POPULAR CULTURE, CRIME AND SOCIAL CONTROL

SOCIOLOGY OF CRIME, LAW AND DEVIANCE

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POPULAR CULTURE, CRIME AND SOCIAL CONTROL

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IN NON-FICTION

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INTRODUCTION: THE CRIMINOLOGY OF POPULAR CULTURE

Crime and social control present important issues that move and affect large segments of society. Whether we consider the impact of criminal events in terms of victimization, the construction of deviance into criminalized acts, or the many socially relevant aspects related to criminal justice policies and other social control activities, crime and justice are matters that deserve our most serious attention. It is largely for this reason that scholars develop astute theoretical models and sophisticated methodologies to study crime and social control in their many significant components. Yet, the world of popular culture, which we tend to associate with playfulness and fun, has also embraced themes related to crime and its control. It is perhaps a sign of the very earnestness associated with crime and social control that these themes are also dealt with in the social institutions of entertainment. The study of such portrayals of crime and criminal justice in popular culture is the focus of the present volume.

Francois Truffaut (1985) once remarked that the task of the movie director is not to say something but to show something. Undoubtedly, this is true and, surely, this should be true of all exciting art. Yet, while not intent on saying something, artists also do say something and do transmit ideas, whether consciously or not, through their aesthetic expressions. It is possible therefore to analyze dimensions of popular culture from the viewpoint of various academic disciplines. Social scientists have particularly sought to unravel many aspects of social life as they are revealed in popular culture. Among the many sociologically relevant issues, crime and social control have received considerable attention.

More work has been done in the criminology of popular culture than can be reviewed here (see, e.g., Bailey & Hale, 1998; McMahon, 2008; Murley, 2008). Suffice it to say that diverse artistic and cultural expressions, such as paintings, sculptures, photographs, cartoons, and other visual arts in the print media, music, movies, television, and Internet-based audio-visual materials have been analyzed from the viewpoint of important matters relating to crime and social control. There also exist specialized journals in this area, such as the *Journal of Criminal Justice and Popular Culture* and

Crime, Media, Culture. It is in this rich burgeoning field of criminological analysis that the present volume is situated.

   This work offers a range of innovative contributions that contemplate on some of the many ways in which themes related to crime and its control are addressed in a number of different manifestations of popular culture. In Part I, chapters are brought together that focus on the representation of criminologically relevant themes in the visual arts, including movies, comic books, and television. Susan Boyd's chapter addresses arguably one of the most famous and infamous examples of the treatment of drug abuse in the world of the cinema by discussing the representation of marijuana use in the cult classic Reefer Madness. Also focusing on other movies that portray illegal drug use, Boyd draws on feminist and critical criminology to argue that there are enduring links presented between illegal drugs and immorality that involve a stigmatization and moral condemnation of drug users. Nickie Phillips turns to a very topical theme by analyzing the popular movie The Dark Night in the wake of the events of September 11. Phillips' analysis focuses on the ideological messages of crime and justice that are presented in The Dark Knight and specifically shows how these messages reinforce the notion of the evildoer as an outsider. Bradford Reyns and Billy Henson next focus their criminological attention on the relatively unexplored art form of comic books. The authors find that crime control and crime prevention themes can be found across a broad range of comic books. They suggest that such representations may influence the public's perception of crime and thereby affect the legitimacy of the criminal justice system. In a final chapter on the visual arts, Dawn Cecil looks at televised images of incarceration in documentaries and reality-based programs. The author shows that jails of all sizes and types are presented but always in a sensationalized manner that is supportive of official criminal justice policies.

   Part II focuses on criminological themes in popular music. Judah Schept first analyzes the lyrics and music videos of Palestinian hip-hop, with a special focus on the Israeli–Palestinian conflict. Based on a semiotic analysis, Schept finds that Palestinian hip-hop artists rely on terms from criminal justice to narrate their lives under occupation in contrast with an organically conceived connection to the land of Palestine. Charis Kubrin and Ronald Weitzer also focus on rap music, but their attention is centered on the existing academic scholarship about rap. The authors argue that this scholarship reveals several weaknesses in lacking rigidity of research. Accordingly, they make several recommendations to strengthen such contributions. Turning attention to black musicianship, Viviane Saleh-Hanna uses the scholarship that can be found in music lyrics to broaden the focus of mainstream criminological discourse. In particular, the author argues that black musicianship can offer

an antidote to the colonialism and racism that is often reproduced in criminology. A final chapter on music is offered by Ellen Leichtman, who centers her scholarly attention on protest music during the civil rights era and in the Punk movement. On the basis of her analysis, Leichtman argues that music should not be overlooked in the study of criminal justice as it can serve an important function to those who fight for justice.

The final part of this book brings together chapters that study themes of crime and justice in the non-fictional world of popular culture. Anneke Meyer first explores the representation and regulation of child sex crimes in the news media. On the basis of discourse analysis of newspaper stories, Meyer shows that the media construct pedophiles as members of a distinct and dangerous category of people and that this image also informs formal policies. Likewise focusing on news publications, Greg Justis and Steven Chermak analyze the manner in which forensics television programs are used in the news media. The authors find that such representations of forensics entertainment have been increasingly relied on in the news and that they greatly influence public perceptions. Stephanie Kane shifts the attention to popular culture as it is practiced in everyday talk, especially in discourse on crime. The author shows that the carnivalesque lifestyles on Brazil's beaches are confronted with the reality of armed robberies and that this duality informs popular culture as practical living. In the final chapter to this volume, Nicole Rafter and Per Ystehede analyze the criminology of Cesare Lombroso in the context of late 19th-century Gothicism. The authors argue that Lombroso's criminals were Gothic creations, drawn from literature and art, thereby manifesting a connection that exists between the worlds of fiction and science. Collectively, the authors of this volume hope to have offered analyses that may further stimulate scholarship on the criminology of popular culture and bring about stimulating discussions and debate.

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Editor

PART I
CRIME AND SOCIAL CONTROL
IN THE VISUAL ARTS

REEFER MADNESS AND BEYOND

Susan Boyd

ABSTRACT

Purpose – *This chapter analyses the independent U.S. film* Reefer Madness*, a fictional full-length feature about marijuana use and selling that has grown in cult status since it was produced in 1936. In addition, this chapter discusses a number of examples of early and contemporary illegal drug films that focus on marijuana, including a short film scene from* Broken Flowers *(2005).*

Methodology – *Drawing from critical and feminist criminology, sociology, and cultural studies, this chapter provides an analysis of fictional illegal drug films with a focus on marijuana.*

Findings – *The significance of a century of film representations that reinforce a link between illegal drug use, immorality, and crime is discussed. It appears that these themes are quite enduring.*

Value – *It is worthwhile to analyze illegal drug films, not just to explore the stigmatization of users, but to examine the social/political effects of these films, particularly the ways that certain kinds of negative images support drug regulation and its attendant policing.*

INTRODUCTION

Film is one medium amongst many producing discourse about criminalized drugs, addiction, and justice. Print media, literature, music, art, and numerous other media contribute to our understanding of the images we see on the screen. Since the early 1900s, representations of illegal drug use and trafficking have often been central themes in Hollywood and independent films. Federal and state drug prohibition and film emerged during the same era in the United States. Before and since the criminalization of specific drugs such as opium, cocaine, and heroin, and later marijuana, filmmakers have contributed to discourses about drugs and the people who use, sell, and produce them. In addition, they have contributed to cinematic representations of criminal justice and societal responses to drug use and trafficking. The term "illegal drug films" refers to films that focus primarily on drug use, selling, production, and their consequences. Today, illegal drug films are common fare in Hollywood and independent film productions. In addition, movies that cannot be categorized as illegal drug films often include illegal drug use and selling in references or in short scenes.

This chapter examines the independent U.S. film *Reefer Madness*, a fictional full-length feature about marijuana use and selling that has grown in cult status since it was produced in 1936. In addition, this chapter discusses a number of examples of early and contemporary illegal drug films that focus on marijuana, including a short film scene from *Broken Flowers* (2005). It is worthwhile to analyze illegal drug films, not just to explore the stigmatization of users, but to examine the social/political effects of these films, particularly the ways in which certain kinds of negative images support drug regulation and its attendant policing. Drawing from critical and feminist criminology, sociology, and cultural studies, this chapter provides an analysis of illegal drug films with a focus on marijuana. Finally, the significance of a century of film representations that reinforce a link between illegal drug use, immorality, and crime is discussed (Taylor, 2008, p. 369).

POPULAR CULTURE, FILM,
AND ILLEGAL DRUGS

Illegal drug films and short scenes about illegal drugs in movies provide systems of meaning about drugs, pleasure, states of consciousness, addiction, treatment, morality, criminal justice, order, disorder, and punishment (Boyd, 2008; Doyle, 2006; Manning, 2007; Valentine & Fraser, 2008;

Valverde, 2006). Mariana Valverde reminds us that representations "move us, stimulating the passions – pity and compassion as much as fear and anger – and triggering powerful memories, fears, dreams and hopes" (2006, p. 163). Illegal drug films also trigger laughter, grief, horror, recognition, disbelief, and hope – in other words, a wide spectrum of human emotions. Most important, films provide us with entertainment and are made for profit. Since the discovery of film in the late 1880s, viewers have been riveted by motion pictures, flocking first to penny arcades to watch half-minute silent films and later to movie theatres to view feature-length films. With the discovery of television in the late 1930s, and later video, computers, DVDs, and iPods, film viewing has expanded in the United States and elsewhere. Today the average American spends four hours a day watching television, DVDs, or iPods (Sourcebook for Teaching Science, 2009).

Illegal drug films are cultural products that provide a lens to understand the interplay between representations of illegal drug use, selling, crime, and criminal justice regulation. The cultural criminologists Ferrell and Websdale question the expansion of criminal justice practices in Western nations. They propose "a mode of analysis that embodies sensitivities to image, meaning, and representation in the study of deviance, crime, and control" in media and popular culture (Ferrell & Websdale, 1999, p. 3). Stuart Hall has long been interested in visual images of crime (Hall, 1981, 1997). He illustrates how pictures, or photos of crime, have ideological significance for they can "*enhance*, *locate*, or *specify*" ideological themes (italic in original, Hall, 1981). Visual representations of marijuana and other illegal drugs, users, dealers, and drug paraphernalia are fetishized in film, re(producing) images that we come to recognize and attach meaning to. When examining representations, whether film or print media, Valverde also emphasizes looking outside of the boundaries of criminology and the "crime and media" subdiscipline, and breaking out of the singular gaze on crime and law (2006, p. 11). The "domains of law, justice and crime are constituted in part through representations – and through people's responses to these representations" (2006, p. 163). Film representations introduce and contextualize social problems and transmit ideas about the scope of these issues as well as notions about the appropriate methods of formal and informal regulation of these "problems." For example, Doyle (2006) notes that "systems of meaning about crime and punishment develop in complex interplay between various cultural representations of crime, some modern, some age old, and with the pronouncements of other key authorities on crime, such as police and politicians" (p. 876). These systems of meaning, myths, and ideologies intersect on and off the film screen, informing our understanding of illegal

drugs, the people who use them, trafficking, and societal and criminal justice responses.

Illegal drug films cannot be categorized simply as crime films. Rather, in this chapter we will examine illegal drug films as a unique genre, acknowledging the ''commonplace of drugs within popular cultures,'' representations of ''noncriminal drug consumers'' (Manning, 2007, pp. 8, 25), and ruptures in law-and-order narratives. Although the majority of illegal drug films celebrate punishment and law and order, there is no single message in either Hollywood or independent films (Boyd, 2008; Valverde, 2006, p. 41). As we will see, cinematic scenes of illegal drug use and selling are ''historically specific and historically rooted'' (Manning, 2007, p. 5), providing systems of meaning that resonate, extend, and draw from understandings outside of film itself. Filmmakers, scriptwriters, directors, and producers draw from popular culture, print media, the professions (including criminal justice, psychiatry, etc.), art, literature, music, lived experience, and other media to create visual representations and narratives for the films we watch.

In contemporary history, myths about particular drugs often emerge during drug scares. The drug researchers Craig Reinarman and Harry Levine note that drug scares, often fuelled by moral reformers, are a ''phenomena in their own right'' and have long been a popular media creation (1997, p. 1). The phrase ''drug scare'' refers to ''designated periods'' of time when a number of antidrug individuals, groups, and media outlets (including newspapers, and fictive and documentary films) identify and denounce a particular drug as a new social problem requiring increased attention and regulation (1997, p. 1). Film representations of drugs introduce viewers to the dangers and joys associated with particular drugs.

BACKGROUND TO *REEFER MADNESS*

Michael Starks's invaluable illustrated history of drugs in the movies, *Cocaine Fiends and Reefer Madness – An Illustrated History of Drugs in the Movies*, is the first comprehensive English-language book about both drug films and scenes with references to drugs (Starks, 1982). He includes stills from early silent, black-and-white, and short films, including Thomas Edison's 1894 production, *Chinese Opium Den*, as well as experimental and feature-length sound films up to the late 1970s. Early feature-length films depict cocaine addiction (see *For His Son*, 1912) and opium dens with white women in close proximity to racialized Others (see *Broken Blossoms*, 1919). He also notes that a number of silent films in the 1920s, and later sound

films in the early 1930s, included references to marijuana and other drugs like cocaine and opiate derivatives that were not necessarily negative. For example, *The Mystery of the Leaping Fish* (1916) introduces movie viewers to Coke Ennyday, a Sherlock Holmes-type character who is helping the police crack an Asian opium drug-smuggling ring. Throughout the film, Coke Ennyday uses plentiful amounts of powder cocaine and laudanum, a liquid opium derivative. When he uses the drugs, he is depicted as cheerful and energetic. He is quite despondent without the drugs. Although the film condemns opium smuggling by Asian gangs, it does not condemn Coke Ennyday's drug use; however, this is not so surprising given the era in which the film was produced.

During the same period, drugs now considered very dangerous (opium, cocaine, and marijuana) were ingredients in patent medicines and elixirs commonly used by families to treat a wide range of illnesses (Berridge & Edwards, 1981; Musto, 2002). By 1906, Congress passed the Pure Food and Drug Act. It required all patent medicines and elixirs that contained opiates and cocaine to specify these ingredients on their label (Brecher et al., 1972, p. 47). In addition, a number of city ordinances and state laws in the late 1800s and early 1900s set out to restrict opium smoking in smoking houses and dens. Print media, moral reformers, and some pharmacists, doctors, and congressmen claimed that opiates and cocaine predisposed its users to insanity and crime. Drug historians note that American drug laws were gender, race, and class based from the start (Campbell, 2000; Musto, 1987). Unlike patient medicine and elixirs, containing opiates and cocaine and consumed by middle- and upper-class white Americans, opium in smokable form and powder cocaine were increasingly viewed as "substances associated with foreigners and alien subgroups" (Musto, 1987, p. 65). Cocaine became linked to supposedly "wild" African American men, and opium with "deviant and scheming" Chinese men. White moral reformers induced fear by claiming that these racialized categories of persons would introduce these drugs to white middle- and upper-class users (*ibid.*). By the early nineteenth century, sobriety, morality, and self-control became the model of respectability for white, Anglo-Saxon, middle-class, Protestant citizens. Cities like San Francisco introduced ordinances to regulate opium smoking in dens; however, it was not until Congress passed the national Harrison Narcotic Act of 1914 that opiates and coca leaves and their derivatives were regulated and taxed for internal revenue. The Harrison Act of 1914 is considered "a milestone in the history of drug control in the United States (Musto, 2002, p. 253). Shortly afterwards, Congress tightened up the Harrison Act and, by 1922, penalties for narcotic offences were

doubled (Brecher et al., 1972, p. 56). At this time, marijuana was not yet regulated, and film representations were not necessarily negative, even though moral reformers like Sara Graham-Mulhall, the first deputy commissioner in the Department of Narcotic Control in New York, condemned marijuana along with opium and called for stricter regulation in her book *Opium: The Demon Flower* (1926).

Michael Starks provides an example of a humorous film scene from the Hollywood comedy *International House* (1933) in his book, *Cocaine Fiends and Reefer Madness*. It shows Cab Calloway and his Cotton Club Band playing a hilarious version of the song *Reefer Man* (Starks, 1982, p. 101). But positive or humorous representations of marijuana in film ended following the establishment of the Motion Picture Production Code (MPPC) in 1930. By the 1920s, many states banned pictures of opium, cocaine, and drug dealing in film. The Code specifically banned explicit scenes of alcohol and illegal drug use and selling from Hollywood screens. The MPPC operated through self-censorship of the Hollywood film industry, and it was initially set up to respond to public disapproval of "immoral" behavior represented on and off the screen and to offset the possibility of state censorship (Starks, 1982). However, the MPPC had little control over independent movies, and a number of these independent drug films were produced in the 1930s. Many depicted explicit drug use and selling to "educate" moviegoers about the evils of marijuana. Thus, only independent films outside of the Hollywood industry continued to include representations of drugs and trafficking; these films most often demonized marijuana, and drugs like opium and heroin, and the traffickers who sold them (see *Narcotic*, 1934; *Assassin of Youth*, 1935; *Marihuana: The Weed with Roots in Hell*, 1935; *She Shoulda Said No!* 1949 (also released as *Wild Weed*); *Teenage Devil Dolls: One-Way Ticket to Hell*, 1955; *High School Confidential*, 1958). Audiences were drawn to these films by their vivid and lurid posters that depicted scantily dressed women seduced with the promise of drugs by devils and dark men. The posters promised a film containing explicit drug use accompanied by shocking images of female sexual abandon and immortality (Boyd, 2009; Shapiro, 2003).

Reefer Madness was directed by Louis Gasnier and produced in 1936. It is a morality tale commissioned by a church group to educate parents in the United States about the dangers of marijuana, and it was originally titled *Tell Your Children* (Nelson, 2004). After the film was completed, Dwain Esper purchased it for distribution. He edited the film and sent it out for distribution on the exploitation film circuit. Exploitation films were often billed as educational films. Many were cautionary tales accompanied, as

mentioned above, by sensational advertising. These films were often cheaply made, and independently produced, thus bypassing censorship procedures (Peary, 1981). Dwain Esper produced several other independent films in the 1930s to depict the horrors of drug use.

Reefer Madness was also produced with the support of Harry J. Anslinger, the first Commissioner of Narcotics in the newly created Federal Bureau of Narcotics in 1930 (Starks, 1982). Researchers in the United States and elsewhere have written about the shift in drug policy in the early 1900s and the direction it took after the establishment of the Federal Bureau of Narcotics. Early on, Anslinger was intent on pushing state laws to regulate marijuana, even though in the early 1930s recreational marijuana use was still very rare (Brecher et al., 1972; Musto, 1987). It was not until the mid-1930s that Anslinger shifted his focus and campaigned for federal control of marijuana. He was fond of highlighting individual case stories without providing evidence, sordid tales about drug addiction and trafficking, personal degradation, and crime in his talks, books, journal, and popular culture writing (Anslinger, 1933; Anslinger & Oursler, 1961; Anslinger & Tompkins, 1953). The exploitation films produced in the 1930s were supported by him for carrying the right message to viewers about drugs he deemed dangerous.

Even though most Americans in the 1930s were unfamiliar with marijuana, it has a long history in human societies (Grinspoon & Bakalar, 1997). Marijuana is a product of the hemp plant, *cannibis sativa*, and the drug was used for medicinal purposes in China, Africa, and India for thousands of years, and it was popular in medieval Europe; however, it only came to the attention of Western doctors in the mid-nineteenth century. At that time, these same doctors praised marijuana for its medicinal qualities and prescribed it for a range of aliments (*ibid.*). Patients in the United States and Europe consumed marijuana in liquid form like they consumed opiates and cocaine in patent medicines and elixirs at that time. Smoking marijuana was viewed in an entirely different manner, and most Americans had little experience with marijuana in smoking form, or with the recreational use of the plant. Drug historian David Musto notes that, in the United States, the practice of smoking marijuana was introduced to some black and white jazz musicians by Mexican laborers who had immigrated to the United States in the 1920s. As the Great Depression set in and jobs became scarce, Mexican immigrants who came north to work were increasingly made unwelcome and were stereotyped by moral reformers and the print media as a group associated with crime, violence, and marijuana use, even though there was no evidence to substantiate these claims (Musto, 1987). Marijuana became associated with Mexican immigrants, and moral reformers claimed that the

drug was also a "sexual stimulant" that lowered "civilizing inhibitions" (Musto, 1987, p. 219).

Similar to earlier drug scares and claims made by moral reformers and the print media about opium smoking and the racialized "Other," marijuana use and selling was linked with Mexican laborers, and white and African American jazz players. The drugs, and the people who used them, were depicted by moral reformers as threats to rural white middle-class society, especially youth. In addition, themes produced through the prohibitionist discourses of earlier anti-opiate reformers and alcohol temperance movements became associated with marijuana. These themes linked drug use not only with the breakdown of the family and the Anglo-Saxon way of life, but with breaches of racial purity, and with the potential victimization of others by its users, who sold or gave drugs away to innocent and unsuspecting consumers. Once alcohol prohibition ended in 1933, marijuana become the number one enemy to be battled by the U.S. state and reformers (Anslinger & Oursler, 1961). By 1936, Anslinger's attention turned more fully to national marijuana control.

Critics note that Anslinger enjoyed success in "using law enforcement to control public opinion regarding drug use and addiction" (Galliher, Keys, & Elsner, 1998, p. 661). He was also influential in the production of a wide variety of antidrug discourses during his long period in office as the U.S. drug czar. For 32 years, Anslinger pushed to criminalize specific drugs and called for more international, national, and state laws to prohibit their use. He used radio, the print media (newspaper and magazine articles, books), and film to "educate" Americans about the horrors of drugs like marijuana and concomitant dangerous drug dealers (Anslinger & Oursler, 1961; Anslinger & Tompkins, 1953). Anslinger also attempted to control the flow of scholarly research and artistic creations (including documentary, fictive film, and books) about drug use, while at the same time producing, disseminating, and supporting antidrug discourse (Anslinger & Oursler, 1961; Anslinger & Tompkins, 1953; Galliher et al., 1998). His attempts to censor representations of illegal drugs that did not fit with his antidrug ideology were accompanied by his suspicion regarding the Hollywood film industry and its actors. Anslinger's role in the arrest and surveillance of high-profile actors (and academics like Alfred Lindesmith who held a very different view on addiction than himself) limited the availability of alternative information about marijuana, other criminalized drugs, addiction, and the law (Galliher et al., 1998; McWilliams, 1990). Whether intended or not, *Reefer Madness* successfully captures many of Anslinger's views about marijuana, addiction, and the need for criminal justice regulation (Anslinger & Oursler, 1961; Anslinger & Tompkins, 1953).

Although *Reefer Madness* was originally created as an educational film in the mid-1930s, moviegoers rediscovered it in the early 1970s and responded quite differently than earlier viewers. It is now considered the best-selling cult feature film in the United States (Sandrew & Horvath, 2004). The film's dramatic cautionary tale is now interpreted quite differently. Contemporary audiences often howl with laughter at the overwrought scenes, and the film is billed as a comedy. It remains an all-time favorite, and several remastered releases of the film have been produced, including a color version released by Twentieth Century Fox in 2004. A 1998 musical that went on to Broadway, based on the original film, also spawned a made-for-TV movie.

