in Westminster and eventually displayed in a jar under spirit, in order to promote recognition and avoid further decomposition [23,24].

In addition, the exhibition of post-mortem photographs was common place in 19th century Britain and USA [25], providing a means for displaying executed criminals and describing crime scenes in newspapers and publications. The observation of post-mortem images was not considered unacceptable or inappropriate, and indeed memorial portraiture (or memento mori) was popular as a cheap alternative to the painted portrait and served as a keepsake to remember the deceased, especially common for children [26]. Often the deceased was arranged so as to appear alive, shown in repose to appear asleep or propped in a family gathering, and these portraits were often considered beautiful and sensitive [27–29].

By contrast law enforcement or military images of the dead showed the bodies in all their gory detail and were used to exhibit a captured and executed criminal to the public and enhance the reputation of the police officers or military. Examples include photographs of the corpses of Jesse James in 1882 [30], John Dillinger in 1934 [31] or Ché Guevara in 1967 [32]. These images were often brutal, stark and unarranged.

In recent times the publication of post-mortem faces of victims has become increasingly seen as vulgar, sensationalist and taboo, a cultural shift that may be a reflection of a wider social discomfort with death. In the thirties and forties journalists/reporters commonly photographed murder victims, accidental deaths and suicides to publish in newspaper articles [28], but currently crime scene photography is the remit of law enforcement personnel [33], such as SOCOs or CSIs.

There are some examples of public anger associated with the publication of images showing faces of the dead that may be responsible for a cultural shift. The television coverage of the Hillsborough stadium disaster in 1989 caused public concern in

relation to the close up images of the dead [34]. A questionnaire and discussion group survey found that British viewers overwhelmingly felt that these images were unacceptable with the majority stating the reasons that relatives of the victims might be watching and be upset, and that children might be watching [35]. Other objections provided in relation to television images of the dead are that the images may shock or cause offence [34] and that their publication is disrespectful to the dead. Photographs showing unidentified victims of disaster have provoked a public and political response. After the Bhopal Gas Tragedy in India in 1984 [36] one picture of the unidentified dead face of a child victim poking through the rubble became iconic as a symbol of the destructive power of methyl isocyanate, in stark contrast to the Union Carbide Corporation accounts and figures. The public outcry ultimately led to the Indian Government passing the Bhopal Gas Leak Act in March 1985, allowing the Government of India to act as the legal representative for victims of the disaster in legal proceedings. Other disasters have also provoked public debate in relation to the use of images of the victims in the media. The publication of images of falling victims from the September 11 terrorist attacks on the New York was considered exploitative and honouring in equal measure. Indeed one particular falling image was thought to epitomise the tragedy and the horror of this catastrophe in Western cultural memory [37].

With the recent advances in technology the access to and availability of images from disasters, wars and forensic incidents has increased, and there has been a cultural shift in response to this. Photographers embedded with the US military currently agree not to use photographs that show the dead or wounded if the faces can be recognised [38]. The US Department of Defence states that “*until next of kin are notified, faces should not be shown*” (DoD regulations specify 72 h) [39]. It seems that the recognition of the decedent is one of the most important factors, as this knowledge of identity is the part that is considered disrespectful and harmful. But even death images of identified soldiers are not routinely published; in a 2005 survey Rainey [38] found that of six prominent U.S. newspapers and the nation's two most popular newsmagazines during a six-month period found almost no pictures from the war zone of Americans killed in action. During that time, 559 Americans and Western allies died.

Two US examples of post-mortem war images resulted in contrasting media responses. In 2003 the Pentagon released death images of Saddam Hussein's sons, Uday and Qusay, as evidence that they had been killed [40]. Higgins and Müller [40] state the Bush administration apparently decided that these deaths represented an exceptional case, as Defense Secretary Donald Rumsfeld commented that the publication of such photos of war casualties ‘*is not a practice the United States engages in on a normal basis.*’ However, in 2006 the military arranged a press conference to announce the death of Abu Musab al-Zarqawi, a leader of al-Qaeda in Iraq, where an image of Zarqawi's lifeless face was enlarged to a poster size and displayed in an incongruous golden frame at a press briefing [40]. Higgins and Müller state that this time there was no Pentagon explanation of the special conditions meriting the release of this death image, other than to confirm his death and there was a strong media backlash calling the publication of the image tasteless and gruesome. The Center for Strategic Communication at Arizona State University responded by drafting a memo [41] advising policymakers to reconsider the publication of such death images – especially given the global context in which they may be disseminated and reproduced. Higgins and Müller [40] then compare this to the government action in 2011 when U.S. forces killed al-Qaeda leader Osama bin Laden. They report that gruesome photographs were taken of bin Laden's body at the site of his death, showing that he had been shot in the face, and state that the existence of these raised serious ethical questions for the press

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