Reefer Madness

Reefer Madness is one of several films produced with the support of the Federal Bureau of Narcotics outside of the Hollywood system. No Hollywood film depicted illegal drug use or trafficking as a central story line from 1934 to 1948. These independent U.S. films were produced before the criminalization of marijuana, during a time when most movie viewers had little knowledge of the plant (Musto, 2002). In these films, white middle-class youth are depicted as vulnerable not only to the negative effects of drug use, but to the seemingly parasitic and criminal ways of the people who sell drugs (Coomber, 2006).

Reefer Madness opens with the following script: ''The motion picture you are about to witness may startle you. It would not have been possible, otherwise, to sufficiently emphasize the frightful tale of the new drug menace which is destroying the youth of America in alarming numbers.'' This foreword warns film viewers that marijuana leads to ''acts of shocking violence … ending in incurable insanity. … The scenes and incidents, while fictionalized for the purposes of this story, are based upon actual research into the results of marijuana addiction.''

Following these warnings, the camera shifts to a number of newspaper headlines: ''Dope peddlers caught in high school,'' ''Federals aid police in drug war,'' and ''School-parent organizations join dope fight.'' Then the film cuts to a flyer, a public notice sponsored by a school and parent association and their guest speaker, Dr. Carroll. We then see Dr. Carroll standing in front of a desk speaking to parents at a meeting in a high school. He is lecturing about the evils of the new drug marijuana, at the same time as he is touting the fight against these drug traffickers by the Department of Narcotics. He states that marijuana is more addictive, ''deadly,'' and ''soul

destroying'' than other illegal drugs such as heroin and cocaine. He claims that marijuana use is growing in every state; his claim is substantiated by a cutaway to a photo of a field of tall marijuana plants growing behind a tenement building, reminding viewers that the ''evils'' of poverty and urban deprivation now associated with marijuana and other drugs can travel from the inner city to rural and small-town spaces. Next the parents in the film are shown photos of containers that traffickers use to smuggle their drugs across borders, including heels of shoes and false bottoms of suitcases. Dr. Carroll then proceeds to lay out some ''facts and case histories'' about marijuana use: he tells a few stories about marijuana users who murder family members and a tale about a young woman found in the company of five men after using marijuana. Then Dr. Carroll introduces the central story, which unfolds on the screen, about two evil drug dealers named Jack and Mae who prey on innocent youth in a small rural town in middle America.

Reefer Madness portrays innocent middle-class white, small-town youth being lured into marijuana addiction, sexual depravity, insanity, and murder. The evil drug that compels them into corruption and crime is marijuana, supplied by Jack and Mae. In the film, American youth are represented as naively moral and innocent in gendered ways. The young men in the film are represented as ''upstanding Americans,'' good scholars, and athletes. The young women are depicted as moral and kind. Regardless of these scenes of innocence, marijuana supplied by evil dealers catapults these innocent youth into depravity and crime. Viewers are introduced to the practices of marijuana smoking through scenes of young people inhaling marijuana at Mae and Jack's apartment. Soon the young women are dancing with abandon and lifting their dresses, and young men are making sexual advances, which the women seem to welcome. These effects are universal except for young Mary, a central character in the film. Mary is drawn to a marijuana party to search for her brother Bill. While there, she accidentally smokes marijuana in a cigarette given to her by her brother's friend, Ralph. At this same party, Mary is shot and killed by Jack. Though this shooting is an accident, Jack frames Mary's brother Bill for her murder. It was possible to frame Bill for his sister's murder because he is depicted as being so stoned that he cannot remember clearly what happened at the party. Jack's boss, depicted as the top dealer, tells Jack to get rid of Ralph before he cracks and tells the police what really happened at the party. Jack enters an apartment where Ralph is holed up with Mae and Blanche. Jack reaches for his gun, but Ralph is already paranoid from smoking so much marijuana, and he violently kills Jack with a fireplace poker. Ralph is driven to murder and insanity from smoking too much marijuana.

Reefer Madness, like other film productions in the 1930s, is presented as a "true case study" of the negative effects of drug use. In the film, marijuana is deemed "Public Enemy Number One!" and movie viewers are warned that marijuana is a "violent narcotic." Just as significant, criminal justice, harsh drug laws, and increased policing are depicted as the solution to the marijuana epidemic. The police and Dr. Carroll, representing the Department of Narcotics, and the judge are depicted as the legitimate representatives of law and order and experts on marijuana. The final courtroom scene is long and instructive. Bill's murder conviction is set aside and the charges are dropped against him once Blanche pleads guilty and provides state evidence against Jack. The judge firmly reprimands Bill, and makes him stay for the next case. Ralph is then led into the courtroom by two police officers. Once an innocent youth, Ralph is now depicted as incurably insane from smoking too much marijuana. The judge sentences him to life in a hospital for the criminally insane. Mae is imprisoned, and it is not clear at the end of the film what her sentence will be. Blanche, who helped to lure the youth to marijuana parties, later tells the police the truth about Mary's death. Yet, at the end of the film she commits suicide rather than face her own overwhelming guilt and the criminal justice system. Once the police know the truth about Jack, they are shown with rifles and axes in their hands, busily rounding up suspects and bringing them into custody, including the top dealer. At the end of the film, Dr. Carroll appears again at the parent association meeting. He concludes, "that happened right here, to your neighbors. We must work untiredly so that our children are obliged to learn the truth. Because it is only through knowledge that we can safely protect them." He pointedly asks the parents if their son or daughter will be the next tragedy, ruined by marijuana.

Themes like criminality, insanity, violence, and sexual immorality depicted in *Reefer Madness* are also prevalent in a number of other independent films produced during the same era, including *Assassin of Youth* (1935) and *Marihuana: The Weed with Roots in Hell* (1935). As mentioned earlier, it is believed that the Commissioner of the Federal Bureau of Narcotics, Harry J. Anslinger, supported all three films (Starks, 1982). Unlike today where movie viewers can watch a vast array of films that depict marijuana use and selling in short scenes or as a central theme and where many of them (both youth and adults) have experimented with the drug, movie viewers knew little about marijuana in its smoking form in the early 1900s (Brecher et al., 1972; Musto, 1987, 2002).

Throughout the 1930s Harry J. Anslinger and the Bureau of Narcotics campaigned to criminalize marijuana; they were successful and in 1937 the Marijuana Tax Act was enacted. McWilliams argues that the Act created a

new class of criminals that helped to open "the door" for later drug laws "that were more severe and less effective" (1990, p. 190). Following the criminalization of marijuana in the 1930s, a number of other independent exploitation films about marijuana were produced, including *Teenage Devil Dolls: One-way Ticket to Hell* (1955), and *High School Confidential* (1958). These films center on white suburban or rural towns. As in earlier marijuana films, young middle-class female high-school students appear as vulnerable to drug dealers and the lure of marijuana. In these films, young girls become addicted to marijuana, rejecting their studies and middle-class norms, as they turn to harder drugs like heroin. In *Teenage Devil Dolls*, the main character, Cassandra, is portrayed as a pretty, smart, high school student who earns high grades and plans to go to college. Her educational aspirations are thwarted when she starts hanging around with a motorcycle gang. Later she is shown hooking up with a Mexican man, her dealer and the instrument of her further deprivation and addiction to heroin. In both *Teenage Devil Dolls* and *High School Confidential*, marijuana use is depicted as leading young innocent white women into addiction, sexual immorality, abandonment of gender-appropriate norms, and as a "gateway" drug to harder drugs like heroin. Cassandra hits rock bottom, engaging in the sex trade. Later, her Mexican dealer abandons her. At the film's end, she is sent off to a Federal Narcotics Hospital to recover from her addictions and her criminal and immoral ways.

From 1937 on, federal law criminalized marijuana (the majority of states had already enacted legislation criminalizing marijuana possession and selling) (McWilliams, 1990, p. 78). Many states enacted mandatory minimums, laws that limit judicial discretion and sentencing. Mandatory minimum laws came into play at the federal level too. By 1951, federal mandatory minimum sentencing was enacted for all marijuana offences. In 1956, life imprisonment for drug trafficking and even the death penalty for some drug offences related to trafficking to minors were enacted (Brecher et al., 1972, p. 56; Musto, 2002, p. 276). These laws were enacted even though the LaGuardia Committee Report (1939–1944), based on a review of the scientific evidence of the time, recommended that marijuana be decriminalized. The LaGuardia Committee Report is not the first comprehensive scientific report on marijuana and other illegal drugs to be ignored by lawmakers (Brecher et al., 1972; Musto, 2002; Zimmer & Morgan, 1997).

Although Hollywood films produced in the 1930s tended to avoid explicit images of illegal drug use due to Production Code censorship, attitudes about film censorship and addiction began to shift in the late 1940s and early 1950s. *The Man with the Golden Arm* (1955) is most often cited as the first contemporary Hollywood film to challenge the censorship of screen

representations of drug use, addiction, and trafficking (Gardner, 1987; Starks, 1982). The film explicitly depicts the story of a young man (played by Frank Sinatra) who is addicted to heroin. His eventual withdrawal from the drug is a vivid and disturbing representation of the effects of drug use, as are scenes with his dealer. The films producer, Otto Preminger, successfully challenged the Production Code, and the film was shown in theatres in the United States.

Brecher et al. note that 30 years of antimarijuana propaganda and increasingly harsher laws seemed to spur on marijuana use rather than deter it (1972, p. 422). By the mid-1960s to the early 1970s, marijuana survey data noted a steep increase in marijuana use and arrests (pp. 422, 433). At this time, long after the first federal law to regulate marijuana was passed in 1937, the drug became more widely used in the United States (and elsewhere). Marijuana became the illegal drug of choice for white middle-class youth and adults. The 1960s movement, or counterculture movement of the 1960s and 1970s, brought about social, cultural, and political change, including wider recreational use of the plant marijuana. Representations in film shifted again to reflect the times, and censorship of film became less restrictive in relation to images of drugs, drug use, and trafficking.

ALTERNATIVE AND STONER FILMS

Although a number of U.S. films were produced in the 1950s depicting marijuana use as negative and drug dealers as violent predators of youth, there was a huge shift in public attitudes towards the plant in the 1960s and early 1970s, and this shift was reflected in popular productions of that era. In addition, in the 1970s, several states reversed the trend of "escalating penalties" for marijuana offences, reducing marijuana possession to a misdemeanor (McWilliams, 1990, p. 79).

Films such as *I Love You Alice B. Toklas* (1968), *Easy Rider* (1969), and *Alice's Restaurant* (1969) represent recreational marijuana use as a positive normalized behavior that has no ill effects. Drug dealers of marijuana are not demonized; in fact, they are portrayed sympathetically and as challenging the status quo. Films produced during this time in other countries, including Britain and Canada, also introduced audiences to representations of normalized marijuana users and sympathetic dealers (Boyd, 2008; Coomber, 2006; Shapiro, 2003; Starks, 1982; Stevenson, 2000). Eventually a separate genre of movies emerged that has been referred to as "stoner films."

Stoner films are most often comedies that exaggerate marijuana use to ridiculous effect. These films are mostly male buddy films that centre on the use of copious amounts of marijuana and the buddies' subsequent adventures. The male buddies are unrepentant in their consumption of marijuana. Such films as Cheech and Chong's *Up in Smoke* (1978), *Fast Times at Ridgemont High* (1982), *Half Baked* (1998), and *Harold and Kumar Go to White Castle* (2004) fall into this category. These films offer alternative representations countering official antidrug discourse. They also normalize marijuana use in the sense that young men from all social, ethnic, and economic backgrounds have been represented smoking marijuana as part of masculine, pleasurable, youthful activities. However, although there is quite a bit of diversity in recent marijuana films, they continue to focus primarily on white middle-class youth culture. In addition, women are secondary characters in these films, and they are most often depicted as objects of male pleasure rather than as central characters (Boyd, 2008).

NORMALIZED MARIJUANA USE IN SHORT SCENES

Just as popular as feature-length films that focus primarily on marijuana use and selling, many nondrug movies feature a short scene of normalized marijuana use. These scenes are not characterized by the exaggeration of marijuana effects; rather, they tend to highlight the "everydayness" and normalization of drug use in people's lives on and off the screen. *Broken Flowers* (2005), a good example of this approach, is not a drug film per se, but it includes a short scene of normalized recreational marijuana use in suburban America. In one scene, two men who are friends (a black middle-aged man and a white man in his 50s) walk out of the house and go behind a garage to talk. The wife of Winston, the black man, shouts to him as they leave, "No cigarettes!" Behind the garage, Winston lights up a joint and passes it to his friend, Bill. At the same moment, Winston's seven-year-old daughter, Rita, approaches them and says, "Papa, you're smoking again?"

Winston says, "No, no, no. This is just herbs. It's just a little cheeba."

Bill says: "Let me see that." He takes the joint, raises it to his lips, and inhales, and says, "He's right. It's just cannabis sativa."

Winston says, "You see? Just a little indigo baby."

Rita replies, "Cause momma says, 'No smoking tobacco anymore.'"

Winston claims, "Yeah. I know, I gave it up."

Rita: "Never!"

Winston: "Never! No more tobacco. I promise."
Rita: "Okay."

And she turns around and walks back toward the house. The two men resume smoking and talking. In the film, tobacco is represented as a negative drug. The film scene normalizes marijuana use and presents unproblematic middle-class use, as do many other films that include short scenes of people smoking a joint. The message is: no big deal. In the film scene, marijuana use is represented as a socially accepted activity that many responsible and noncriminal people engage in, regardless of its legal status.

TRAFFICKING AND VIOLENCE

Outside of *Reefer Madness* and other independent exploitation films produced in the 1930s, 1940s, and 1950s, this chapter has thus far focused on film representations that are sympathetic to marijuana users and sellers. Yet, film representations of violent drug dealers and innocent users being lured into corruption and immorality persist. Marijuana is often depicted as the first illegal drug a dealer sells before moving on to selling harder substances (see *Marihuana: The Weed with Roots in Hell*, 1935; *Blow*, 2001). Additionally, marijuana users, dealers, and grow-operation producers are depicted as violent and capable of murder. *Blow* (2001) and *Pineapple Express* (2008) are good examples of these types of films.

Blow (2001), based on a true story, introduces viewers to George Jung, a young white working-class man who innocently falls into selling and transporting marijuana in the United States in the late 1970s. All goes well for him, and he amasses quite a bit of money from the trade. He is depicted as an easygoing, nonviolent man, and the drug trade in the film is represented as an economic opportunity rather than as a criminal activity. However, after the sudden death of his girlfriend, George meets some high-level traffickers who sell cocaine, and soon he is married to a woman from Columbia who opens doors for him to engage in transporting cocaine into the United States. He is depicted using cocaine along with his wife and hanging out with violent Columbian traffickers. These traffickers kill an informer in front of George, and later he is brutally beat up and then shot by them. Soon, he too is carrying a gun and threatening his partner in crime with death. We see how quickly a fun-loving and peaceful marijuana-using dealer can become a murderous trafficker once he is corrupted through his association with Columbian cartels and his wife, Mirtha.

Pineapple Express (2008) is a good example of what first appears as a stoner flick that quickly turns into a violent caper about corrupt and violent police and drug lords who grow and sell marijuana. At the beginning of the film, viewers are introduced to Dale Denton and his slacker marijuana dealer, Saul Silver, both young white men who are mostly intent on smoking lots of marijuana. However, they are soon forced to go on the run after witnessing a murder by a corrupt Hispanic police officer named Carol and the city's white drug lord, Ted. Dale and Saul witness the shooting of a rival Asian drug dealer by them. They eventually end up at Saul's local supplier's home. Ted's violent henchmen have already roughed up Ray, and he does not want to discuss anything with them. Saul and Dale want answers, and soon they are engaged in a violent fight with Ray. Their peaceful marijuana slacker ways are quickly left behind. Later Ted's henchmen shoot Ray, but he survives. Ray, Dale, and Saul end up at the farmhouse where Ted grows marijuana. The slackers, fuelled by marijuana, take up arms and shoot a number of Ted's men, killing them and Carol. Against all odds, the three slackers survive. The film, though a comedy, contains a number of explicitly violent scenes. Carol, Ted, Saul, and Dale, are all represented as capable and ready to kill given the right circumstances.

MARIJUANA USE AND ARREST RATES

A number of the films discussed in this chapter are oppositional to antidrug war sentiments about marijuana; others perpetuate myths about racialized violent cartels, traffickers, and low-level dealers. Movies like *Blow* and *Pineapple Express* provide a mixed message, as do most films about illegal drugs, users, and dealers. Significantly, illegal drug films that focus on marijuana are understood by viewers against the backdrop of other popular films about heroin, cocaine, and methamphetamine use and selling, and discourses outside of film found in the print media, messages from the Drug Enforcement Administration (DEA), and the Partnership for a Drug Free America, etc. What is important to note is the interlocking nature of illegal drugs and criminal justice representations (Boyd, 2009; Jiwani & Young, 2006). Representations of marijuana production and trafficking are linked to crime, greed, violence, societal disorder, and corruption of youth. Representations of marijuana use are linked to excess, addiction, rejection of the work ethic and neoliberal goals, sexual abandon, depravity, and even murder. Young white women are represented as being especially vulnerable to marijuana and the lure of criminal and racialized drug dealers. Their

marijuana use often leads to harder drugs and a life of sexual deprivation and abandonment of gender-appropriate norms. White suburban and rural space is represented as being under threat from drugs like marijuana and ruthless dealers and drug lords from urban centers and cartel traffickers from foreign lands. Dealers and traffickers are often depicted as racialized criminal subjects who threaten the supposed purity of suburban and rural spaces depicted as populated by naive white people. Outside of a number of films produced in the 1960s and early 1970s, these understandings of marijuana endure.

For 40 years, marijuana has been the most commonly used illegal drug in the United States. More than 70 million Americans have tried the drug, and 25 million Americans used the drug at least once in 2006 (U.S. Department of Health and Human Services, 2008; Zimmer & Morgan, 1997). Harsh state and federal drug laws, arrests, convictions, imprisonment, and official discourse about marijuana have done little to decrease the use of the plant. Yet, marijuana is illegal to consume, sell, produce, and transport in the United States. At the federal level, marijuana is a Schedule I substance, meaning that it is categorized as having a high potential for abuse with no medical value. In 2008, 1,702,537 people were arrested for drug law violations in the United States. Of these, 82.3 percent were for possession, of which 44.3 percent were for marijuana possession. Contrary to mythologies promoted through agencies like the DEA and reported extensively in the print and visual news media, drug trafficking charges and the arrest of top-level cartel traffickers are rare. Possession and marijuana usage charges make up the largest category of drug offences. Drug charges make up the largest category of all arrests for criminal offences (Federal Bureau of Investigation, 2008).

Responding to rising illegal drug use in the 1970s and the crack scare of the 1980s, Congress and many state legislatures enacted mandatory minimum sentencing for drug offences (Reinarman & Levine, 1997). By the 1980s, it became apparent that poor and racialized people were most vulnerable to police profiling and imprisonment for drug offences, even though their drug use rates were no higher than that of other subgroups. For example, one in nine black men between the ages of 20 and 34 are behind bars in the United States (The Pew Center on the States, 2008, p. 8). Today, over 7 million people are moving through the U.S. criminal justice system, 2.3 million are in prison, and 5 million are on probation or parole (The Pew Center on the States, 2009, p. 1). However, there is no empirical evidence that demonstrates that mandatory minimum sentencing decreases illegal drug consumption and selling or that it decreases addiction to drugs. In contrast, numerous studies demonstrate that mandatory minimums in the United States contributed to the highest incarceration rate in the world,

where one in a hundred people is in jail or prison (The Pew Center on the States, 2008). When we include those people under criminal justice supervision in the community with those in jail and prison, 1 in every 31 adults (3.2 percent) is under correctional control in the United States (The Pew Center on the States, 2009, p. 1).

In their report, *One in 100: Behind Bars in America 2008*, the Pew Center argues that three decades of prison growth is bankrupting states without making a dent in crime, recidivism, or illegal drug use rates. Significantly, they point out "current prison growth is not driven by a parallel increase in crime, or a corresponding surge in the population at large. Rather, it flows principally from a wave of policy choices that are sending more lawbreakers to prison and, through popular 'three-strikes' measures and other sentencing enhancements, keeping them there longer" (The Pew Center on the States, 2008, p. 3). Yet still, drug regulation remains a contested area; even though federal drug law steadfastly refuses to acknowledge any medicinal benefits of marijuana, 14 states have enacted medical marijuana programs in defiance of federal law, and 12 states have reduced penalties to those of a misdemeanor for possession of small amounts of marijuana.

FILM REPRESENTATIONS AND THE FUTURE OF DRUG REGULATION

Representations of marijuana use, selling, production, and criminal justice are common in contemporary film, as are depictions of other illegal drugs and trafficking. Yet interestingly, few illegal drug films depict prison scenes, even though the narrative structure of many films evokes calls for harsher laws and more prison time for dealers and traffickers. Although we may not see the end result of harsh drug laws represented in film, we do see an endless plethora of representations of low-level dealers and drug lords condemned, beaten up, shot at, and killed by aggrieved individuals, and civil and police vigilantes taking the law into their own hands, assuming guilt and final punishment, without the aid of a trial or the criminal justice system (Boyd, 2008). These representations are common in illegal drug films, including those that depict marijuana use and selling (see *Blow* and *Pineapple Express*).

More prison time and harsher laws may not lower drug use rates or drug-related violence in communities. The rising cost of corrections and the recent economic crises beginning in 2007 in the United States have led policy-makers to examine sentencing and correctional policy more closely. For example, New York State legislators and Governor David Paterson have

reached an agreement that will end the mandatory sentencing codes for drug offences – the infamous Rockefeller drug laws enacted in the 1970s. Today it is recognized that mandatory minimum sentencing for drug offences is costly and ineffective (The Pew Center on the States, 2008).

Politicians, lawyers, judges, doctors, academics, and affected people have spoken out about the failure of U.S. drug policy. They note that the war on drugs is a failed and costly enterprise that fuels the prison industrial complex in the United States and contributes to violence, and the erosion of civil rights. There is little evidence that the war on drugs eliminates addiction (Alexander, 2008). There is growing evidence demonstrating that the global war on drugs contributes to the illegal drug market and drug-trade violence, organized crime, overdose death, and the transmission of diseases such as HIV/AIDS and Hepatitis C (Bullington, 1998; Buxton, Haden, & Mathias, 2008; Debeck, Wood, Montaner, & Kerr, 2006; Wood, Werb, Marshall, Montaner, & Kerr, 2009). The recent recession has brought about calls for belt-tightening and cutbacks to social supports, yet military and police budgets continue to increase. Critics note that the legal regulation of drugs could save billions of dollars, eliminate the illegal market and drug-trade violence, lower prison costs and police and military budgets, and most significantly, divert tax dollars to socially beneficial services (Boyd, 2004; Buxton et al., 2008).

As discussed at the beginning of this chapter, representations of illegal drugs in film are "historically specific and historically rooted" (Manning, 2007, p. 5). So too are laws and notions of justice and regulation that appear both on and off the silver screen. Laws and notions of justice and regulation, as well as public opinion, are rarely static. We can interpret this as positive news, because municipal, state, and federal law can sometimes be flexible enough to reflect societal change. Enacting legislation to end slavery, to eventually extend the vote to women, African Americans, Chinese Americans, and Native Americans, and to end alcohol prohibition are now viewed as positive shifts in law. Film representations are not a mirror image of society; however, they do provide a lens to understand contradictory representations about important issues of the day, marijuana use and regulation being one of them. Films tell a story and provide endless entertainment. Through visual imagery and narrative, we learn about important social issues. We may also wonder about the stories that do not appear on the silver screen and the stories that endure. "Fear is often galvanized" through particular representations of illegal drugs and assumptions about people who use and sell them (Coomber, 2006, p. 177). Illegal drug films draw on specific understandings of marijuana use, selling, and criminal justice. Marijuana users are often represented as victims of devious

drug dealers, and marijuana drug lords and dealers are often represented as murderous, greedy, and criminal, threatening white middle-class communities and the nation state. These fear-driven claims are then used to push for punitive policy and criminal justice initiatives.

For the last century, drug prohibition has been supported by waves of drug scares. Each new demon drug and the dealers who sell it are mythologized, generating fear and calls for harsher legislation. Film produces meaning and representations, and unsupportable mythologies about marijuana and the people who use, produce, and sell it that have political consequences. Yet, film also contains mixed messages, and scenes of normalized marijuana use are also represented on the screen. It is debatable whether or not we are moving away from a century of *Reefer Madness*; if we go by film representations alone, the verdict is not yet clear.

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International House. (1933). Dir. by A. Edward Sutherland. USA.

Marihuana: The Weed with Roots in Hell. (1935). Dir. by D. Esper. USA.

Narcotic. (1934). Dir. by D. Esper and V. Sodar't. USA.

Pineapple Express. (2008). Dir. by D. Gordon Green. USA.

Reefer Madness (Tell Your Children). (1936). Dir. by L. J. Gasnier. USA.

She Shoulda Said No! (Wild Weed). (1949). Dir. By S. Scott. USA.

Teenage Devil Dolls: One-way Ticket to Hell. (1955). Dir. by B. L. Price, Jr. USA.

The Man with the Golden Arm. (1955). Dir. by O. Preminger. USA.

The Mystery of the Leaping Fish. (1916). Dir. by C. Cabanne and J. Emerson. USA.

Up in Smoke. (1978). Dir. by L. Adler. USA.

THE DARK KNIGHT: CONSTRUCTING IMAGES OF GOOD VS. EVIL IN AN AGE OF ANXIETY

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ABSTRACT

Purpose – This chapter explores the commercially successful and critically acclaimed motion picture The Dark Knight *as a cultural artifact that both reflects and influences popular notions of crime and justice in the aftermath of the September 11, 2001, terrorist attacks.*

Design/methodology/approach – From a cultural criminological perspective, this chapter examines ideological messages pertaining to crime and justice presented in the film, including the framing of conflict as one between good and evil, justifications for extralegal violence, and reliance on absolute power as a means of social control. This chapter assesses reactions to the film as a "ritual moral exercise" in which viewers assuage their anxieties and insecurities in a post-9/11 world.

Findings – This chapter investigates representations of justice in the film, including the construction of the villain as "other," the perception of constitutional procedures as impediments to justice, the embrace of vigilantism, and the willingness to sacrifice transparency of government authorities while

accepting widespread surveillance in a time of crisis. Such themes resonated with some viewers who interpreted the film as offering explicit vindication for many of the questionable tactics used in the war on terror.

Originality/value – *This chapter argues that popular media, specifically fictional entertainment media, play a role in reflecting and informing collective sentiments of justice. It offers an analysis of* The Dark Knight *as celebrating individualized, American-style retributive justice in a post-9/11 context.*

INTRODUCTION

"I have often spoken to you about good and evil. This has made some uncomfortable. But good and evil are present in this world, and between the two there can be no compromise." George W. Bush, Farewell Address, January 15, 2009

It is a macabre social experiment: the Joker, Batman's most notorious and dangerous foe, rigs two ferries with explosives.[1] One ferry contains everyday Gotham citizens and the other, criminals on their way from the penitentiary. The Joker transmits a message telling the passengers that each ferry will detonate at midnight, unless someone from one ferry presses the remote control and detonates the other ferry.

First outrage, then fear, as the passengers contemplate triggering the explosives. A mother with two children on the "innocent" ferry states, "We don't all have to die. Why should my babies die? Those men had their chance." Nearby, a businessman states, "No one wants to get their hands dirty. Fine. I'll do it. Those men on that boat made their choices. They chose to murder and steal. It makes no sense for us to die, too." Officials on both ferries survey their respective passengers, and the majority of passengers vote in favor of detonation. Yet, to the Joker's dismay, no one from either ferry dares to push the button, and the deadline passes. No explosion.

For this ticking-time-bomb scenario, all parties act altruistically, reaffirming that, as Batman says, "[Gotham] city … is full of people ready to believe in good." After implementing an unprecedented amount of surveillance – tracking each Gotham City resident's cell phone transmissions – Batman captures the Joker, restoring order once again to Gotham City.

Saving Gotham City is a recurring theme in the Batman comic book series, most notably in Frank Miller's *The Dark Knight Returns* (1986) and Alan Moore's *The Killing Joke* (1988). In an urban dystopia with an active underground criminal network of supervillains, one often wonders whether

Gotham is worth saving at all (Patterson, 2008). In the absence of effective law enforcement, the criminals in the Gotham Underground have taken control of the city, leaving a volatile and chaotic atmosphere in their wake. The question in the Joker's social experiment is: will altruism prevail in Gotham? Overwhelmingly, the Batman mythos suggests that even when faced with unfathomable circumstances, human beings are capable of self-sacrifice. This message is juxtaposed against the Joker's embrace of the sinister side of human nature. For the Joker, people can be good, but only temporarily, "till their spirit breaks completely," as he says in the film. The Joker suggests that if pushed far enough, even the best of us can succumb to malevolence.

Through the lens of cultural criminology, this chapter explores ideological messages pertaining to crime and justice, as portrayed in *The Dark Knight*,[2] as well as reactions to the film, particularly those that perceive the film as a means of unequivocal support for government actions in George W. Bush's so-called war on terror. Cultural criminology embraces the study of popular culture, examining signs and symbols of crime and justice relevant to everyday life, as expressed through mediated images (Ferrell, Hayward, & Young, 2008; Ferrell & Sanders, 1995). I suggest that the themes presented in *The Dark Knight* (e.g., the inability of law enforcement to maintain social order, vigilante justice, and the embodiment of evil), though fictional, resonate with viewers' own anxieties and concerns in a post-9/11 society.

CRIME AND ENTERTAINMENT – BLURRING THE BOUNDARIES

Now more than ever, entertainment trumps public discourse surrounding events significant to public life. For example, in 2006, the winner of American Idol "drew more votes than have ever been cast for a president in a U.S. election" (Sweney, 2006). In his analysis of contemporary American culture, Neil Gabler writes that the "most pervasive, powerful and ineluctable force of our time" is entertainment (Gabler, 2000, p. 9). Consonant with the suggestion that entertainment permeates all aspects of social life, politicians and policy makers are expected to be familiar with popular culture icons. Lack of pop culture awareness is presumably a character flaw. For example, during the 2008 presidential election season candidates Barack Obama and John McCain were asked by a journalist at *Entertainment Weekly* to name their favorite superhero (Spider-Man and Batman, respectively) (EW, 2008). Similarly, a journalist at *Marie Claire*

interviewed Barack Obama, asking "Iron Man or Batman?" Obama replied, "Batman" (Coles & Kaylin, 2008; see also McKelvey, 2008).

Late modernity is characterized as a media-saturated society in which fact and fiction are increasingly, sometimes deliberately, blurred. Entertainment has become fused with "real life" as evidenced by the explosion of prime time reality television shows, specifically crime-based reality programs (Ferrell et al., 2008; Fishman & Cavender, 1998; Fox, Van Sickel, & Steiger, 2007; Phillips & Frost, 2010; Potter & Kappeler, 2006; Surette, 2007). Gabler (2000) argues that entertainment has become not just one facet of life, but that life itself has become a medium, an art, a "movie" designed to capture the attention of the audience. He describes the traditional view of movies as escapist entertainment – where we leave the theater to return to "real life" (p. 6). Gabler contends that in contemporary America, life itself has become the escapist entertainment. Fictional representations of crime and justice may be influenced by actual events (e.g., "ripped from the headlines"), and, conversely, may also influence actual events themselves, including policy (Ferrell et al., 2008; Lithwick, 2008b; Potter & Kappeler, 2006).

There is increasingly little separation between the fictional and nonfictional – television, film characters, and narratives are used as exemplars of behavior and potentially influence policy. This phenomenon explains how easily media figures such as Cal Thomas, John Gibson, Glen Beck, Bill O'Reilly, and Laura Ingraham, as well as U.S. Supreme Court Justice Antonin Scalia, use the fictional counterterrorist government agent (and frequent torturer) Jack Bauer of television's hit series *24* to bolster support for the use of "enhanced interrogation techniques" (Lattman, 2007; Lithwick, 2008a; Media Matters, 2007). Given that public figures from political pundits to presidential candidates reference fictional characters to support positions on policy, it is not surprising that *The Dark Knight* has elicited much commentary regarding responses to the war on terror.

ENTERTAINMENT AND CULTURAL MESSAGES

Crime-focused entertainment both influences and reflects public concerns about contemporary social problems. The audience is not, however, merely comprised of passive recipients that are constantly duped by media messages. For example, in his study on crime news, Katz (1987) suggests that the public is well aware that the news is not a reflection of the "real" crime problem; rather the reading of crime news is a collective ritual experience. Katz states "crime is made 'news' by a modern public

searching for resources to work out sensibilities routinely made problematic in everyday modern urban life" (p. 48). In fact, Katz states that crime news does not assuage the reader and offer solutions, but rather serves to increase moral anxiety and questions about the social order. From a phenomenological perspective, we read news not to get to the "truth" but as a means of "taking a stand on existential moral dilemmas" (p. 71). Likewise, crime-focused entertainment media may serve as a "ritual moral exercise" in which readers/viewers grapple with their existential anxieties (Katz, 1987, p. 64).

Previous research has demonstrated how popular culture artifacts (whether they are films, literature, or television) are reflections of these cultural anxieties. In her work on crime films, Nicole Rafter (2006, p. 9) shows that these films incorporate cultural messages about justice that may reinforce (or challenge) our ideas about "how the world is structured, what is valuable and unworthy, who is good and who is bad, and which kinds of actions are wrong or right".

Similarly, in his analysis of action films, Eric Lichtenfeld (2007) discusses ideological messages in action films, the most iconic (e.g., *Dirty Harry*, *Rambo*, and *Die Hard's* John McClane) infusing images of heroism with an individualized, U.S.-style justice. He contextualizes the ideological messages of popular mainstream action films during the 1970s and 1980s, and explores the relationship between various trends in the genre and "conservative politics and paramilitary culture" of the day (p. 59). Lichtenfeld states, "The hero's vigilante violence, which in the 1970s had been cast as a necessary, if morally ambiguous, solution, had by now become an intuitive one" (p. 124). Similarly, Graeme Newman suggests that fictional media, specifically film and television inspired by *Batman*, provides "an underlying 'cultural ideology' that seems to condone and even advocate, the use of violence in criminal justice" (1993, p. 298).

In our previous work on constructions of crime and retributive justice in contemporary comic books, Staci Strobl and I found that for the most part, comic book narratives reinforce the status quo in the quest to restore social order through extralegal, retributive justice (Phillips & Strobl, 2006a, 2006b). The justification for extralegal justice, or vigilantism, is found rooted in a Judeo-Christian worldview, in battles between good and evil, where the meting out of justice transcends the rule of law (see also Garrett, 2008; Jewett & Lawrence, 2003; Phillips & Strobl, 2006a). In fact, the inadequacy, and at times incompetency, of legitimate law enforcement is the raison d'etre for superheroes. For *The Dark Knight*, the paths to justice are set in an urban dystopia threatened by an irrational enemy that represents

anarchy, and a protagonist that constantly questions the depths to which he must sink to save the city.

Shortly after the movie's release, *The Dark Knight* elicited much commentary, illustrating the ways in which the film serves as a "ritual moral exercise" (Ackerman, 2008; Bolt, 2008; Dudley, 2008; Katz, 1987; Klavan, 2008; Lethem, 2008; New York Times Editorial Board, 2008). Though set in fictional Gotham City, the film reflects a major challenge facing our democracy in a post-9/11 world – balancing the need for public safety with the protection of civil liberties. The similarities between the threats posed to Gotham City residents and the perceived threats to U.S. citizens post-9/11 were at times explicit (Ackerman, 2008; Allen, 2008; Bolt, 2008; Cogitamus, 2008; Dudley, 2008; Kerstein, 2008; Klavan, 2008; Lethem, 2008; New York Times Editorial Board, 2008; Pearce, 2008; Yglesias, 2008). Most notably, a writer for the *Wall Street Journal* and another for Australia's *Herald Sun*, each wrote articles suggesting that *The Dark Knight* vindicated the Bush administration's policies. Both articles articulate positions in favor of increased law enforcement and clandestine government activities, offering justification for a path to justice that operates outside traditional law enforcement mechanisms. In his article titled "Batman Bush True Dark Knight," Bolt declares, "Finally Hollywood makes a film that says President George W. Bush was right" (2008). In his article appearing in the *Wall Street Journal*, Klavan (2008) writes that *The Dark Knight* is a conservative movie about the war on terror and "is at some level a paean of praise to the fortitude and moral courage that has been shown by George W. Bush in this time of terror and war."

COUNTERING A "NEW KIND OF EVIL"

In remarks delivered at the White House in September 2001, President Bush declared of the 9/11 terrorist attacks: "This is a new kind of evil" (Perez-Rivas, 2001). The president, perceiving the existing legal system as inadequate to counter the new, more ominous threats in a post-9/11 world, demanded an expansion of law enforcement powers. Procedural safeguards traditionally followed in criminal prosecutions were characterized as "soft" approaches and cast aside in favor of a "crusade" – a war that must be fought "in the shadows" (Graham, 2004; Purdham, 2001; Shear, 2008). It took only five days after the 9/11 attacks for the Bush administration to frame the attacks on the United States as a cosmic battle of good vs. evil.

On September 16, 2001, Bush declared he would "rid the world of the evil-doers" and that "this crusade, this war on terrorism is gonna take

awhile'' (Perez-Rivas, 2001). The ''crusade'' consisted of two wars, the largest reorganization of the federal government in 50 years, and a massive expansion of law enforcement powers. Much of the expansion of law enforcement, such as the USA Patriot Act, was met with little political resistance, while other tactics were enacted in a less transparent manner. Or, as Dick Cheney described in an interview with Tim Russert on NBC's political talk show *Meet the Press*:

> a lot of what needs to be done here will have to be done quietly, without any discussion, using sources and methods that are available to our intelligence agencies, if we're going to be successful. That's the world these folks operate in. And so it's going to be vital for us to use any means at our disposal, basically, to achieve our objective. (Suskind, 2006, p. 18)

Some of the more controversial tactics utilized by the administration that have since come to light include ''enhanced interrogation techniques'' used on terror suspects and a clandestine program of domestic surveillance involving the interception of communication from over a dozen telecommunication companies without court warrants (Nakashima, 2007; Shane, 2008). The extent to which the government operated outside constitutional boundaries in the pursuit of justice and the subsequent consequences continue to be debated (Cole & Dempsey, 2006; Cole & Sands, 2009; Mayer, 2009; MSNBC, 2009; Nakashima, 2007).[3]

Much like the Bush administration, *The Dark Knight* frames the conflict as one between good and evil, enhancing the ''need'' for extralegal justice. Through this lens, when traditional law enforcement proves inadequate, virtually any tactic is justified for the greater good. In the film, the limitations of legitimate law enforcement are consistently on display. For example, jurisdictional constraints are circumvented, as Mr. Lau, a corporate C.E.O. and organized criminal mastermind, explains that his money laundering operation is handled in Hong Kong – beyond the borders of Gotham City and outside the district attorney (D.A.) Harvey Dent's jurisdiction. The Joker, pointing out the obvious flaw in the plan, states, ''Batman has no *jurisdiction*. He'll find him [Lau] and make him squeal.'' In fact, Batman does just that. He travels to Hong Kong and through a barrage of ''sticky bomb'' explosions, violently abducts Lau and returns him to Gotham City's district attorney, Harvey Dent, for prosecution.

Gotham City officials outsource their brand of extralegal justice through a civilian vigilante hero – the Batman. Criminal procedural safeguards are frequently subverted and violence is condoned by officials, including Batman's interrogation of the Joker at Gotham Central. Police Commissioner Jim Gordon quickly turns over the ''questioning'' to the Batman.

Batman slams the Joker's head against the table, smashes his fingers, and suspends the Joker in the air, holding him by the neck. The Joker responds to Batman's aggression with maniacal laughter and the taunt, ''You have nothing. Nothing to threaten me with. Nothing to do with all your strength. …'' The ''interrogation'' is viewed with approval by Gordon and other officers through a two-way mirror. Interrogation by agents of law enforcement are inadequate, and only the Batman is capable of successfully eliciting information from the Joker. In fact, when a police officer is put in charge of monitoring the Joker, that officer is taunted, becomes consumed with his anger, and lashes out at the Joker, only to be overcome and held hostage, resulting in the destruction of Gotham Central.

In Gotham City, procedural safeguards are portrayed as an obstruction of justice. Describing the difficulty Batman would have in battling the Joker, crime boss Maroni states, ''you got rules … the Joker, he's got no rules.'' In *The Dark Knight*, the concept of extralegal justice is one that legitimate law enforcement authorities embrace, if only in an unofficial capacity. The symbiotic relationship between Gotham City Police Department (GCPD) and Batman is a long-standing one, and is represented by the iconic bat signal that lights up the night skyline of Gotham whenever Batman is summoned. In a conversation in which the D.A. Harvey Dent questions the then police lieutenant Gordon about the GCPD's liaison with Batman, Gordon states clearly that ''official policy is to arrest the vigilante known as Batman on sight.'' Pointing out the hypocrisy of the statement, Dent retorts, ''And that flood light on top of M.C.U. [Major Crimes Unit]?''

In his article for the *Herald Sun*, Bolt describes the movie's bat signal as illuminating the call for George W. Bush. He states that the bat signal resembles ''a great W in the night sky.'' Similarly, Klavan (2008) writes, ''In fact, when you trace the outline with your finger, it looks kind of like … a 'W.''' Of course, the meaning conveyed by the bat signal is an acknowledgement that the present crisis is perceived as beyond the scope of traditional law enforcement. As a consequence, Gotham citizens are faced with a character-defining moment: in the quest to find a balance between the need for public safety and the protection of civil liberties, to what extent should vigilantism be collectively embraced as a path to justice? This is an antagonistic relationship that has also been a hallmark of our own post-9/11 society.

In the city of Gotham, citizens have a tenuous relationship with Batman. Ultimately, they only embrace vigilantism insofar as they are getting desirable results from their hero. They are at times thankful for the Batman's intervention and yet quick to condemn him when the city is under siege by

the Joker and his minions. After the murder of the police commissioner and a judge (and the presumed death of Lt. Gordon), outraged citizens called for the Batman to submit to authorities. At a press conference led by D.A. Dent, a reporter suggests that he is protecting Batman, "an outlaw vigilante," rather than the lives of Gotham's citizens. Dent calms the roaring crowd only by submitting himself to authorities as "the Batman."

With a city under siege, the citizens want Batman out of commission. But how best to eliminate the threat and restore social order? For *The Dark Knight,* in a struggle against evil, the hero must operate outside the law – violating norms and values he is ultimately striving to preserve. This common motif in superhero narratives is described by Jewett and Lawrence (2003) who state, "when confronted with genuine evil, democratic institutions and the due process of law always fail. In the face of such a threat, democracy can be saved only by someone with courage and strength enough to transcend the legal order" (p. 29). Acknowledging that actually engaging in extralegal justice may raise the ire of the citizens, Klavan advocates that the real heroes are those that, while unpopular, are willing to "be intolerant in order to defend tolerance, or unkind in order to defend kindness, or hateful in order to defend what we love."

"WATCH THE WORLD BURN": THE VILLAIN AS 'OTHER'

Unlike Batman, whose ultimate goal is to protect the innocent and create social stability, the Joker operates to create disharmony. For the superhero genre, the supervillain serves as the physical manifestation of the threat to the social order. In *The Dark Knight*, collective societal fears are embodied in the Joker, who is portrayed as a self-described agent of chaos – his unpredictability is his greatest weapon. The most frightening of villains are those that seemingly have no plan, no rationale to their mayhem, and no conscience with which to be deterred – the manifestation of evil. In his confrontation with Harvey Dent, the Joker explains his motivations: "Do I really look like a guy with a plan, Harvey? I don't have a plan … The mob has plans, the cops have plans. You know what I am, Harvey? … I'm an agent of chaos. And you know the thing about chaos, Harvey? It's fair." As Batman struggles to understand the Joker's behavior, Alfred, his long-time butler and confidant, imparts some wisdom: "Some men aren't looking for anything logical, like money … they can't be bought, bullied, reasoned or negotiated with. Some men just want to watch the world burn."

On occasion, fictional media present villains that rise to iconic status – for example, Hannibal Lector, Norman Bates, and Darth Vader – each offering a valve for collective moral outrage. Cohen (2005) explains that media constructions of offenders inform a collective sense of right and wrong and indicate boundaries regarding what is tolerated in society. Media images of villains allow a cultural demarcation between the ''innocent'' us and the ''malevolent'' other. Jock Young describes ''othering'' as a process in which members of society conceptualize a gap between ''us'' and ''them,'' viewing ''them'' as either alien from or lacking in the desired qualities of ''us'' (Young, 2007). According to Young (2007), designating clear boundaries between social groups serves to alleviate ontological insecurity.

In her analysis of the depiction of serial killers in films, Su Epstein (1995) points out that they are often portrayed as demonic, monstrous, and possessing ''superhuman abilities'' – in essence, supervillains (p. 73). Much like the Joker, who repeatedly thwarts Batman who seeks to neutralize him, fictional serial killers are frequently able to withstand numerous assaults and cheat death. Portraying them as ''mythic monsters'' allows the viewer to comprehend and cope with the threat of the brutal, immoral behavior of such murderers in the real world.

In times of crisis, the fears of citizens may be manipulated and exploited through the demonization of the ''other'' – the perceived enemy. Since the terrorist attacks on 9/11, there has been a concentrated effort on the part of politicians to facilitate fear and ratchet up anxiety (Curtis, 2004; Welch, 2006). In describing America's perceived enemies at a 2006 Republican fundraiser, the former president Bush said, ''They believe things. The best way to describe their ideology is to relate to you the fact that they think the opposite of the way we think'' (Kornblut, 2006).

Though chaotic and seemingly unpredictable, the Joker consistently demonstrates he does in fact have a grand plan. He is portrayed as evil, yet clever and manipulative, outwitting all other bumbling Gotham criminals as well as law enforcement officials. His plan is disarming because it reaches beyond materialistic goals and is instead a ''battle for the soul of Gotham.'' The Joker fancies himself as the morally superior malefactor. Standing atop a mountain of loot, he declares to his fellow crooks, ''All you care about is money. This city deserves a better class of criminal, and I'm going to give it to them … It's not about money. It's about sending a message.''

Danny Fingeroth (2004) writes that villains in comic books are agents of change, in contrast to the heroes, who are the protectors of the status quo. These villains frequently echo the concerns and conflicts of the culture from which they emerge (Fingeroth, 2004). The ideological message of the Joker,

who believes he is in pursuit of a lofty goal that transcends him, may be a parallel to what President Bush said to Congress on September 20, 2001, about the United States' enemies: "Al Qaeda is to terror what the Mafia is to crime. But its goal is not making money, its goal is remaking the world and imposing its radical beliefs on people everywhere" (Bush, 2001).

In *The Dark Knight*, it is apparent that the Joker is a metaphor for terror. Ackerman (2008) describes the portrayal of the Joker as "a perfect reflection of their [the neoconservative's] view of Al Qaeda." The Joker is portrayed as a different kind of enemy – chaotic, spreading pandemonium for the sheer joy of it. The "Clown Prince of Crime" laughs in the wake of his destruction, mocking failed attempts by the Batman to bring him to justice. Ackerman writes, "He [the Joker] presents an enemy unbounded by any scruple; striking out for no rational reason; hell-bent on causing civilization-threatening destruction, and emboldened by any adversary's restraint." The Bush administration described terrorists as enemies that are "different from the conventional enemies" that we have battled in the past, an enemy "without conscience," and therefore requiring special countertactics and strategies (Bush, 2005; Perez-Rivas, 2001). Similarly, the fear of crimes perpetrated by the Joker is perceived as so diffuse and unpredictable that traditional means of law enforcement and military operations are ineffective at countering the threat.

"YOU EITHER DIE A HERO OR LIVE LONG ENOUGH TO SEE YOURSELF BECOME THE VILLAIN": HERO AS SCAPEGOAT

On September 16, 2001, Vice President Dick Cheney declared that the U.S. government must operate "through, sort of, the dark side" to combat the threat of terrorism (Ackerman, 2008; Kirk, 2006; Suskind, 2006, p. 18). Cheney's remarks ignited a controversy over the theme of transparency in government that continues to be debated.[4] *The Dark Knight* explores the idea of government (and its surrogates) operating in the shadows. By relying on the Batman, transparency is sacrificed. Throughout the film, Batman, along with the authorities, frequently forsakes reality in favor of illusion. Dent publicly, and falsely, turns himself in claiming to be the Batman, and the authorities (in concert with Batman) opt to leave secret Dent's transition to murderous villainy – all for the good of Gotham. Toward the close of the film, Batman declares, "sometimes the truth isn't good enough … sometimes, people deserve more."

In *The Dark Knight,* it was essential that Gotham citizens were kept in the dark about the tactics and strategies used to combat the Joker. Although Batman ultimately outwitted the Joker, much death and destruction was left in the wake of his reign of terror. Even Gotham's great hope, D.A. Harvey Dent, was corrupted and disfigured by the Joker (with Dent's face symmetrically disfigured, AKA Two-Face; Dent now represents the embodiment of good vs. evil). With the toss of a coin, Two-Face sets out to murder those he believes responsible for the death of his fiancé. With the legitimate hope for Gotham now shattered, Gordon and Batman are left with a dilemma; Gordon states to Batman, "Whatever chance Gotham had of fixing itself … dies with Harvey's reputation … The Joker took the best of us and tore him down," thus setting the scene for a scapegoat. Believing that Gotham citizens are unable to handle the truth about Dent, Batman sacrifices himself as a scapegoat. In death, Harvey Dent will continue to be revered as a hero. In a symbolic gesture, the bat signal is destroyed by Commissioner Gordon; Batman is now condemned and hunted by law enforcement.

In his *Herald Sun* article, Bolt explains the scapegoating of the Batman: "As this superb Batman retelling, *The Dark Knight*, makes clear, its subject is a weakness that runs instinctively through us – to hate a hero who, in saving us, exposes our fears, prods our weaknesses, calls from us more than we want to give, or can." But Bolt is not just referring to our collective impulse to hate heroes that present us with moral complexity, but rather is presenting an analogy between the scapegoating of Batman and anti-Bush public sentiment. Bolt (2008) argues that Gotham citizens are uneasy with Batman because they cannot accept the lengths to which Batman had to go to restore order. Batman, like Bush, is the "scapegoat for its anxiety over what it took to save them" (Bolt, 2008). Bolt writes, "See how Bush – oops, I mean Batman – must time and again compromise his values, and ours, to save his city from far greater evils." He further states, "And they hate him also as many Europeans hate Bush, for showing that what protects their world are not ultimately the laws they pass, but a violence that intimidates them, because they cannot match it" (Bolt, 2008).

Bolt is distressed that the overwhelming audience response to *The Dark Knight* is positive, yet the public continues to harbor anti-Bush sentiment. He wonders why Americans are not cheering the Bush administration as enthusiastically as they cheer Batman. Klavan (2008) similarly notes that sometimes the hero must be hated. Elevating Bush (and Batman) to near messiah status, he states, "Doing what's right is hard, and speaking the truth is dangerous. Many have been abhorred for it, some killed, one crucified." For both Bolt and Klavan, the argument assumes that we all need someone,

anyone, to be the hero, to be willing to sometimes "kill in order to preserve life … to violate their values in order to maintain those values" (Klavan, 2008), but we either do not know that we need it (Bolt, 2008), or are too cowardly to admit it (Klavan, 2008).

Cable news pundit Glenn Beck also supported the idea of the former president Bush as near divine scapegoat and praised *The Dark Knight* as vindicating the policies of the Bush administration (CNN, 2008). Further, Beck revealed that in a private conversation with George W. Bush, Bush had stated, "Glenn, I have to tell you something, I am willing to be hated for the next 50 years, I'm willing to die as the worst president ever because of the war on terror, I know it has to be fought, I know we're dealing with evil here." Beck continues, "It's exactly the message that Batman carries."

"TRUST ME:" UNIVERSAL SURVEILLANCE AND ABSOLUTE POWER

In an effort to capture the Joker, Batman grants himself unrestrained access to Gotham's citizens' cell phone communications. In doing so, is Batman betraying the tenets of a democracy? Faced with a crisis, citizens may be willing to sacrifice privacy for the perception of safety. In Gotham, the media repeatedly holds Batman to account for his extralegal judicial acts with various questions, such as "Crusader or menace?" "Do you think Batman has made Gotham a better place?" The implication is that Gotham's citizens have not yet come to terms with Batman and his means of vigilantism.

In his article *Mass Media, Crime, and the Discourse of Fear*, David Altheide argues that the discourse of fear perpetuates fear, and "the remedy usually involves state authorities taking more control" (p. 21). In late modernity, this social control has often arrived in the form of increased electronic data collection and surveillance. Americans and Europeans have been incredibly docile in response to ever-increasing surveillance. Parenti (2004) writes, "The tides of popular culture bring signs that Americans have embraced their loss of privacy with patriotic vigor and pop-culture nonchalance" (p. 7).

As Parenti points out, "surveillance is also always tied up with questions of power and political struggle" (p. 3). In *The Dark Knight*, Batman decides that the need to rapidly locate the Joker and stop his bloody rampage outweighs the need to protect the civil liberties of Gotham's citizens (a literal ticking time bomb scenario). Batman installs and activates a universal sonar apparatus surveillance system, monitoring cell phone transmissions of every

Gotham citizen. This plan requires the complicity of Batman confidant Lucius Fox. Upon being introduced to the massive display of surveillance monitors, Fox responds, "Beautiful. Unethical. Dangerous. You've turned every phone in the city into a microphone … this is wrong … no one should have that kind of power." To assuage Fox's concerns, Batman replies, "Trust me." Fox reluctantly acquiesces and states he will help Batman this "one time." Fortunately, Gotham's citizens never have to confront the political struggle inherent in absolute surveillance, because after the apprehension of the Joker, the honorable Fox dismantles the entire system with a few keystrokes.

Viewing Batman's universal surveillance as a metaphor for the expansion of executive power in the war on terror, Ackerman (2008), in his column titled "'Dark Knight' Reflects Cheney Policy," writes that Batman justifies his actions because his intentions are pure and that Batman is aware of his "betrayal" of the citizens of Gotham. Here, the ends justify the means. The consequences in the real world, however, are much more dire. Ackerman concedes that "*The Dark Knight* weighs in strongly on the side of the Bush administration." The film highlights the dilemma of fighting an enemy that requires the hero to cross over into the "dark side." Ackerman (2008) ultimately concludes that granting unrestrained power during exceptional circumstances is "ludicrous and anti-American."

The Dark Knight gives us a chance to confront our own insecurities about perceived threats and measures that may be undertaken to counter them. In our society, we are relatively safe and secure, and as Bauman says "more cosseted and pampered than any other people in history," yet we feel more frightened and insecure than ever (Altheide, 2003; Bauman, 2007, p. 130). The ticking time bomb scenario in the film likely made Batman's sonar apparatus more palatable to those who would object based on a concern for individual rights. Rosen (2005) writes that the public is easily seduced by technological advancements that make us "feel" safe. More likely to respond viscerally or emotionally to perceived threats, we embrace programs and strategies that give the illusion of security, regardless of their efficacy. Perhaps this is why there was very little outcry when the U.S. government proposed the now defunct "Total Information Awareness,"[5] or when it was discovered that the National Security Agency "began eavesdropping inside the United States without court warrants for the first time since 1978" (Shane, 2008). Since the 9/11 attacks, the U.S. government has collected massive amounts of communications of "ordinary Americans" from "dozens" of cooperating "global and regional telecommunications providers" (Nakashima, 2007). Ultimately, Congress

has granted immunity to the telecommunications companies that assisted the government, making it very difficult, if not impossible, to hold anyone, or any company, to account.

CONCLUSION

The box office success and critical acclaim of *The Dark Knight* attests to the widespread appeal of superheroes – and villains – in American culture. Beyond any general cinematic appreciation of the film lies the recognition of cultural messages about good and evil and heroes treading paths to justice that transcend the rule of law. In *The Dark Knight,* the threat of the Joker can only be neutralized by actions that subvert constitutional procedure and infringe on citizens' rights. Traditional law enforcement mechanisms are deemed inadequate, as authorities must rely on Batman to maintain social order. When needed, Batman is summoned by the bat signal; his coercive interrogation of the Joker is condoned by law enforcement authorities. Batman makes unilateral decisions about widespread surveillance and conspires with law enforcement authorities to deceive the public about Harvey Dent's demise. As a scapegoat, Batman fulfills the need of citizens to have a hero in the memory of Harvey Dent – a symbolic form of hope for the future. All the while, Gotham's citizens have demonstrated their own capacity for heroism by refusing to be cowed by fear. When confronted with his or her own morality in a cruel social experiment initiated by the Joker, each citizen opted to preserve life rather than to destroy it.

In his analysis of comic book mythology and culture, Danny Fingeroth (2004) writes about how current political and religious conflicts are reflected in comic book narratives. He states,

> the fictional representation of these conflicts is one of the major appeals of superhero fiction. We enjoy seeing the conflicts and crises of our times enacted by characters in capes with superpowers. Seeing conflicts so represented makes them feel more comprehensible and manageable. It makes us feel that there are actual solutions to intractable problems – possibly even solutions without negative consequences (p. 164).

Though some commentators suggest that the film illustrates the failures of the war on terror (Ackerman, 2008; Dudley, 2008; Pearce, 2008), the themes of extralegal justice present in *The Dark Knight* offer a reflection of our collective ontological anxiety in the context of an unceasing war on terror. *The Dark Knight* packages a resolution to this conflict in a deeply seductive way – from the Bat Bunker comes individualized, American-style retributive justice.

That the public commentary surrounding the film for the most part embraces violent, extralegal justice as a solution to inadequate law enforcement is an example of the way in which mediated images both reflect and influence popular attitudes. In a culture of fear, the messages depicted in *The Dark Knight* may subtly influence attitudes about what Americans will tolerate in a time of crisis or reinforce already existing retributive attitudes. Either way, the audience is confronted with what it means to be heroic in a time of crisis.

In his analysis of the superhero genre, Peter Coogan suggests that superheroes can be read as metaphors from various ideological perspectives – liberating as well as oppressing (Coogan, 2006, p. 238). Liberating in the sense that the hero defends the powerless, or oppressive in that "the ideological import of the superhero is to inflict a sense of powerlessness and resignation on the readers" (Coogan, 2006, p. 236). Such dependency is fostered through a reliance on "superhero redeemers" (Coogan, 2006, p. 236). Similarly, in their essay on philosophical theology in comic books, Tallon and Walls question whether "faith in a greater power," in the form of a superhero redeemer, may lead to "either irresponsible action or else inaction in the face of evil" (2005, p. 217).

Have government actions in the war on terror rendered citizens overly dependent on a "redeemer" figure? In his *New York Times* opinion piece, Jonathan Lethem writes that government actions post-9/11 that should have led to public rebuke have instead led to apathy. He states,

> *The Dark Knight* echoes a civil discourse strained to helplessness by panic, overreaction, and cultivated grievance … The Joker's paradox, of course, is the same as that of 9/11 and its long aftermath: audacious transgression ought to call out of us an equal and adamant passion for love of truth and freedom, yet the fear he inspires instead drives us deep into passivity and silence.

Arguably, U.S. citizens have been relatively silent with each new revelation of potentially illegal action taken by the Bush administration in the war on terror, including torture tactics used in terrorist interrogations, detainee policies, and widespread surveillance. While the deafening silence of the populace is likely due to more complex factors than the mere reliance on the president as a "redeemer figure,"[6] it appears that even during a new presidential administration, it is unlikely that any legal action will be taken against those in the previous administration who participated in potentially unlawful activities (MSNBC, 2009). Perhaps the best advice was offered by Bill Maher (2009) as he urged viewers of his political talk show *Real Time with Bill Maher*, "stop believing you can solve your problems by electing a superhero."

NOTES

1. Appearing in Detective Comics in 1939, Batman is one of the United States' most popular superheroes. In *The Dark Knight,* Batman is faced with The Joker, considered "the most dangerous and unpredictable foe Batman has ever encountered" (Dougall, 2006). For a comprehensive exploration of the history of Batman, see Daniels (2004).

2. On July 18, 2008, *The Dark Knight* had the biggest opening weekend for a domestic motion picture, reaching over $150 million. Since then the movie has grossed over $500 million, soaring to the number two highest-grossing-film-of-all-time spot (http://www.boxofficemojo.com/alltime/domestic.htm). The film was also a critical success, receiving eight Academy Award nominations, including the late Heath Ledger's award for Best Actor in a Supporting Role.

3. For an examination of how comic books have incorporated politically inspired narratives, including the war on terror, see Sanchez (2007).

4. Congressional hearings regarding the reauthorization of expiring provisions in the PATRIOT ACT were held during the month of September 2009. One component of the proposed bill (S.1692) includes increased oversight and public reporting as well as increased judicial review (http://leahy.senate.gov/press/200909/092209b.html).

5. As noted by Parenti (2004, p. 203) and Rosen (2005), although funding was cut for the Total Information Awareness Program, "many of its functions continue in modified form under other names."

6. However, see the distinguished comic artist Alex Ross's interesting take here with his ubiquitous "Time for a Change" print available at http://www.ruppsworld.com/scripts/prodView.asp?idProduct=14887 and http://www.alexrossart.com/rossreport.asp?id=466.

ACKNOWLEDGMENT

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SUPERHERO JUSTICE: THE DEPICTION OF CRIME AND JUSTICE IN MODERN-AGE COMIC BOOKS AND GRAPHIC NOVELS

Bradford W. Reyns and Billy Henson

ABSTRACT

Purpose – *Crime, criminals, the criminal justice system, and criminal justice system actors have traditionally occupied a prominent place in popular media. Comic books and graphic novels are no exception to this trend. Despite this, these media have received comparatively little attention from criminal justice scholars. This chapter seeks to explore the depiction of crime and justice in modern-era comic books and graphic novels.*

Methodology/approach – *Content analysis techniques were used to examine 166 individual comic books from the modern age (mid-1980s to present), including those compiled in graphic novel form. Particular emphasis was placed on issues of crime control and due process.*

Findings – *Clear criminal justice themes were seen across the sample, including an emphasis on crime control and crime prevention. Further, comic books featuring the individual characters of Superman and Batman portrayed opposing conceptions of justice, such as justified/unjustified use of force and a willingness to follow or break the law.*

Research limitations – *This research represents an exploration of the depiction of crime-related themes in comic books and graphic novels, but is by no means definitive. It would be useful to extend this research by examining other eras in comic book history as well as other comic book characters and publishing companies.*

Practical implications – *The public's perceptions of the criminal justice system ultimately affect societal views of the legitimacy of the system. Since legitimacy is a requisite for compliance, it is important to understand factors that may influence these perceptions. These may include comic books, graphic novels, and other popular media.*

Originality/value of paper – *Comic books stories and themes have long reflected the times. However, it is unclear how crime and the criminal justice system are portrayed in the comic book world. This chapter is an attempt to fill a gap in the extant literature by examining this often neglected form of popular media.*

Really, Lois, supposing that man had shot you? Is it worth risking your life over ten dollars, two credit cards, a hairbrush, and a lipstick?
— Christopher Reeve as Clark Kent in *Superman: The Movie (1978)*

As long as it takes. I'm gonna show the people of Gotham that their city doesn't belong to the criminals and the corrupt.
— Christian Bale as Bruce Wayne in *Batman Begins* (2005)

INTRODUCTION

Popular culture and media (e.g., television programs, movies, music, and print media) are often considered as a reflection of the times. This being the case, crime and crime-related themes are a frequent subject in popular media (Bailey & Hale, 1998). For instance, a number of the most widely watched television dramas involve some aspect of crime or the criminal justice system (e.g., *Prison Break*, *CSI: New York*, *24*). In addition, many of the most critically well-received films have addressed themes of crime and justice (e.g., *The Godfather*, *The Departed*). Accordingly, these aspects of modern culture have garnered the attention of criminal justice researchers interested in how crime and the criminal justice system are portrayed in these forms of media (e.g., Barak, 1994; Eschholz, Mallard, & Flynn, 2004).

The implication is that these portrayals may inform the average consumer regarding aspects of society that they may have little contact with (i.e., crime). It's unclear to what extent these media depictions of crime and justice ultimately affect larger attitudes about the legitimacy of either the system or system actors, however, since research suggests that legitimacy is a requisite for the compliance of the citizenry, these issues are indeed worth exploring (Mastrofski, Snipes, & Supina, 1996; Tyler, 1990). One form of media which has received relatively little attention from researchers in this regard is comic books (Stoddart, 2006). This is despite their historic relevance, wide readership, cultural impact, and growing influence on other more mainstream forms of media.[1]

CULTURAL CRIMINOLOGY AS A THEORETICAL PERSPECTIVE

Cultural criminology is a theoretical approach to the study of crime within a cultural context (Ferrell & Sanders, 1995). The premise of this theoretical perspective is that elements of culture convey the meaning of crime (Ferrell, Hayward, & Young, 2008). In fact, according to Ferrell and Sanders (1995, p. 6), "To understand the reality of crime and criminalization, then, cultural criminology must account not only for the dynamics of criminal subcultures but for the dynamics of the mass media as well," and "Making sense of crime and criminalization means paying close attention to culture," (p. 7). Correspondingly, one of the views of this perspective is that crime and justice intertwine with contemporary media to shape dominant perceptions of crime and justice (Adkinson, 2008; Ferrell et al., 2008). If media such as comic books and other forms of popular culture meld with the reality of crime to solidify societal views of crime and justice, then it is crucial to better understand the ways in which crime-related phenomena are portrayed in these various forms of media. This is why Ferrell et al. (2008), argue that criminology needs to have a wider focus – one that can better conceptualize and contextualize crime by paying attention to the culture it occurs within.

Perceptions, as in the perceptions generated about crime when culture and crime interweave, can have significant repercussions. The extant literature on the topic suggests that perceptions are an important requisite for compliance with the law, especially perceptions of the legitimacy of agents of social control or of the criminal justice system. Indeed, Tyler (1990) has

conducted research into issues of legitimacy and compliance, especially in terms of distributive and procedural justice, and his instrumental and normative perspectives, and reported that normative issues are of paramount importance in shaping decisions to obey the law. In other words, people obey the law because they believe it is proper to do so (see Tyler et al., 2007). Mastrofski et al. (1996) also studied this issue and reported that when agents of social control (i.e., the police) do things to undercut their legitimacy (e.g., show disrespect), compliance becomes problematic. This research supports the idea that attitudes and perceptions can have important consequences. If portrayals of police, the criminal justice system, and the like, in contemporary media ultimately affect the perceptions of the citizenry regarding these issues as cultural criminology suggests, then it is essential to study various elements of culture and media that intersect with crime. This study addresses this issue by studying one aspect of popular culture (i.e., comic books) which has received relatively little attention to date. Although it is important to understand the ways in which elements of culture and popular media, such as comic books, ultimately affect societal perceptions, this research is concerned with the portrayal of aspects of crime and justice in comic books and graphic novels. An assessment of the impact of these depictions on larger social attitudes (e.g., Kirsh & Olczak, 2002; Norton, 2003) is a topic left to future researchers.

COMIC BOOKS, GRAPHIC NOVELS AND SUPERHEROES

Comic books are usually short (e.g., approximately 40 pages or less) paperback books or magazines that contain artwork, narratives, and dialog. They are typically published on a monthly or bi-monthly basis depending on the title and the publishing company.[2] The term "comic book" is actually a reference to the early reprints of humorous newspaper comic strips in short book form which were published in the early 1930s (Wright, 2001). The pulp magazine industry, with roots in the dime novels of the Civil War era, is also considered one of the antecedents of the modern day comic book (Wright, 2001). Graphic novels are most often reprinted compilations of previously published comic book stories representing a particular story arc from a larger series of comics (e.g., *Captain America*, *Hellboy*, and *Justice League of America*). These publications more closely resemble a full-length novel and typically include 3-12 comic books. Graphic novels may also include

reprints of "one-shot" comic book story arcs (e.g., *Watchmen*, *Wanted*, and *Sin City*).

Comic books soon evolved into a medium in which action and adventure stories were told, usually involving superheroes (e.g., Spider-Man, Aquaman, and Wonder Woman). These early action stories frequently focused heavily on issues of crime and justice, and often reflected the headlines of the times (e.g., *Dick Tracy*, *Green Hornet*, and *Police Comics*) (Nyberg, 1998a, 1998b). Indeed, comic books have addressed many current events over the decades, from the principles of Roosevelt's New Deal (Wright, 2001) to the recent election of President Barack Obama (*The Amazing Spider-Man* #853).

The image of the crime-fighting superhero has since become a part of the national dialog and an enduring part of American culture (Reynolds, 1992; Wright, 2001). Although the depiction of superheroes as crime fighters is a common comic book theme, the representation of issues pertaining to crime varies across comic books and their superhero protagonists (Vollum & Adkinson, 2003). For instance, the Punisher is often depicted as vigilante out for revenge, leaving a bloody trail in his wake (Phillips & Strobl, 2006). Other heroes, such as Superman, Batman, and Spiderman, however have a moral objection to taking a life, regardless of the gravity of the situation.

Since the publication of the first superhero stories, which began with Superman, the superhero genre has enjoyed great longevity. The first Superman comic book was published in 1938 with *Action Comics* #1, and the first appearance of Batman was in *Detective Comics* #27 in 1939. Over 70 years since the publication of those first superhero comics with Superman and Batman, superhero stories have permeated nearly every facet of popular culture. In the 1940s, superheroes appeared in the Saturday morning serials of the time, and later emerged in television series such as *Adventures of Superman* (1950s) and *Batman* (1960s). The superhero genre took a big step forward in 1978 when Christopher Reeve took on the role of Superman in *Superman: The Movie*. The film was both a critical and commercial success and set the stage for a litany of superhero movies to follow.[3] In addition to appearing on television, film, and radio, superheroes have also been popular subjects in novels, computer and video games, toys, and even Broadway musicals.

COMIC BOOKS AS A UNIT OF ANALYSIS

Although comic books and graphic novels have not received the degree of attention from researchers that other forms of media have enjoyed, there are

a handful of academic studies examining comic books for their relevance to criminal justice (Adkinson, 2008; Phillips & Strobl, 2006; Stoddart, 2006; Vollum & Adkinson, 2003; Henson & Reyns, 2010). Those works which specifically addressed aspects of criminal justice as portrayed in comic books will be discussed. For a more thorough overview of comic book representations of subjects not related to crime and justice see Stoddart (2006), and Belk (1987), and for a comprehensive history of comic books (see Wright, 2001).

Vollum and Adkinson (2003) discussed the portrayal of crime and justice in comic books by examining the superhero mythos surrounding Batman and Superman. They framed their discussion in terms of three contexts: the structure of the hero's society (i.e., Superman's Metropolis and Batman's Gotham City), the forms of crime and the criminals the heroes are pitted against, and the superheroes themselves. The authors also considered the messages in light of Sutherland's (1934) framework of criminological inquiry, including the representation of law, breaking the law, and reactions to breaking the law (Vollum & Adkinson, 2003). Superman and Batman are argued to represent two sides of the same coin with respect to their portrayal or interpretation of the law. For instance, while their perspectives and approaches to crime-fighting are somewhat different, they both depict the law as something to be obeyed, with Superman's message being that the law is to be respected and Batman's being that the law is to be feared (Vollum & Adkinson, 2003). The authors also conclude that the overall superhero mythos is one which is oriented toward a conservative point of view in terms of the administration of criminal justice and a focus on maintaining the status quo.

Stoddart (2006), guided by a cultural criminology perspective, examined 52 comic books and graphic novels using discourse analysis to better understand the portrayal of drugs, drug users, and drug trafficking. The author reported three notable findings in terms of the portrayal of drugs in these comic narratives: first, that drug use was portrayed as a negative activity; second, drug references were typically focused on hard drugs (e.g., cocaine); and third, drug users were portrayed as distinct from drug dealers (Stoddart, 2006). Consistent with Vollum and Adkinson (2003), Stoddart's analysis also identified conservative models of crime and justice. In addition, the comic book narratives dealing with the issue of drugs portrayed vigilante justice as the norm, with aspects of the criminal justice system (e.g., police and prison) existing only at a peripheral level. Stoddart argues that this model of vigilante justice is characterized by the superhero acting as a complement to the official justice system, and the superheroes' willingness to use violence, but a reluctance to kill the offender.

Like Stoddart (2006), Phillips and Strobl (2006) utilized cultural criminology in their analysis of 20 best-selling contemporary comic books. The authors' strategy was to read a broad collection of comic books rather than focusing primarily on the more popular or mainstream superheroes or comic books (as this study does). The authors reported that in their sample of comics the authorities were often unable to combat crime problems on their own, and were often portrayed as either outgunned or incompetent. This is argued to be a possible explanation for why extralegal solutions to crime in the form of vigilantism by superheroes, often involving use of force or violence, are acceptable in the comic book world of superheroes. These two points (depiction of authorities and use of force/violence) are also measured in the current study, allowing for comparison across studies.

Adkinson (2008) wrote that comic books can provide valuable insights into how crime and justice are portrayed in popular culture. Comic books can prove especially useful when considered in conjunction with the evolution of the Comics Code Authority (CCA), a body which outlines how crime, criminals, and the criminal justice system can and cannot be portrayed in comic books (Adkinson, 2008; Nyberg, 1998a, 1998b). For instance, one of the six stipulations of the Comics Code regarding crime and justice is that, "If crime is depicted it shall be as a sordid and unpleasant activity" (Adkinson, 2008, p. 246). The influence of the CCA has waned over the years, but Adkinson argues that a challenge to the Code in 1971 by *The Amazing Spider-Man*'s writers is a useful illustration of the ideas of cultural criminology. Over the course of three issues, this comic series prominently featured drug-related issues in the story, which was a violation of the CCA's guidelines. The notion in cultural criminology that crime and criminal justice are best understood within the cultural context they occur in, is well-illustrated with this example. Adkinson (2008, p. 257) contends that, "the present case study offers a unique glimpse into how these forces socially construct the realities of criminal justice."

The present study will add to this body of work by making three important improvements over past studies. First, many of the published works linking comic books and crime have not been data-driven. Second, those studies that have used data collected from comic books and graphic novels have had relatively small sample sizes. This study seeks to address both of these issues by analyzing data collected via content analysis of 166 comic books and graphic novels. Third, this study examines multiple criminal justice themes that have not been explored in previous examinations of comic books and graphic novels. These include issues of due process, crime control, victimization, crime prevention, and the portrayal of criminal justice officials.

PRESENT STUDY

Comic books and graphic novels from the modern-age (mid-1980s to present) of comics were examined in an effort to better understand the ways in which crime and justice are portrayed in comic books. The comics and graphic novels included in this analysis were published by DC Comics, one of the two titans of the comic book industry (Wright, 2001). Those comics included in this analysis were drawn from stories involving Superman and Batman as the protagonists. This was done for two reasons: first, these characters are two of the most popular and prolific characters in the comic mythos; second, they present an interesting dichotomy with regard to their respective crime fighting philosophies and tactics (Vollum & Adkinson, 2003). In fact, at a general level it can be argued that these two heroes represent the due process and crime control approaches to crime, respectively (Packer, 1968). Particular emphasis is placed on identifying themes of criminal justice, including crime control, due process, crime prevention, use of force, and portrayals of criminal justice system actors.

Data

In order to perform the most appropriate analysis of comics involving Batman and Superman, and in turn their separate depictions of justice, a purposive sample was utilized, which includes many of the most popular storylines created by fan favorite writers and artists over the past two decades (e.g., Frank Miller, Jeph Loeb, Jim Lee, Mark Millar, and Michael Turner).[4] Thirty three storylines were chosen, crossing over 166 different comic books. The 166 chosen comic books equate to 5,660 pages. A complete list of the comic books included in this analysis can be seen in Appendix A. For ease of analysis, the total sample of comic books was divided into three subsets. The first subset depicts Superman acting alone and includes 49 comic books. The second subset, including 58 comic books, depicts Batman acting alone. The final subset portrays the characters acting together and includes 59 comic books.

Methods

As previously stated, the central data collection technique that was used for the present study was content analysis (for an overview, see Weber, 1990).

During the data collection process, the authors utilized a pre-designed code sheet based on a review of current literature and a page-by-page examination of five separate comic books featuring five of the most popular title characters, including Green Lantern, Incredible Hulk, Supergirl, Spiderman, and The Flash. As we examined only comic books featuring Superman and Batman, these comics were not included in the research sample. In addition to basic comic book identification information, the code sheet was designed to capture information on use of force, crime prevention actions, police interactions, and criminal activity. The complete code sheet appears in Appendix B. Data were collected for each category of the code sheet and averaged using the number of pages in each comic. This standardization technique was used to produce a common unit of analysis (pages) to reduce any bias that may result from a few very long comics/graphic novels. The comic books examined ranged from 22 to 78 pages, with an average length of 34 pages.

   Before the coding process, the sample of chosen comic books was divided up between the two authors by storylines, and each author coded approximately 50% of the sample. In order to determine the reliability across coders, a test of the interrater reliability was performed. Both authors coded four of the same comic books, one from each of the four different storylines. It was found that the intraclass correlation coefficient, as well as the Cronbach's Alpha value, was above 0.90 for all four comic books, indicating a high level of interrater reliability with little individual rater bias.

Measures of Variables

As can be seen in Table 1, the variables examined in this study are divided into four main categories: comic information, use of aggression, crime prevention acts, and police interaction and behaviors. The first category, comic information, contains variables that describe general information about the sample of comic books. The *character* variable is a count of how many comic books in which Superman, Batman, or both appear. This is the most important variable in this portion of the analysis, as it allows us to distinguish between characters and their actions. The *pages* variable is a measure of the number of pages per comic book. As aforementioned, all other data were standardized by the number of pages in each comic book. The final variable in the comic information category is *general theme*. This variable captures the overall criminal justice-related theme of the comic book ($0 = $ crime control, $1 = $ due process).

Table 1. Variables, Scales, and Descriptive Statistics.

Variables	Scale	Mean	Standard Deviation	Range	N
Comic information					
Character	(1 = Superman, 2 = Batman, 3 = Both)	—	—	1–3	166
Pages	(Number of pages)	34.10	8.615	22–78	5660
General theme	(1 = Crime control, 2 = due process)	1.13	0.339	1–2	117
Use of aggression					
Total acts	(Number of aggressive acts)	0.194	0.248	0–2.42	1145
Total use of force	(Total number of use of force)	0.166	0.235	0–2.40	986
Justified use of force	(Number of justified use of force)	0.104	0.121	0–0.71	588
Unjustified use of force	(Number of unjustified use of force)	0.059	0.059	0–2.29	382
Other use of force	(Number of other use of force)	0.003	0.003	0–0.09	16
Use of verbal threats	(Number of verbal threats)	0.010	0.021	0–0.09	55
Crime prevention acts					
Total crime prevention acts	(Total number of crime prevention acts)	0.079	0.203	0–2.33	493
Protect innocents	(Number of times protected innocent)	0.046	0.088	0–0.71	277
Protect criminals	(Number of times protected criminals)	0.002	0.007	0–0.04	10
Protect property	(Number of times protected property)	0.001	0.006	0–0.06	5
Other crime prevention acts	(Number of other crime prevention acts)	0.030	0.179	0–2.24	201
Police interaction and behaviors					
Character follows law	(Number of times character follows law)	0.001	0.001	0–0.06	7
Character breaks law	(Number of times character breaks law)	0.048	0.048	0–2.33	343
Character works with police	(Number of times character works with police)	0.010	0.010	0–0.29	60
Character works against police	(Number of times character works against police)	0.011	0.011	0–0.42	108
Police corrupt	(Number of times police act improperly)	0.002	0.002	0–0.09	14
Police condone character actions	(0 = No, 1 = yes)	0.38	0.498	0–1	21
Character actions for revenge	(Number of actions performed for revenge)	0.016	0.084	0–0.94	104
Character actions to further investigation	(Number of actions performed as part of investigation)	0.270	0.072	0–0.82	136

Note: N values represent the total number across all 166 comic books, whereas the Mean, Standard Deviation, and Range values are taken from the standardized values (by number of pages in each corresponding comic book).

Information for this variable is obtained from an overall assessment of all of the main character(s) actions in that particular comic book. For example, acknowledgement of civil rights is considered to fall under the guise of a due process theme.

The first variable in the use of aggression category is *total aggressive acts*. This variable is simply a count of all aggressive actions taken by the main character(s), including any use of force and the use of verbal threats. The *total use of force* variable includes any acts in which the main character(s) uses physical force in any way and is further divided into three subcategories, including *justified use of force*, *unjustified use of force*, and *other use of force*. *Justified use of force* most typically includes acts of physical force that were intended to save an innocent person or subdue a criminal. *Unjustified use of force* includes those physical acts that are considered unreasonable, such as assaulting a criminal once he has been subdued or causing physical injury when it is not necessary. The *other use of force* subcategory most often includes acts that do not involve criminals or victims. The most frequent example is a fight between two protagonists, such as Superman and Batman. Finally, the last variable in the use of aggression category is the *use of verbal threats*. This measure is a count of every instance in which one of the main characters verbally threatened a criminal, police officer, or another superhero. If physical violence occurred during the threat, it was counted only as a use of force.

The third category of variables is crime prevention acts. This category includes five variables designed to capture any actions taken by the main character(s) with the intention of preventing crime or protecting people or property. *Total crime prevention acts* are simply a count of all crime prevention actions taken by the main character(s). Under the total variable are four subcategories, including *protecting innocents*, *protecting criminals*, *protecting property*, and *other crime prevention acts*. *Protecting innocents* is a count of every situation in which the main character(s) prevents an innocent person from being physically harmed or victimized. Similarly, *protecting criminals* is a count of the situations in which a criminal is protected from being physically harmed or victimized. Most often the harm is the result of his or her own actions or the actions of another criminal. As the name implies, *protecting property* is a measure of the instances in which the main character(s) prevents property from being damaged or destroyed. Finally, the *other crime prevention acts* variable includes every other action in which the main character(s) prevented or stopped criminal activity. A common example is the interception of criminal offenders before they reach the crime target, such as a bank.

The final category of variables is police interaction and behaviors. This category includes numerous variables describing the interaction between the main character(s) and the police, as well as the legality of the behavior of both the police and main character(s). The first two variables – *following the law* and *breaking the law* – symbolize directly opposing actions taken by the main character(s). They represent counts of actions in which the main character(s) clearly broke the law or made a conscious decision not to break the law. Similarly, the third and fourth variables – *working with the police* and *working against the police* – also go hand-in-hand and exhibit two opposing actions. Actions integrated in the *working with police* variable include notifying the police of a crime and/or turning criminal offenders over to the police. However, actions under the *working against the police* variable include things like directly assaulting a police officer or withholding evidence that could be used to make an arrest. The *police corruption* variable is a count of every instance in which a police officer was shown doing something illegal, such as accepting bribes or using unjustified force. The *police condones the character's actions* variable is a dichotomous measure (0 = no, 1 = yes). It was recorded for each comic book as a whole, rather than counted throughout. This technique was adopted because of the extremely low number of incidents in which the police are clearly shown to approve or disapprove of the main character(s) actions. Further, as it was only found in the storyline of a single character – Batman – it will not be included in any analysis. Finally, the last two variables – *acts of revenge* and *acts to further the investigation* – are intended to represent instances in which the main character(s) either act(s) based on emotion and/or rationality. *Acts of revenge* are often viewed negatively, as an outburst of uncontrolled emotion. However, *acts that further investigation* show clear thinking and rationality. In this case, both are measured as counts of actions taken by the main character(s).

RESULTS

As previously discussed, the data utilized in the current study is divided into three separate groups – data pertaining to Superman, data pertaining to Batman, and data pertaining to both characters together. This approach will be continued for the data analysis process. The following examinations will first briefly discuss general themes found across all the comic books examined. Then, a more detailed discussion will follow highlighting themes associated with each specific character – Superman and Batman – and the two characters together.

General Themes

In examining the presence of themes, it is clear that there is a heavy criminal justice influence throughout the sample of comics. Both the Superman and Batman characters are frequently portrayed as crime fighters and/or detectives. With that in mind, actions and references to both crime control and due process are common across the entire sample. However, crime control is by far the more dominant theme. Of the 122 comic books, in which a clear criminal justice theme could be seen, 86.9% display themes of crime control, whereas only 13.1% display clear themes of due process. Further, the characters are shown to be very aggressive in their actions toward criminal offenders and sometimes even victims. As seen in Fig. 1, across the entire sample, the main characters alone commit 1,145 aggressive acts, averaging 7 aggressive actions per comic book. Physical force was used 986 times, with justified use of force occurring 588 times and unjustified use of force occurring 382 times.

Although crime control is the dominant theme, there are also numerous other themes found throughout the sample. One of the more common themes
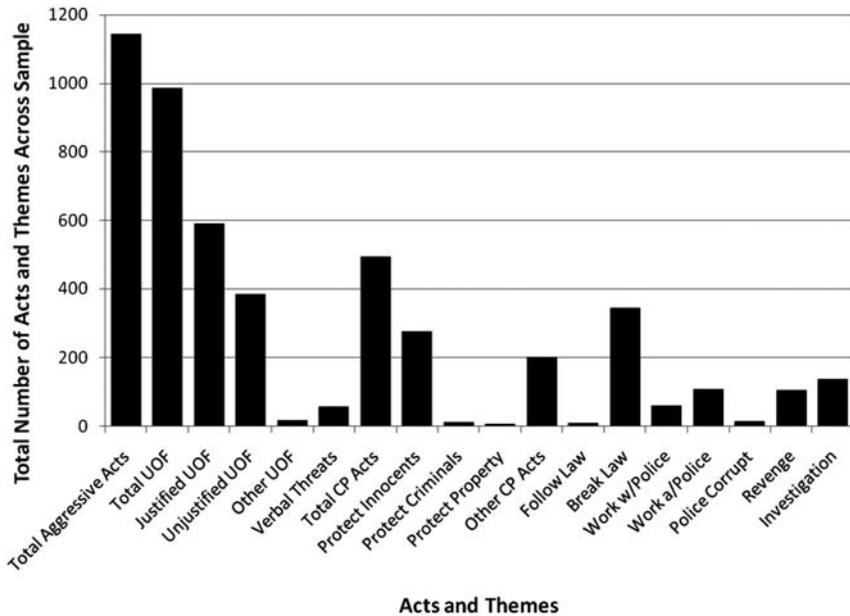

Fig. 1. Criminal Justice Acts and Themes Found Across Entire Sample of Comic Books.

is crime prevention. Both the Superman and Batman characters spend a large amount of time attempting to prevent crime before it occurs. Most frequently, crime prevention comes in the form of protecting potential victims (or innocents). Of the 493 crime prevention actions taken, 277 of them are intended to protect potential victims. Further, the characters are often shown working with police to prevent crime. Although neither character has any actual law enforcement authority, they were shown to work directly with police on 60 separate occasions. Finally, while both Superman and Batman are considered to be heroes, as with many comic book superheroes, they are sometimes portrayed in a very antihero manner. Though they often work with the police, they were found to work against the police on 108 different occasions. Further, they also frequently broke the law. Across the entire sample, Superman and/or Batman were found to break the law 343 times.

Character Analysis

Although both Superman and Batman are seen as superheroes that fight for justice, they do so in clearly different ways. As seen in Fig. 2, when examining the comic books featuring Superman alone, due process is the
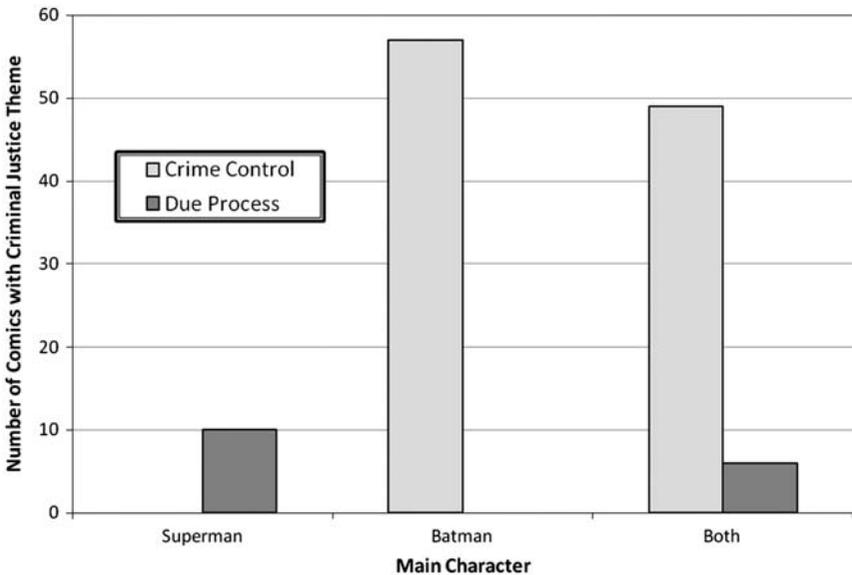

Fig. 2. Criminal Justice Themes Portrayed by Superman, Batman, and Both.

dominant theme. In fact, it is the only theme, accounting for 100% of the 10 comic books displaying a clear theme. However, crime control is by far the dominant theme throughout the comic books featuring Batman alone. Of the 57 Batman comic books displaying a clear criminal justice theme, 100% of them portray crime control. With the comic books featuring both characters acting together, there is more variation in the portrayed criminal justice theme, though not much. Of the 55 comic books displaying a clear theme, crime control was dominant in 49, whereas due process was dominant in only 6.

In examining the aggressive actions taken by each character separately and together, several patterns emerge. First, as can be seen in Fig. 3, Batman much more frequently commits aggressive acts, averaging more than twice as many actions per page as Superman. Further, Batman also uses physical force much more often than Superman, especially unjustified use of force, which typically includes assault. Interestingly, with the comic books featuring both characters working together, the rates of aggressive actions are balanced. With the exception of justified use of force, rates from the comic books featuring the characters together fall between the rates for the comic books featuring the characters separately for almost every category of aggressive actions. This finding may imply that the characters balance each other.
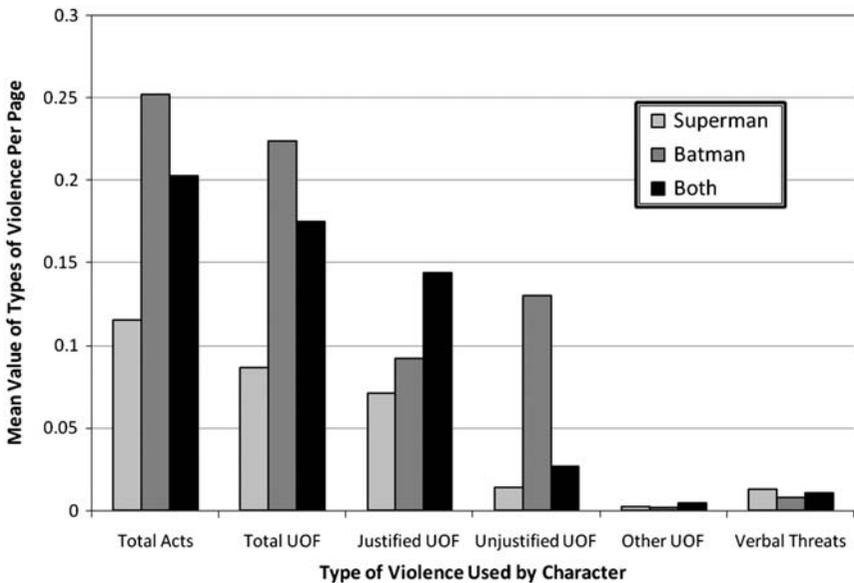

Fig. 3. Aggressive Actions of Superman, Batman, and Both.

When examining the crime prevention actions taken by both characters separately and together, patterns are not as consistent as those for aggressive actions. Batman is shown to commit almost twice as many crime prevention acts as Superman; however, Superman is shown to protect more innocents, or potential crime victims. This phenomenon is most likely due to the fact that Superman often protects large groups of individuals at a time, whereas Batman typically protects one individual at a time. When portrayed working together, Superman and Batman often perform high numbers of crime prevention actions. Further, they are shown to protect more innocents when working together than when working alone. In both cases, the high rates are most likely due to the fact that Superman and Batman often work together during drastic events, such as bombings or attempted mass murders (Fig. 4).

Finally, when examining the characters' interaction with police and their behaviors, two clear patterns emerge. First, Batman is much more likely to interact with the police. Comic books featuring the characters separately show Batman both working with police and performing investigations much more often than Superman. This is most likely because Batman more frequently deals with street crime, whereas Superman more frequently deals with international or world threats. Secondly, Batman is also much more
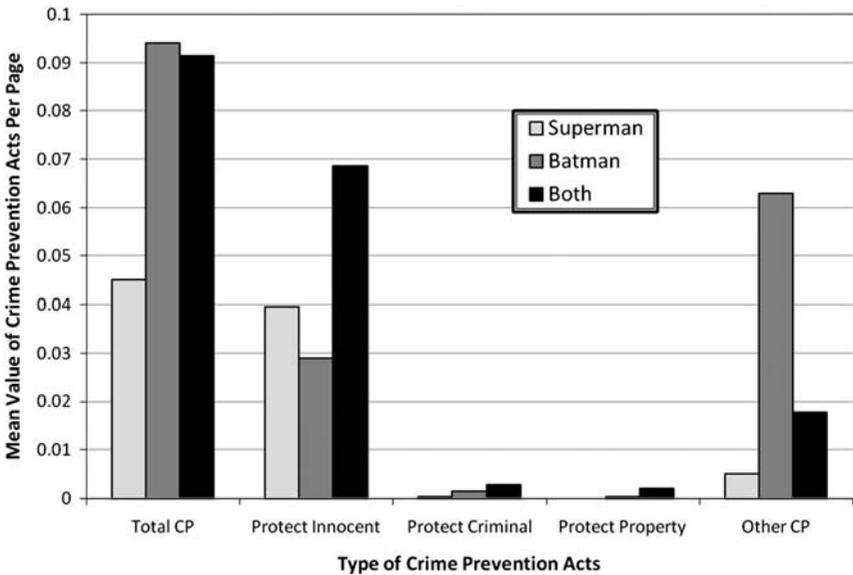

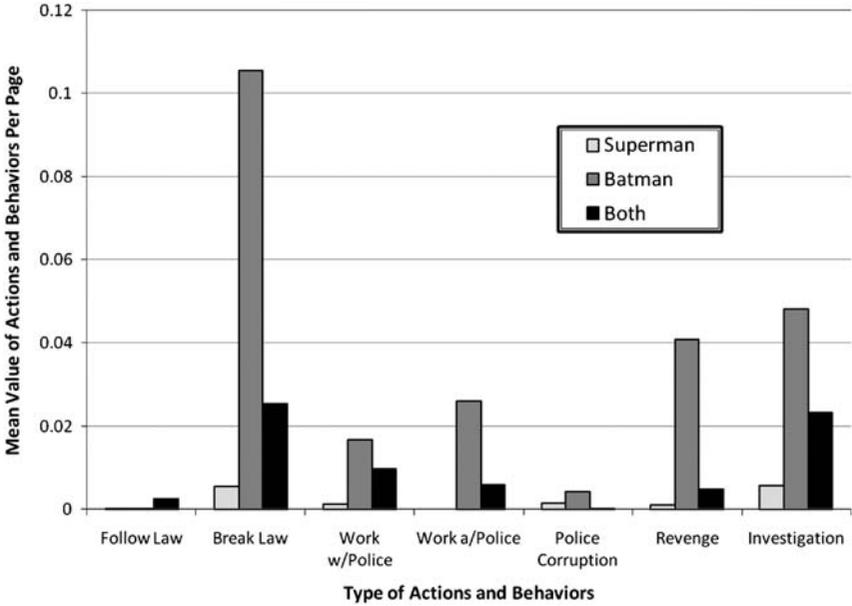*Fig. 4.*   Crime Prevention Actions Taken by Superman, Batman, and Both.

Fig. 5. Police Interactions and Behaviors of Superman, Batman, and Both.

likely to work against the police. Not only does Batman work against the police more often, he is also more likely to act out of revenge. However, the clearest distinction between the two is in the characters' willingness to break the law. Although Superman is shown to break the law only nine times, Batman is shown breaking the law 264 times. Finally, as with the other categories examined, when working together Superman and Batman appear to balance each other out, with the rates for almost every category falling between the rates for the individual characters (Fig. 5).

DISCUSSION AND CONCLUSION

If understanding media and culture, and by extension, comic books, is a requirement for understanding crime and criminal justice as suggested by cultural criminology (Ferrell & Sanders, 1995), then the above analysis has moved us one small step closer. The dominant model of criminal justice that emerged from our analysis was one of the crime controls (vs. due process). According to Packer (1968), although these two models are ideal types, and unlikely to ever exist in their pure forms, in the comic book world anything

is possible. The crime control model is characterized by: an emphasis on preventing and repressing crime; efficiency in investigating, apprehending, and prosecuting criminals; and a presumption that the accused is guilty. This model of criminal justice has been compared to an assembly line in which each component of the criminal justice system is working in harmony toward the ultimate goal of controlling crime. In contrast, the due process model is characterized by fairness of the law and an emphasis on the due process rights of criminal justice participants. Under this model, it would be more important to let a guilty person whose rights were violated go free than to violate those rights to punish the guilty party. The due process model has been likened unto an obstacle course, where with each successive stage in the criminal justice process, it becomes more difficult to carry cases forward. Under this model, abuses of power or violation of the law in pursuit of justice are antithetical to true justice. Although depictions of both of these criminal justice models were identified throughout the sample in this study, there were far more examples of crime control than due process. Interestingly, the polarized nature of these two models was borne out in two respective superheroes, with crime control being most associated with Batman, and due process being exclusively associated with Superman. The linkage between these heroes and their respective models of justice is also consistent with their characters' personalities. Superman, after all, has also been referred to as the ''Big Blue Boy Scout,'' and Batman is well-known to for his shadowy image as a solitary "Dark Knight" (e.g., Morris, 2005; Waid, 2005).

Consistent with work by Phillips and Strobl (2006) and Stoddart (2006), vigilante justice through use of force was a frequent theme throughout this sample of comic books and graphic novels. Although in this study portrayals of the police as overwhelmed or incompetent were not precisely measured, the sentiment was echoed throughout the various storylines included in the sample. The inadequacy of the police, especially in the Batman story arcs, in part justify his need to take matters into his own hands, and justify his extralegal methods of crime fighting. Many times, the Gotham Police in the Batman comics were depicted as corrupt themselves, further justifying his vigilantism. This may also explain why Batman was so frequently depicted working against the police and breaking the law (Tate, 2008).

This study is one of the few attempts to understand how the criminal justice system and system actors are portrayed in comic books and graphic novels. Its scope is clearly limited to a small subset of comic book stories, especially considering the focus exclusively on modern age comics and only two superheroes. Although our analysis was focused on comic books and

graphic novels featuring primarily two superheroes, these two are the most long-lived and arguably most popular comic book characters in history and of the day. In addition, the analysis was based on a sample of 166 comic books and graphic novels, which to our knowledge is the largest content analysis of comic books for the purposes of studying crime and justice themes to date. Despite these limitations, this study has value since it furthers and expands upon previous work in the area.

NOTES

1. As an example, *The Dark Knight*, a film based on Bob Kane's Batman character, was the largest grossing film of 2008, the second highest grossing film of all time domestically, and the fourth highest grossing film of all time worldwide with over one billion dollars in lifetime grosses (Box Office Mojo, 2009). Clearly this film reached a wide audience.

2. Some titles are published at irregular intervals ranging from every few months to once a year.

3. In fact, since the production of Superman (1978), almost 90 comic-based movies have been released in theaters in the United States alone, grossing over $8 billion. In the 2000s, multiple high-budget superhero or comic book-inspired movies released every year. 2008 for example saw the release of *The Dark Knight*, *Iron Man*, *Hancock*, *The Incredible Hulk*, *Wanted*, *Hellboy II: The Golden Army*, and *The Spirit*.

4. The popularity of the selected comic books/graphic novels was determined through an extensive review of fan websites and comic price guides, as well as personal knowledge.

ACKNOWLEDGMENTS

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APPENDIX A

Action Comics # 769–770
Action Comics # 812–813
Action Comics # 844–846
Action Comics # 851
Action Comics # 855–863
Action Comics # 866–870
Action Comics Annuals # 11
The Adventures of Superman # 582–583
The Adventures of Superman # 626
All-Star Batman and Robin the Boy Wonder # 1–9
Batman # 426–429
Batman # 608–619
Batman # 651–654
Batman: Legends of the Dark Knight # 16–20
Batman: The Dark Knight Returns # 1–4
Batman: The Dark Knight Strikes Again # 1–3
Batman: The Long Halloween # 1–13
Detective Comics # 817–820
Detective Comics # 849
Legends of the Dark Knight: Halloween Special # 1–3
Superman # 160–161
Superman # 202–215
Superman # 625
Superman # 681
Superman/Batman # 1–50
Superman: Emperor Joker # 1
Superman: The Man of Steel # 104–105
Superman: The New Krypton # 1
Superman: The Red Son # 1–3
World's Finest # 1–3

APPENDIX B

Comic Book/Graphic Novel Code Sheet

Comic Title & Issue # [ ]   **Main Character** [ ]

Criminal Justice Themes ☐ Due Process/Protection of Rights   ☐ Crime Control/Crime Fighting

Secondary Character(s) [ ]

Aggressive Actions Taken by Protagonist(s)

Total # Aggressive Acts	[ ]
Total # Use of Force	[ ]
Justified Use of Force	[ ]
Use of Excessive Force	[ ]
Other Use of Force	[ ]
# Use of Verbal Threats	[ ]
Target of Threats	☐ Villains ☐ Police ☐ Citizens ☐ Other

Crime Prevention Actions Taken by Protagonist(s)

Total # Crime Prev. Acts	[ ]
Protect Innocent	[ ]
Protect Criminal	[ ]
Protect Property	[ ]
Other Crime Prev. Acts	[ ]

Other Actions Taken by Protagonist(s)

Acts of Personal Revenge	[ ]
Acts as Part of Investigation	[ ]

Police/Legal Themes

Protagonist Following Law	[ ]
Protagonist Breaking Law	[ ]
Protagonist Work w/Police	[ ]
Protagonist Work a/Police	[ ]
Actions Taken Against Police	[ ]
Police Condone Pro. Actions	☐ Yes ☐ No
Police Corruption	[ ]
Type of Corruption	[ ]

Criminals/Antagonist Actions

Type of Antagonist(s) [ ]

Violent Crime		**Property Crime**	
Murder	[ ]	*Arson*	[ ]
Mass Murder	[ ]	*Theft/Burg.*	[ ]
Assault	[ ]	*Bombs/Exp.*	[ ]
Rape	[ ]	**Other Crime**	[ ]
Robbery	[ ]	*Drug Use*	[ ]
Kidnapping	[ ]	*Verbal Threats*	[ ]

TELEVISED IMAGES OF JAIL: LESSONS IN CONTROLLING THE UNRULY

Dawn K. Cecil

ABSTRACT

Purpose – *The purpose of this chapter is to examine televised images of jail by looking at televised documentaries and reality-based programs. Since jails are closed institutions, the way the media depicts them can have a significant impact on people's perceptions of these institutions.*

Methodology – *Content analysis, a common media research technique, was employed to analyze how jails are portrayed on television. More specifically, a sample of seven televised documentaries and 24 episodes of the reality-based programs* Jail *and* Inside American Jail *were examined to determine the accuracy of these images, as well as the underlying themes presented in these programs.*

Findings – *There were both similarities and differences in the way these programs depicted county jails in the United States. Overall both programs offered a selective look into the jail system. Whether depicting the largest jails in the country or focusing exclusively on the areas of the jail where inmate outbursts are most likely to take place, these programs offer a sensationalized view of jail that supports current crime control policies.*

> Research limitations – *The sample used in this study is a purposive sample and only focuses on reality-based images (excluding news broadcasts). Examining additional televised images of jail would add to the strength of this study.*

> Originality of paper – *Although research on prisons in the media is becoming more popular, that on jails is nonexistent; therefore, this chapter adds to our knowledge of how these institutions are portrayed in the media.*

INTRODUCTION

Many people rely on the media to provide them with information about topics that they are interested in. Social constructionists believe that the media can have a powerful influence on people's perceptions, especially in regard to those topics for which they have little or no knowledge (Surette, 2007a). Jails and prisons are one of those topics that people are fascinated by, but most likely do not know much about especially since these institutions are closed to the general public. Thus, it has been argued that the media can have a significant impact on the way people view these institutions (Levenson, 2001; Wilson & O'Sullivan, 2004), making it important to consider how they are portrayed in the media.

The potential problem with relying on the media to learn about correctional institutions is that the information presented may be limited, distorted or outright inaccurate. With almost 2.3 million people incarcerated in this country (West & Sabol, 2008) and many more passing in and out of the gates of these institutions on a daily basis, it is important for people to understand these institutions and their role in society. However, one problem with the media's portrayal of correctional institutions is that they focus more on prisons than jails. Prison films emerged during the silent film era and have been a popular source of entertainment ever since (Rafter, 2006). With the popularity of crime shows on television, it was not surprising when both fictional and reality programs about prison emerged in the 1990s. The popularity of dramas such as *OZ* and *Prison Break*, as well as documentary series, such as *MSNBC Investigates Lockup*, has proven that viewers are fascinated by prison life.

Jails are different from prisons in many ways, from their location and administration to the population housed there, yet many refer to them as one and the same. The media itself is guilty of using these terms interchangeably. Some specific media images of jails exist; however, most of the examples are

more subtle than is seen with prison, being a part of a plotline rather than the setting of the story itself. Jail films are few and far between; however, throughout the history of television many examples of jail scenes can be found. For example, in the 1960s viewers could watch Sheriff Andy Taylor and Deputy Barney Fife on *The Andy Griffith Show* lock up Mayberry's suspected criminals in the two jail cells in the sheriff's office. Soap operas have had dozens of storylines over the years featuring main characters going to jail while awaiting trial. The first season of the sitcom *Arrested Development* featured George Bluth Senior in jail awaiting trial for a white collar offense. There is also the adult cartoon, *Super Jail*, which shows viewers the animated world of jail, filled with violent inmates, strange creatures and clichés about life in jail. Examples such as these are endless. These types of televised images of jail are obviously for entertainment. One is not going to believe that it is possible to put a bar in a jail because they watch *Super Jail* or that an entire family will have a sing-along with the sheriff while locked up together in Mayberry's jail. Needless to say, there is some truth in fiction; therefore, even these images, as silly as they may seem, can potentially have an influence on what people think about jail.

The real images of jail found on television have the potential to significantly impact people's beliefs about this institution. The popularity of crime-related programming has lead producers to explore various facets of the criminal justice system, including correctional institutions. Viewers of these types of television programming may take the information at face value; after all they are showing reality are they not? What viewers may not consider is the process that goes into making these shows, with the end product being a highly edited version of reality; therefore, it is critical to have an understanding of the accuracy of these images and the messages viewers may receive while watching this type of programming. The purpose of this chapter is to examine how jails are portrayed on two types of such television programming – documentaries and reality-based shows. It is likely that while using actual footage, that the images presented offer a limited look into county jails and send very specific messages about the people who are locked up there.

CORRECTIONAL INSTITUTIONS IN THE MEDIA

There is a growing body of literature on how the criminal justice system is depicted in the media. Although many studies have looked at the portrayal of law enforcement and even the courts, by comparison that examining

correctional institutions is sparse. That which does exist focuses exclusively on prisons. Though different institutions, the research on media images of prison can provide some insight into how jails may be presented in the media.

In general, correctional institutions are not considered newsworthy. According to Chermak's (1998) study of criminal justice stories in the news, correctional institutions were the main topic in only 17% of the criminal justice stories. When the correctional system is the subject of a story in the news, it is more likely to contain a negative portrayal of the system than a positive one (Freeman, 2000). Therefore, relying on small snippets of information and presenting mostly negative stories means that overall the news is not a very informative source to learn about these institutions.

The explosion of reality-based programming and televised documentaries provides another potential facet of the media to offer viewers information about correctional institutions. Surette (2007a) argues that the correctional system has yet to become a popular focus of television programming; however, there is a growing body of literature on how televised documentaries and other such programming portray prisons (Cecil, 2007; Cecil & Leitner, 2009). In general this research indicates that while using actual footage of life in prison, the producers distort the reality of prison. By focusing on maximum security prisons and violent inmates, these programs send a get tough, crime control message that supports current incarceration policies (Cecil & Leitner, 2009). Even when presenting the real issues faced by prisoners, they are framed in such a way as to further support the need to lock people up for long periods of time (Cecil, 2007; Cecil & Leitner, 2009).

Although no research specifically focusing on jails exists, it is likely that there are similarities. Tuchman (1978) argues that the way the media frames an issue can be influenced by previous frames used for that topic. Both jails and prisons are places of incarceration; therefore, it is likely that when the producers turn their camera lens on the jail system that they will use the same frames that they use when depicting prisons, thereby supporting similar messages. The research that has examined reality-based images of prison has found that violence is the most common frame (Cecil, 2007; Cecil & Leitner, 2009). Overall, these types of programs rely on what Altheide (1997) calls a problem frame. By showing offenders are a problem to society, fear is promoted. Using these frames sends viewers very specific messages. In particular, by making people fearful and showing how violent those in prison are, current incarceration policies are supported (Cecil & Leitner, 2009).

It is important to also consider the frames used when portraying jails. The frames determine how the issue is covered as information that does not fit

within the predetermined frames will be discarded (Cavender, 2004). If producers rely on the same frames used when depicting prisons, then it is possible that jails will end up appearing more like prisons than they actually are, thereby perpetuating a common misunderstanding. The frames used also likely to be influenced by the specific format of the programs themselves; therefore, the formats of these programs will be discussed before examining how jails are portrayed on television.

TELEVISION DOCUMENTARIES AND REALITY-BASED PROGRAMS

The expansion of cable television has contributed to an increase in the number of documentaries offered to the viewing audience. These documentaries focus on a variety of topics, many of which are related to crime and justice issues. Although some of these documentaries are independent, most of them are part of documentary series. The format used in these documentaries allows the producers to take an in-depth look at the issue, while using similar frames and themes in the production of each episode.

In recent years the correctional system, especially prisons, has become a popular topic of programs following this format. For example, in 2000 the series *MSNBC Investigates Lockup* debuted, featuring an hour-long peek into some of the most notorious prisons in the United States (see Cecil & Leitner, 2009 for more information on this series). Since then similar series have emerged on other cable stations including National Geographic Channel and TruTV (formally Court TV). Regardless of which specific series one is watching, the format is similar. Each hour long episode uses footage filmed at these institutions, as well as interviews with staff and inmates to enhance the story being told by the narrator.

These televised documentary series overwhelmingly focus on state prisons. From time-to-time the producers of these prison documentaries film at a county jail. For example, the original *Lockup* series has only visited three county jails since it debuted. Intermingling jails in these essentially prison-based series is potentially problematic. Since jails and prisons differ in many ways, relying on the same format and frames used in the episodes featuring prisons when depicting jails may lead viewers to believe that these institutions are one and the same.

Reality-based television programming has also exploded in recent years. These programs purport to give the audience a real look into people's lives. *Cops*, which debuted in 1989, is the quintessential crime-based reality

program on television. Considered groundbreaking, it was the first to use real footage instead of reenactments (Doyle, 2003). Each episode is essentially a series of televised ride-a-longs. Over the 20 years since *Cops* debuted, various incantations of this formula have been produced, thereby giving viewers a look at real life crime fighting. What viewers of these programs may not recognize is that while these programs rely on real footage, there is an extensive amount of editing and stylizing that goes into the production of these shows (Cavender & Fishman, 1998).

In recent years this type of television programming entered the correctional system with two new reality-based series debuting in 2007. *Jail* and *Inside American Jail* are both produced by John and Morgan Langely, who also produced *Cops*. Using the same formula that made *Cops* popular, the Langleys have turned the camera lens onto the jail system. *Jail*, on MyNetworkTV, opens with a scene reminiscent of *Cops*, with a hip-hop song as the backdrop to the dramatic scenes, including a crazed inmate banging his head on a cell door (Schneider, 2007). Langley describes it as being urban and gritty (Surette, 2007b). However, a less gritty opening scene with rock music is used for Court/Tru TV's *Inside American Jail* (Schneider, 2007). Other than the opening credits, these shows are identical, even going as far as having the same exact episodes. The camera crew visits each jail for six weeks and, according to the producers, even when they shoot for 10 h a day for a week they are lucky to get one piece to air (Balta, 2007). Each episode contains three vignettes focusing on a different jail, running an average of 6 min apiece. Similar to the documentaries these programs use interviews with staff members and real footage shot in the jails; however, they do not contain interviews with inmates. The result is a series of fast paced stories about working in jail.

Overall, the differences in format between the documentaries and reality-based programs are likely to produce some variation in the way jails are depicted. Although, it is also likely that since both types of programs are dealing with the same topic, that there will be similar messages, even if these messages are sent in different ways.

METHOD

To examine how jails are depicted on television, a sample of television documentaries and episodes from the aforementioned reality-based shows was selected. A digital video recorder was used to capture these programs over a 12-month period. During this time eight documentaries were recorded, seven of which are included in this analysis.[1] Each of these documentaries

was from one of three series available on cable television – *Lockup* (MSNBC), *Lockdown* (National Geographic Channel) and *Inside* (Court/Tru-TV). The documentaries included in this analysis are: *Lockup: Return to Rikers Island*,[2] *Lockup: Miami-Dade Corrections*, *Lockup: Los Angeles County*, *Lockdown: Tent City*, *Lockdown: County Jail*, *Lockdown: Women on the Edge*[3] and *Inside: America's Toughest Jail.* Along with these documentaries, 24 episodes, featuring 72 vignettes, of *Jail and Inside American Jail* were examined for this analysis of televised images of jail.

Content analysis, which is a common media research technique, was used. This type of analysis allows for the identification of both manifest and latent content. The manifest content of the media is the actual images that are presented, whereas the latent content consists of the underlying messages (Babbie, 2004; see also Altheide, 1996; Berger, 1998; Zito, 1975). Both types of content are considered in this study. Using this research technique, data were collected from both visual cues and dialogue. Together the data collected allow for the examination of the specific content presented on these programs, the accuracy of the images and the main themes and frames used by producers. Owing to the nature of these two types of programming identical data were not always available. Data were collected on the jails, the featured staff and the featured inmates. Featured staff and inmates were those who were interviewed on camera or the focus of the story. In addition, data were collected on the topics presented in these episodes (e.g., suicide, correctional treatment, gangs, etc.) to determine whether these programs address some of the main issues facing jails.

The following analysis begins with a comparison of how jails, inmates, and staff are portrayed in the documentaries and reality-based programs examined, which allows for the determination of whether these programs are offering similar insights into these institutions. In addition, by comparing these data to national statistics we can determine whether these images are representative. Finally, the main themes presented in these programs are discussed. Overall, the programs examined in this study offer insight into the institutions, staff, inmates, and other aspects of jail life. By examining these things one can determine the frames used and the messages sent to viewers about county jails.

THE INSTITUTIONS, STAFF, AND INMATES

Many different jails were featured in the programs examined; however, neither type of program offered a representative look at the nation's jails.

The jails depicted in the documentaries were: Rikers Island (New York City), Los Angeles County Jail, Miami-Dade Corrections, Multnomah County Jail (Portland, OR), Wayne County Jail (Detroit, MI), and Maricopa County Jail (Phoenix, AZ). Five of these jails are among the nation's 50 largest jails (Sabol & Minton, 2008). These jails are comprised of as many as 10 different buildings and on average house more than 8,850 inmates. The reality programs featured 18 jails and 1 prison.[4] Two-thirds of the vignettes featured: Clark County Detention Center (Las Vegas, NV), Orient Road Jail (Tampa, FL), Multnomah County Jail (Portland, OR), and Travis County Criminal Justice Center (Austin, TX). Eight of the jails on these programs are among the 50 largest jails in the United States, with populations of at least 2,300 inmates (Sabol & Minton, 2008). Both types of television programs give viewers a look into some of the largest jails in the United States. In reality, 63% of jails have the capacity to hold 100 inmates or less (Stephan, 2001), whereas the jails featured on these programs house hundreds, if not thousands of inmates. Less than 5% of jails in the United States are as large as the majority of the jails featured on these programs (Stephan, 2001). For entertainment sake one can understand why producers would select these jails; however, by doing so viewers are offered a limited look at these institutions. Furthermore, the specific jails that they film at will influence the way the rest of the institutional life is depicted on these programs.

The types of jails featured on these programs are quite diverse in their structure. These jails have areas to process new inmates, as well as various housing units to meet the needs of inmates at various security levels and those with special needs. In order for these television programs to offer a true representation of jail life they must give viewers a glimpse into the various areas of the institutions; however, there was a vast difference between the two types of programs. The reality shows offered a more limited view of the structure of these jails by focusing mostly on the booking unit. In all, 84.7% of the vignettes examined took place in booking. However, while over half (57.1%) of the documentaries featured segments on booking, the format of the documentaries allowed for a more expansive look into the structure of the jails featured in each episode. These documentaries included segments on special housing units for high threat inmates, mentally ill inmates, females, and pregnant women, as well as segregation units for those with disciplinary problems. In addition, special jail structures such as tent city at the Maricopa County Jail and a converted barge at Rikers Island were featured, as well as other areas of the jails including kitchens and medical units. In the end, while the jails featured on both types of programs

are similar, the format of the documentaries provided viewers a more expansive look at the way these larger jails are structured.

Jails vary tremendously on the availability of treatment programs, but the types of jails featured on these programs typically have a variety of programs available to inmates. The most common types of programs found in our nation's jails are education, religious, and substance abuse programs (Stephan, 2001). These inmate programs were included, but only in the documentaries. The reality-based programs did not feature any inmate programs probably because they rely on footage taken in booking, which is the area where new inmates are processed in, not where treatment is taking place. However, many of the documentaries introduced viewers to a variety of jail-based programs. The documentaries featured or discussed counseling programs, work and vocational training programs, religion, reentry programs, life skills programs, batterer programs, self-improvement programs, drug programs, correctional boot camps, and gender-specific programs for females, including a nursery program for women and their newborn babies. Overall, viewers of the documentaries were made aware of a variety of inmate programs; however, a topic that was not addressed was the availability of such programming. This oversight may potentially lead viewers to believe that these inmate programs are more prevalent than they actually are.

Interviews with jail staff, as well as footage of them carrying out various aspects of their jobs, were integral parts of both the documentaries and reality-based programs. A variety of staff members, including deputies, administrators, treatment staff and medical staff are seen throughout these programs. The documentaries featured 99 staff members. The majority of these staff members were male (78.8%), whereas nearly half were white, 27.3% African American, and 19.2% Hispanic. On the reality programs 129 staff members[5] were featured, the majority of which were male (77.5%) and white (79%). In addition, 14.5% were African American and 6.5% Hispanic. Although the diversity of the type of staff it takes to run jails is represented in these programs, the demographic makeup is distorted. First, both types of programs over-represent male staff members, with more than three-fourths of the featured staff being male. In actuality, two-thirds of the jail staff in the United States is male (Stephan, 2001). This finding is similar to the way that staff members were depicted in prison documentaries (Cecil & Leitner, 2009) and fits the typical image of what it takes to work in jail. Second, each type of program misrepresented the racial/ethnic makeup of the jail staff. Nationally, two-thirds of jail staff is white (Stephan, 2001), thus the documentaries under-represented and the reality-based programs over-represented the proportion of white staff members. The exact reason

for these differences is not known, although it could be a reflection of the specific institutions at which the producers filmed.

Not only do the programs teach viewers about the institutions and staff, but they also receive messages about the people who are locked up in county jail. There were 98 inmates featured in the documentaries and 134 in the reality-based programs examined. In both types of programs nearly one-fourth of the inmates were female, which is nearly double the percentage of the jail population that is female (Minton & Sabol, 2009). Although similar in the way they depicted the gender of these inmates, these programs are different in their portrayal of the racial and ethnic makeup of the jail population. Viewers of the documentaries are presented with a predominately minority jail population, with nearly 80% of the inmates featured being either African American or Hispanic (53.8% and 25.8%, respectively). However, viewers of the reality shows are presented with a jail population that is predominately white. Three-fourths of the inmates featured on the reality shows were white, 18.2% African American, 4.1% Hispanic, and the remaining from other racial and ethnic groups. According to recent statistics on the jail population, 42.5% of the inmates are white, 39.2% African American, and 16.4% Hispanic (Minton & Sabol, 2009). Therefore, similar to the way these programs depicted the racial/ethnic makeup of staff members, minorities are over-represented on documentaries and under-represented on the reality-based programs. In general, minorities tend to be under-represented in the media (Larson, 2006). Furthermore, the media are more apt to focus on white offenders (Surette, 2007a), except when depicting violent offenders who are shown as being disproportionately African American (Dorfman & Schiraldi, 2001). Prison documentaries under-represented minority inmates (Cecil & Leitner, 2009), but as the results indicate in this study the exact of opposite is true in the documentaries featuring jails. Similar to the representation of staff members, these differences in the way the inmates are presented may be due to the different facilities featured. In addition, it could be related to the types of offenders depicted. If the documentaries feature more violent offenders than the reality-based shows do, this may attribute the racial differences found.

Jails are known for housing a diverse population of both unconvicted and convicted inmates. Each episode of the reality-based programs begins with the following statement: "After arrest and before trial comes jail. All suspects are innocent until proven guilty in a court of law." Although nearly 63% of jail inmates across the country are unconvicted (Minton & Sabol, 2009), not everyone in jail is awaiting trial. The reality-based programs do not indicate the conviction status of the featured inmates; therefore, even

when showing footage from a housing unit viewers do not know whether these are pretrial detainees or inmates serving time. This may be misleading to viewers who do not have an understanding of the different populations housed within the jail system. However, the documentaries demonstrate the diversity of the jail population in two different ways. In some of the documentaries the narrators make a distinction between prisons and jails, thereby indicating viewers the different populations housed in these institutions. For example, in the introduction to *Lockup: Miami-Dade Corrections*, John Seigenthaler states the following:

> When someone breaks the law there is a distinct difference between going to prison and jail. Prison is for convicted felons, many with long-term sentences. Jail is where suspects spend a relative short period of time either while waiting for trial or before being transferred to another facility. It is also where convicts serve short sentences.

Not all of the documentaries offer this type of description and instead report on the status of the individual inmates. Viewers of the documentaries many times learn the legal situation of the featured inmates through their interviews or the narrator's comments. These programs depict a variety of inmates including pretrial detainees, those serving county jail time, state inmates awaiting transfer and even state inmates back in the county jail on additional charges or appeals. Since this information is not provided for all featured inmates it is difficult to determine how accurately this characteristic is depicted in these documentaries, but, in general, the documentaries offer a better look at the complexity of the jail population than the reality-based programs.

Since jails contain a mix of unconvicted and convicted inmates, there is also diversity in the types of offenses with which they have been charged. As mentioned several times throughout these programs, people can be held in jail for anything from minor offenses, such as shoplifting, all the way to serious offenses, such as murder. Nearly 44% of the inmates featured in the documentaries were in jail for violent offenses, whereas the remaining inmates were there for nonviolent offenses (18%), drug-related offenses (28.2%), and violations or outstanding warrants (10.3%). However, most of the people featured on the reality-based programs were charged with nonviolent offenses (60.2%). Only 18.2% were charged with violent offenses, 14.4% for drug offenses, and 6.8% probation and parole violations or other outstanding warrants. Nationally 25.4% of jail inmates are there for violent offenses, 24.7% for drug offenses, and the remaining for nonviolent offenses (James, 2004). Not only do we see a difference when comparing these to the national statistics, but also when we compare the two

types of programs. The documentaries over-represented inmates with violence and drug charges, whereas the reality shows under-represented these offenders. Given that violence is typically emphasized in media representations of crime, it is surprising that the reality shows do not focus on these offenders as well; however, the themes highlighted in those programs may offer insight into this finding.

Overall, after examining how these televised documentaries and reality-based shows depict jails, staff and inmates one can conclude that while offering viewers a peek into these institutions, distortions abound in the way jails are depicted on television. The potential impact of these misrepresentations will be discussed further in the concluding section; however, before delving into that issue it is important to examine the themes presented in both types of programs. The themes that are presented to viewers via interviews and footage highlight certain aspects of the jail system and use specific frames to tell stories about jail life.

JAIL AND *INSIDE AMERICAN JAIL*

According to the John Langley, the producer of *Jail* and *Inside American Jail*, these shows were intended to focus on the officers working in jail (Balta, 2007); therefore, it is not surprising that the most common theme was related to an important aspect of the job – controlling the environment. This theme was emphasized in 84.7% of the vignettes examined. Viewers learn a lot about the different techniques jail staff use to control potentially volatile inmates in an environment where anything can happen. Throughout these vignettes officers talked about the importance of control. In addition, it was common to see footage of unruly inmates and the staff using various methods to gain compliance. One thing that was clear when watching these vignettes is that there are many different ways to maintain control. Some stress the importance of physical strength, restraints and even tasers as critical to maintaining control, whereas others rely on communication and respect to accomplish this part of the job.

Interwoven into this theme of control was that of the unpredictable nature of the jail environment. In many interviews staff members sent the message that you had to be ready for anything because you never know what will happen. One of the ways that these vignettes emphasized this unpredictability and the need for control is through inmate altercations. Over half (58.6%) of the featured inmates had an altercation of some sort with either jail staff or another inmate. These altercations ranged from

minor verbal arguments to physical fights. Scenes following these alterca-
tions set the perfect stage for demonstrations of control.

Many times when new detainees are being processed into the jail they are
angry and the littlest things can set them off, which creates a danger to the
staff and other inmates. During this process the need to exercise control can
arise from inmates not following orders to outright physical noncompliance.
For example, in a vignette from the Lee County Justice Center (Fort Myers,
FL), an inmate has a taser held to his back and is pepper sprayed because he
continues to yell racial slurs after several warnings. According to a member
of the jail staff, gaining control in this moment was critical as his actions got
"everyone else to go off and we don't need that. We need control of the
inmates. We need to calm the situation down."

The most blatant way that control was visually shown in these programs
was through the use of restraints and other methods to physically subdue
inmates. Viewers of these programs quickly learn that the officers working
in jail do not have the same resources available to them as officers on the
streets. Restraints ranging from handcuffs to restraint chairs were used on
72.4% of the featured inmates. Far less common, but still seen, were pepper
spray and tasers. It is more common to see the staff subduing inmates with
the threat of pepper spray or tasers than it was to see them actually using
these devices. One exception is seen in a vignette from the David L. Moss
Criminal Justice Center (Tulsa, OK), which shows an inmate being tasered
and pepper sprayed after he physically refuses to allow the jail staff to search
him. It was far more common, however, to see the use of the restraint chair.
The vignettes show the process of putting inmates into these chairs and
typically returning to that inmate later to see whether the chair effectively
forced compliance. Owing to the way that the footage is edited, however,
viewers do not know how long the person has been kept in the chair.
Typically when they return to the restrained inmate, he/she is not only
emotionally calmed down but also physically worn out from being strapped
into the chair for a long time.

These types of physical restraints are not the only ways that control was
exercised in these vignettes. Staff attempt to control what is circulated
throughout the jail by searching inmates and cells. In these vignettes it was
common to see new detainees being patted down and their property being
removed. Despite what might be a common belief that strip searches are
commonplace, only 2.2% of the inmates in these vignettes were strip
searched. Of course strip searches do not lend themselves to footage that can
be shown on television. Cell searches are another way to discover contraband
and maintain order, however, only 4.2% of the vignettes showed footage of

this practice. These scenes were probably uncommon due to the fact that these cell searches are typically conducted in the housing units, which were rarely the focus on these vignettes.

Not all of the methods of control highlighted in these vignettes were physical. Many of the stories emphasized the importance of communication and respect in dealing with people being processed into the jails. A deputy from the Tarrant County Jail (Fort Worth, TX) sums it up in the following statement: "You don't have to be big; you just have to be able to talk to someone." Several vignettes shot at the Multnomah County Jail (Portland, OR) featured Sgt. Gorton, who is the prime example of the type of officer who uses communication and respect to control the environment. Each time she was featured she was shown talking to inmates, trying to get them to understand why they are in jail or explaining the process. For example, in one vignette a very agitated man was brought in and immediately put into a holding cell to calm down, as she continued to talk to him his anger subsided. Although at one point she threatened to put him into the restraint chair, treating him with respect was enough. Talking to people, however, was not always effective. Another deputy from the Multnomah County Jail (Portland, OR) comments on a detainee who is given several chances and states: "some people just don't want to cooperate no matter how nice you are to them." Some of the deputies addressed the need to balance between being tough or physical and being kind and respectful. According to a deputy at the Pierce County Detention Center (Tacoma, WA),

> [I]f you are not a people person you're not going to like this job. It's kind of gotta aggressive nature to it, which is contrary to the job because working on the job your job is to deescalate not escalate. You kinda got to have an aggressive nature but be able to take it down.

These characteristics combined appear to be most effective way for an officer to exert control over unruly inmates within the jail.

The second most common theme highlighted in these shows was the use of alcohol and drugs, as seen in one-third of the vignettes. Many of the featured inmates were intoxicated when they were booked into the jail. As indicated by their behavior, admitting it while on camera or as indicated by the staff, 51.5% were clearly under the influence of drugs or alcohol.

Often drugs and alcohol were discussed along with the issue of control. In several of the vignettes the jail staff discussed the fact that you never know what some inmates will do when they come in because they are intoxicated and this makes them dangerous. For example, according to a deputy in the David L. Moss Criminal Justice Center (Tulsa, OK), " … they're just stupid

drunk. They will be totally uncooperative. They'll be belligerent. It does not matter what you say to them, they're just gonna argue with you.'' Along these lines, it was commonplace to see an intoxicated inmate being placed into an isolation cell or in a restraint chair until he/she sobered up.

The vignettes showed a variety of people having trouble with the alcohol or drugs, from the first time detainee who is drunk and upset (and therefore, a suicide risk) to an old alcoholic who has been in and out of jail more than 120 times and finds more comfort in jail than on the streets. In a vignette from the Multnomah County Jail (Portland, OR), a meth addict is shown as a series of his own mug shots giving him and the audience a view of the damage meth use has done to him. Although most of the vignettes showed the bad side of substance abuse, a couple framed the issue in a comedic way showing viewers the funny drunks who are sometimes processed into the system. Overall, however, the message associated with the theme of alcohol and drug use is that it can cause trouble for the individual user as well as the system.

With the format that these programs use, it is not surprising that themes of control, unpredictability and intoxication are highlighted. The way that *Jail* and *Inside American Jail* are formatted requires the producers to capture the attention of the audience immediately and to tell the story quickly. The action packed nature of the booking area sets the perfect stage for this formula and the end result is one unruly inmate after another, many times intoxicated, being restrained by the deputies. All in all it is demonstrated that this is a major, and almost never ending, part of working as a jail deputy.

JAIL DOCUMENTARIES

Televised documentaries about jail feature some of the same themes as the reality-based shows, but there are differences as well. One of the main themes found in 71.4% of the documentaries was that of violence. Highlighting this theme was similar to the way that prison documentaries frame the issue of imprisonment (see Cecil & Leitner, 2009). As previously discussed, the documentaries featured a higher proportion of violent inmates than is found across the nation. This was not, however, the only way the theme of violence was portrayed. Many of the documentaries focused on the rarest and most extreme violence within the jail system by highlighting inmate disturbances and riots, which also supported the theme of unpredictability. Footage of some of these disturbances was used to

support the violent nature of these occurrences. More common, however, was the focus on individual behavior by jail inmates while institutionalized.

Some of the staff featured in these documentaries talked about how violence has become worse over the years. The exception is found in *Lockup: Return to Rikers Island*, which contains a discussion of the decreased levels of violence that are attributed to zero tolerance polices. In general, the other documentaries blame the violence on changes in the people brought to jail, whether it is due to mental illness, substance abuse, or that they are simply just more violent than before. The following quotes demonstrate this point:

> Jail is completely different than it was 30 years ago. For one thing, we have much more violence prone inmates in our system. In the past it was never a problem. We did not have major riots and disturbances ∼ *Lockup: Los Angeles County*

> Today's female offender is exceptionally violent. They go after each other; they go after my staff these days … ∼ *Inside: America's Toughest Jail*

Several of the documentaries focused on the role of gangs in creating violence within the jails, which was also common in prison documentaries (Cecil & Leitner, 2009). Most of the violence discussed was inmate-on-inmate. Inmate-on-staff violence was not directly discussed, except in *Lockdown: County Jail* in which the narrator reports the number of attacks on deputies that take place each year.

More often, the danger to staff was underlying discussions of the unpredictable nature of the jail environment. All of the documentaries examined included elements supporting this theme. *Lockdown: County Jail* points out that when you are processing people on illegal substances, they can have an outburst at any moment. Many of the staff members discussed the importance of being ready for anything. The following quotes from these documentaries are just a few examples:

> L.A. County has a higher inmate to guard ratio than any other county jail in the country. Sheriff deputies have to deal with the daily threat of getting stabbed, having feces thrown at them and even contracting AIDS … ∼ *Lockup: Los Angeles County*

> Inmates can be good but they are inmates. You can never keep your guard down, never, never. You always have to keep in mind that at any moment, at any time, it can flip on you. ∼ Lockup: Return to Rikers Island

> The deputies never know when the next outburst will happen. ∼ *Lockdown: County Jail*

These comments were typically reinforced with footage showing verbal or physical outbursts by inmates. Even the producers of these programs admit that the environment is unpredictable. In *Lockup Raw* the narrator stated

that "our crews have always come to expect the unexpected." One of the producers, B. K. Eller, commented that there was a "sense that anything can happen at any time."

If these institutions are unpredictable and filled with violence, then it is not surprising that the issue of control was emphasized in all of the documentaries.

> In the Arizona desert is a county jail like no other … shoplifters and murderers sleep side-by-side in tents … and fight a daily war with officers for control. In this hostile environment tensions run high and chaos is always just around the corner … ∼ *Lockdown: Tent City*

> … all they [deputies] have to protect themselves are their wits and a zero tolerance for any kind of resistance. It is what keeps them safe from harm. ∼ *Lockdown: County Jail*

> Here the good guys have to be as tough as the bad guys. ∼ *Inside: America's Toughest Jail*

Similar to the reality-based programs, this theme was apparent through the use of restraints and holding cells. In addition, they emphasize the use of technology, such as cameras and the body orifice scanner used at Rikers Island. More common than in the reality-based programs was a focus on the specialized units used to control problematic inmates. By showing these units training and doing their jobs viewers are given the message that they have the manpower to control the violent and unstable jail environment. For example, in *Lockdown: Tent City* this unit is the Special Response Team (SRT). Several of the segments of this documentary show SRT in training and conducting raids. A member of SRT stated: "My job is care, custody, and control – heavy on the control and that is something about being on SRT, all we intend to do is control the situation." Other jails featured in these documentaries have similar units. Like *Lockdown: Tent City*, these units are highlighted through footage of training exercises and more commonly cell raids and searches. Furthermore, the documentaries feature other units, such as gang intelligence and investigation units whose purpose is to investigate crime within the jails. The element of control is further reinforced in segments on the chain gang used in Maricopa County and the security housing units in one of the jails featured in these documentaries. One difference in the way these documentaries depicted the theme of control, when compared to the reality-based shows, is that there was much less emphasis on the use of words and respect to control inmates. Throughout the documentaries only two officers briefly talked about this subject.

The format of these documentaries allows for a more in-depth look into the jail environment and therefore, the way that the aforementioned themes

were demonstrated was different than the reality-based shows. Although the documentaries may also need to grab people's attention in the beginning, their stories need to be more developed and therefore, able to hang on to the viewers' attention throughout the entire hour-long episode. In this case, the producers rely on footage of previous inmate altercations (captured by security cameras in the jail), including riots, and extensive cell raids and searches used to maintain control of the unpredictable environment. In addition, because these documentaries contain more extensive footage from the housing units they delve further into the violent nature of these institutions and the inmates, much like the prison documentaries do. Finally, it is important to note that while the main themes seen throughout these documentaries have been identified, individual documentaries may vary considerably in topics they focus on. For example, both documentaries featuring Tent City focus almost exclusively on the issue of control, whereas *Lockdown: County Jail* delves deeply into the issues of substance abuse and mental illness. Taken together, however, these jail documentaries provide a more comprehensive look at the major issues facing the nation's jails than was seen in the reality-based programs.

CONCLUSION

Televised images of jail relying on actual footage taken within these institutions have the potential to inform viewers about a part of the criminal justice system that they most likely have little knowledge of. The programs analyzed in this study show viewers several different jails across the United States and introduce them to various facets of the jail process, from booking to release. The way, however, that such programming is constructed only offers a partial look into the reality of these institutions. The jails, staff and inmates featured, as well as the themes highlighted in both televised documentaries and reality-based shows, may leave viewers with some false impressions about the jail system.

By watching these programs, viewers may believe that altercations are nonstop and that the deputies are in a constant battle to physically control these unruly inmates. Within the documentaries and reality-based shows there were themes of unpredictability, violence, and ultimately control. This was particularly true of *Jail* and *Inside American Jail*. By predominately filming in the booking unit where inmates are first brought in, many times angry, confused, and even intoxicated the chances of capturing altercations and outbursts are greatly increased. The result is one action packed vignette

after another. It is true that booking is one of the most dangerous areas of the jail and that officers must be ready for anything to happen; however, jails are fairly safe (Cornelius, 2008). Only 14% of jail inmates report having a physical altercation while in jail (Harlow, 1998). Furthermore, only one-third of all jails report inmate-on-staff violence (Stephan, 2001). The prevalence of inmate altercations is heavily exaggerated in these series, especially when one considers that the producers admit that they could film at a jail for 10 h a day for a week and be lucky to piece together one story (Balta, 2007). Yet, the way that these vignettes are edited and put together into an episode leaves the impression that these occurrences are nonstop. By framing the issue of jail through these themes of control, violence and unpredictability, the message that is sent supports the way that these inmates are treated. For example, people may not question the use of the restraint chair, despite the fact that some inmate injuries and deaths have been attributed to misuse of these chairs, resulting in lawsuits and costing some counties millions of dollars (see Cusac, 2000).

The viewers of this type of television programming may also be lead to believe that jails are very similar, if not identical, to prisons, which is particularly true when watching the documentaries. Although some of the documentaries explain the differences between prisons and jails, the other images presented may counteract these statements. The size of these jails alone is comparable to many state prisons. Add the fact that producers of the documentaries appear to use similar frames in their jail documentaries as they do in prison documentaries. The main frame in both is violence, which is a common frame in any criminal justice-related programming. Like prison documentaries, the jail documentaries emphasize violent inmates, riots and disturbances, and gangs. Although these problems exist within the jail system they are not as prevalent as in prison. The types of treatment programs featured in many of these documentaries are also more likely to be seen in prisons than in jails. Most jail inmates spend their time watching television, reading, playing games, and getting exercise (Harlow, 1998). Yet, if producers were to focus on those activities they would probably lose viewership. Overall, presenting jails in such a way neglects the way that these institutions are different from prisons. The quickly revolving inmate population and their administration under the county sheriff present a uniqueness that is critical to a true understanding of the jail system, and one that is ignored when presenting these institutions as being so similar to prisons.

Overall, the way that jails are depicted on these programs sends a crime control message that is supported by fear. According to Cavender (1998), "[a]mid an already pervasive fear of crime, reality programming's depictions

of criminals may encourage more repressive crime policies'' (p. 80; see also Nellis, 2006). The potential for this can be seen throughout the documentaries and reality-based programs examined. These televised portrayals of jail rely on the problem frame (Altheide, 1997). The people who are seen locked up in jail are obviously troublesome; therefore, viewers may be comforted by the fact that these unruly people, who are in constant need of control, are locked up where they belong. Although prevalent throughout the documentaries and reality-based programs, one example can be found in way the latter depicts substance abuse. These vignettes show one intoxicated inmate after another. It is estimated that 68% of jail inmates report symptoms of substance abuse or dependence in the year before incarceration and half were under the influence when committing their current offense (Karberg & James, 2005). Therefore, substance abuse is a major issue for the jail population. The issue of treatment, however, was rarely broached in the reality-based shows that focus so much on these intoxicated inmates. Instead they are shown as a recurring and inevitable problem that can be taken care of through the use of isolation cells and restraint chairs. Some of the documentaries, especially *Lockdown: County Jail*, tackle the issue of treatment of substance abuse. Yet, in the end their focus on violence overshadows the need for treatment of substance abusers and even other inmates facing a myriad of problems, including mental illness.

One thing is for certain, viewers of these television documentaries and reality-based programs about jail are likely to be entertained. Herein lies the problem, like many other media depictions of crime and justice, the need to entertain outshines the need to inform. Viewers are presented with highly edited and stylized versions of jail life. So while there is truth within these images, the end result is only a partial look into our nation's jails. In the end, viewers are left with a distorted perception of jails; a perception that supports current incarceration policies and potentially works against any type of reform.

NOTES

1. One of the documentaries recorded was *Lockup Raw: America's Toughest Jail*. Episodes in the *Lockup Raw* series contain never before seen footage from the *Lockup* episodes as well as interviews with the producers. Owing to its unique format this episode was excluded; however, comments from the producers are referred to as necessary in the discussion of the findings.

2. In 2000 *Lockup: Rikers Island* was released. This particular episode was not replayed during the time of this study; therefore, it was not included. Some of the original footage, however, is seen in *Lockup: Return to Rikers Island*.

3. *Lockdown: Women on the Edge* had a broader focus on female offenders in Detroit; however, much of the documentary featured women in various institutions in the Wayne County Jail system. The data collected from this documentary were exclusively from scenes within the jail.

4. Despite the fact that this is a series about jail, one vignette examined featured footage from a prison; however, no distinction was made between this institution and the others included throughout this series.

5. Several staff members were featured in multiple vignettes and were only counted in the first vignette in which they appeared.

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PART II
RESISTANCE, CRIME, AND
PROTEST IN MUSIC

"I BROKE THE LAW? NO, THE LAW BROKE ME!" PALESTINIAN HIP-HOP AND THE SEMIOTICS OF OCCUPATION

Judah Schept

ABSTRACT

Purpose – *This chapter studies the lyrics and music videos of Palestinian hip-hop artists, exploring their narratives of the Israeli–Palestinian conflict and constructions of identity and place.*

Design/methodology/approach – *This semiotic analysis profiles lyrics and music videos found almost exclusively on the Internet. The dominant themes that the chapter discusses emerge directly from the data, creating important connections across borders and requiring a transnational analytical framework.*

Findings – *Artists in Palestine and in the diaspora appropriate concepts and terminology from criminal justice to narrate life under occupation. In contrast to this construction of occupation, artists also employ metaphors of nature to signify a biological connection to the land of Palestine that represents both victimization and a steadfast and "rooted" resistance. Mapped onto this cross-borders shared semiotics are implications for new understandings of place and identity.*

Research limitations – Limitations exist in both content and methodology. Interpreting in the lyrics an embrace of a primordial connection to the land should raise concerns about Orientalist representations of non-Westerners. I devote a section of the chapter to problematizing the primordial Palestinian. In terms of method, I speak no Arabic or Hebrew, though I have taken steps to mitigate this problem, including privileging songs in English or with English translations and employing the assistance of an Arabic and Hebrew speaker.

Originality/value – Despite these limitations, this chapter contributes to an understanding of the transnational potential of hip-hop to craft counter-hegemonic narratives of identity, place, and conflict.

INTRODUCTION

Since its inception in the 1970s in the South Bronx, New York, rap music has been a hybrid of various influences, from Jamaican "toasting" to American jazz and soul.[1] Despite increased commercialization and complicity in misogynistic and homophobic lyrics and images, there is a rich history of rap music that challenges institutional injustice. Moreover, scholars, educators, and community organizers have recognized hip-hop's political and pedagogical potential, and have begun teaching about and through hip-hop culture and music.[2] Previous scholarly work has illustrated the salience of hip-hop as an "oppositional culture" (Ogbar, 2007) and rap music, in particular, as an expression of cultural resistance (Kelley, 1996a; Rose, 1994). These scholars have noted hip-hop's ability to dissect and challenge dominant narratives of crime and criminality, race, capitalism, and foreign policy. More recently, scholarship has explored the politicized themes found in the work of particular artists, specifically detailing radical critiques of the American criminal justice system (Nisker, 2007; Ogbar, 2007; Finley, 2002).

Given hip-hop's history of poignant social commentary and cultural resistance, along with its status as one of the largest grossing genres in American music,[3] it is unsurprising to find rap music emerging as a powerful method of politicocultural critique in geographically and culturally diverse global contexts. Analyses have profiled hip-hop's cultural relevance to resistance in various international arenas (Ogbar, 2007; Armstead, 2007; Mitchell, 2001). Other authors have pointed to lyrics, music samples, and clothing as evidence of the influence of Middle Eastern music, politics, and style on an American hip-hop aesthetic. These authors note that the

changing composition of the inner city and the effects of immigration, demographic changes, and the development of new technologies have contributed to this influence (Aidi, 2004; Kelley, 1996b).

The present research looks at one manifestation of this increasingly global phenomenon – Palestinian hip-hop – exploring the lyrics and music videos of artists in Palestine and the diaspora and paying particular attention to narratives of conflict, place, and identity. In this study, a shared semiotic language emerges from the data. Artists employ terminology and concepts from criminal justice – including law and law enforcement, prison, and terrorism – to describe the conditions of occupation. In direct contrast to this construction of the conflict, artists use images and metaphors of nature to signify Palestinian victimization and resistance. In both this shared semiotic language and the transnational consumption of music, artists and scholars envision new localities and communities of solidarity. Artists actively create new contexts from which understandings of conflict, identity, and place can be explored.[4]

"FROM THE WEST BANK TO THE WEST COAST": RESISTANCE AND RELATIONALITY

– The Philistines, "Free the P"[5]

Despite its emergence abroad, hip-hop's international existence and transnational consumption problematize the application of traditional theoretical frameworks of resistance. Tricia Rose's (1994) *Black Noise* is perhaps the most eminent work on the cultural history and the importance of hip-hop. Using Scott's (1990) framework of the "hidden transcript," Rose argues that hip-hop often provides a forum for a critique of domination, but utilizes alternative, and sometimes hidden or disguised, social and cultural codes to communicate its message. She writes that

> A large and significant element in rap's discursive territory is engaged in symbolic and ideological warfare with institutions and groups that symbolically, ideologically, and materially oppress African-Americans. In this way, rap music is a contemporary stage for the theater of the powerless. On this stage, rappers act out inversions of status hierarchies, tell alternative stories of contact with police and the education process, and draw portraits of contact with dominant groups in which the hidden transcript inverts/subverts the public, dominant transcript. Often rendering a nagging critique of various manifestations of power via jokes, stories, gestures, and song, rap's social commentary enacts ideological insubordination. (p. 101)

Rap music, Rose argues, provides a forum for the expression of a counter-hegemonic narrative. Hip-hop appropriates and symbolically reverses the roles of institutions that play important ideological and protective roles in the dominant social narrative – education, law enforcement, and prisons – to describe the oppressive nature of the state.

In Scott's (1990) framework, however, certain conditions of insularity catalyze the expression of the hidden transcript. He writes,

> The social sites of the hidden transcript are those locations in which the unspoken riposte, stifled anger, and bitten tongues created by relations of domination find a vehement, full-throated expression. It follows that the hidden transcript will be least inhibited when two conditions are fulfilled: first, when it is voiced in a sequestered social site where the control, surveillance, and repression of the dominant are least able to reach, and second, when this sequestered social milieu is composed entirely of close confidants who share similar experiences of domination. (p. 120)

Scott's analysis, without a conceptual "updating," fails to map onto the contemporary existence of Palestinian hip-hop. Rose (1994) acknowledges that the development of information technologies has altered the way in which the hidden transcript is consumed. Specifically, whereas subordinate groups have traditionally insulated the expression of resistant discourses from both mass consumption and critique, hip-hop's preeminence and mass mediation across transnational space ensures its communication to various audiences. In Palestine, through the combination of global information technologies with the repression and poverty faced by Palestinians in both the Occupied Territories and within Israel, Palestinian hip-hop historically has more often been consumed on a transnational stage in front of a global audience than in the streets or cafes of Ramallah, Jerusalem, or Gaza City. Palestinian hip-hop must be understood as embedded in relational networks, which problematizes the concept of the hidden transcript, as it also emboldens articulations of resistance.

The music of DAM, one of the Palestinian rap groups explored in detail in this chapter, thrives from its placement in cyberspace and thus inevitably positions itself as immediately consumable by segments of the global population that have access to computers.[6] If Rose's (1994) application of Scott's (1990) framework is appropriate, then it must be acknowledged that the proverbial stage on which these rappers perform exists transnationally, and their music has at times been more easily consumed by European and American fans than by fellow Palestinians living in parts of the West Bank and Gaza. Massad (2005) notes that DAM toured England and France before ever playing a show in Ramallah, the largest city in the Palestinian

territories. As of Massad's publication, DAM remained virtually unknown in the Occupied Territories as well as in the diaspora.[7]

In this way, perhaps hip-hop should be understood not as the Palestinian version of "CNN for Black people,"[8] that is as an internal broadcast to other Palestinians, but as a voice and outlet of Palestinian cultural resistance, communicating a counter-narrative of the occupation to the networked world. At the same time, scholars such as Khalili (2005), Schulz and Hammer (2003) and organizations such as The Across Borders Project (see www.acrossborders.ps) note the proliferation of the Internet in Palestinian refugee camps within the occupied territories and Lebanon. This access facilitates a virtual space for communication that spans borders and check points.

The ability for international audiences in Europe and the United States as well as Palestinians in refugee camps to consume Palestinian hip-hop speaks to the importance of a relational framework. Stein and Swedenburg (2004) argue that relational histories "open up the space to narrate interdependence and to dismantle the … Arab/Jew binary that national logics have tended to assume" (p. 10). Palestinian hip-hop reveals both intranational and transnational relationalities. The authors continue, explaining that intranational relationality "helps to pluralize the 'interaction' by considering how gender, religion, ethnoracial identity, or … country of origin, crosscut nations and nationalisms in ways that further destabilize the convention of the Palestinian Arab/Jew divide" (p. 10).

Several examples from Palestinian hip-hop illustrate the salience of intranational relationality to an understanding of rap's complex position in politicocultural critique. In their song *Al Huriye Unt'a*, or "Freedom for my Sisters," DAM (2006b) raps about their mothers and sisters who "got lost in our customs, our stupid and primitive customs." Through this critique, DAM challenges the stereotype of the misogynistic Arab man and breaks the continuity of their Palestinian solidarity by offering internal criticisms. DAM also vehemently defends their Palestinian identity against Arab critics who allege a lack of authenticity because DAM's members are from *Lod*, a mixed Arab and Jewish community within the "green line" demarcating Israel. In their song *G'areeb Fi Bladi*, or "Stranger in My Own Country," DAM (2006d) raps,

> Where can I go when my land is occupied?
> The soul told me that only the love
> Of my people can protect me
> But where can I go when my people are abandoning me?"

Similarly, Palestinian rappers MWR often excoriate Arab leaders in their music for their complicity in "selling out" the Palestinian cause. Within an

intranational relationality framework, these songs further challenge the traditional, hegemonic notions of division along ethno-religious lines.

Linguistically, DAM sometimes raps in Hebrew, which can easily and perhaps mistakenly be read as acquiescing to the market for their songs. Being Israeli citizens, rapping in Hebrew may manifest part of their identity as Palestinians within Israel, and may also be a way of forging an interethnic solidarity with Israeli Jewish allies. Their name, in fact, has both Hebrew and Arabic meanings. DAM stands for "Da Arab MC's," but also means "Eternal" in Arabic and "Blood" in Hebrew. In an interview with a German online portal, Tamer Nafar, one of the founding members of the group, considers the group's name to mean "eternal blood, meaning that politics can never eradicate what makes us human" (Franzen, 2006). Nafar's gloss of the group's name seemingly bridges linguistic apartheid by bringing together the Hebrew and Arabic meanings.[9] This speaks to Stein and Swedenburg's (2004) understanding of transnational relationality as "forms of contact, community, and mutual contingency that span checkpoints, walls, and histories of interstate enmity and that circulate with commodities and the media through increasingly global channels of commerce and culture" (p. 10). This framework allows for an understanding of DAM's simultaneous existence within the walls of the ghetto of *Lod*, and as occupying "transnational space" (Rabinowitz, 2000, p. 768), where people construct identities, communities, and solidarity across lines of demarcation and spatial separation.

Palestinian hip-hop's messages, explored in the following text, must be understood within this complex framework. Artists construct their identities in ways that crosscut the hegemonic constructions of division, including criticisms of their own leaders and communities, rapping in Hebrew, and producing music with Jewish allies. Simultaneously, Palestinian rappers forge transnational connections and solidarities that create a global stage for their constructions of the regional conflict, enacting a cross-borders counter-hegemonic narrative of conflict, place, and identity.

"TERROR IS THE ROBBERY OF MY LAND": SEMIOTICS OF CRIME AND NATURE

– Outlandish, "Look into my Eyes"

Whereas commercial hip-hop from the United States can succumb to celebrations of capitalist excess, misogyny, and violence, as well as at times reinforces hegemonic notions of black criminality and law enforcement

responses,[10] Palestinian rappers often dwell in politicized themes of resistance to occupation, national liberation, and solidarity. Crucially for the present analysis, Palestinian hip-hop mostly refrains from reinforcing hegemonic notions of law and order. Ogbar (2007, p. 180) has recognized this tendency in hip-hop outside of the United States, arguing that its manifestations abroad tend to reflect what hip-hop scholars and artists refer to as the "golden age of rap" in the United States, a period in the late 1980s and early 1990s featuring political, Afro-centric, and otherwise conscious hip-hop.[11]

The likeness between Palestinian and "golden age" American rap at times manifests through homage. In a trailer for the documentary film "Slingshot Hip Hop," which profiles several Palestinian hip-hop artists, Tamer Nafar of DAM holds up Public Enemy's album "Fear of a Black Planet," and identifies the hardships in Israel/Palestine as "Fear of an Arabic Nation."[12] In an interview with the hip-hop magazine *VIBE*, Nafar comments about the importance of Tupac Shakur in his early identification with rap music:

> It all started from Tupac … When you see a black man who's being chased by police … we get chased by police here. When he's talking about people in prison, most of our friends are in prison. When he talks about slavery, you can compare it to the occupation … it was like watching our Arabic lives dubbed in another language … it's like he's from *Lod*, man. (Allen, 2008)

Female Palestinian artist Abir El'Zinati, also from *Lod*, expresses a similar identification with Tupac and Public Enemy in a promotional video for the Brooklyn, New York-based Palestine/Israel Education Project:

> We found ourselves as Palestinians in Tupac Shakur's lyrics. We found ourselves in Public Enemy's lyrics. They described our daily life … they say "black," we say "Palestinian." Take a song by Public Enemy, and change every "black" word into "Palestinian" and you have my life, my story, and the story of many Palestinians.[13]

Mapped onto an iconic figure like Tupac is a Palestinian identification with the experiences of black Americans and black artists vis-à-vis the criminal justice system.[14]

As scholars, journalists, and artists have noted, American hip-hop has long alleged that prisons, police, and courts are institutional means of exerting social control that maintain racial and class privilege. Kelley (1996b) has noted that these characterizations are not solely the product of "conscious" or overtly political hip-hop. "Gangsta" rappers, for example, often play with the label attached to their particular sub-genre of hip-hop, applying it to the institutions and people who exert control over their communities, namely political leaders and local and federal law enforcement. According to Kelley, artists "indict America for stealing land, facilitating the drug trade either

through inaction or active participation of the CIA and friendly dictators, and waging large-scale 'drive by shootings' against little countries such as Panama and Iraq'' (p. 131). As this section will demonstrate, Palestinian hip-hop employs a similar semiotics of law, terror, and incarceration to both describe and indict the occupation.

The remainder of this section on the semiotics of Palestinian hip-hop is separated into three subsections. In the first, I explore Palestinian rappers' usage of criminal justice concepts and institutions to characterize the occupation, devoting space to analyses of law/law enforcement, prisons, and terrorism. In the following two subsections, I consider how artists juxtapose against these criminal justice concepts various images from nature to describe the victimization and resistance of the Palestinian people. This chapter argues that despite the forceful and oppressive role assigned to the Israeli state in these lyrics, artists rhetorically resist domination through the language of nature, staking claims in their steadfast and physical, seemingly biological, connection to the land of Palestine. The tropes of nature as victim and as resistance must be understood, however, in the context of the politico-historical processes of Israel/Palestine, a project in which a later section will engage.

"I Broke the Law? No, the Law Broke Me": Occupation as Law, Prison, and Terror

– DAM, "Born Here"

Law/Law Enforcement

Hip-hop references to the role of law and legal actors reveals an absurd side of life in Palestine. DAM's first album, entitled "Stop Selling Drugs," was directed at the high number of drug dealers in their neighborhood. Interestingly, the group accuses the police of ignoring the problem of drugs in their neighborhood in favor of the more explicitly politicized acts of participating in the destruction of homes built illegally. In "Born Here," the group raps:

> This is a hunting season the prey is one more home
> Of a dove trying to survive under the hawk's regime
> … Each day I wake up and see like a 100 cops
> Maybe they came to arrest a dealer …
> (He's over here, over here, oh no they came to destroy his neighbor's home).

DAM (2006e) indicts the police as tools of the "hawk's regime," and yet perhaps mitigates the strength of their critique by lamenting the lack of

police dedication to the arrests of drug dealers. It appears that DAM's critique has less to do with the inherent function of the police than it does with their politicized role under the occupation.

Other DAM songs contain similarly complex messages, combining condemnation of police practices with critical appraisals of their community. In their song *Mes Endroits*, or "My Hood," rapped partly in Arabic and partly in French with guest rapper Nikkfurie of French artists La Caution, DAM (2006c) raps,

> Let's take a look at the place I live in, house demolition around
> So many educated people but no wall to hang their degree on
> Are you ready to enter the 'hood? Who is going to drive?
> No worries, if there are Arabs in the car
> The police are behind the steering wheel
> Hold me tight, it's getting cold in the 'hood
> When the bank account's below zero
> There will be ice [slang for crack-cocaine] in the 'hood

DAM excoriates the practices of the police in their neighborhood – including house demolitions and profiling – while also cleverly remarking on the prevalence of drugs and their relation to poverty and marginality. Kelley's (1996b) explanation of similar themes in gangsta rap in the United States perhaps illustrates the significance of DAM's critique. Kelley argues that the gangsta rappers' descriptions of violence, drug dealing, and crime are neither celebratory nor apologetic, but rather analytical. He notes that:

> Most gangsta rappers write lyrics attacking law enforcement agencies, the denial of their unfettered access to public space, and the media's complicity in making black youth out to be criminals. Yet these very stereotypes of the ghetto as "war zone" and the black youth as "criminal" … also structure and constrain their efforts to create a counter-narrative of life in the inner city" (p. 118)

Other references to law in Palestinian hip-hop maintain an institutional-level condemnation. In *Born Here*, just two lines after imploring the police to search for drug dealers, the group raps: "Anywhere I go, excuses are there to greet me/I broke the law? No, the law broke me!" In *Meen Erhabe* or "Who's the Terrorist?," a song rapped entirely in the second person enhancing the accusatory tone of the lyrics, DAM (2001) raps:

> You're killing us like you've killed our ancestors
> You want me to go to the law? What for?
> You're the Witness, the Lawyer, and the Judge!
> If you are my Judge, I'll be sentenced to death.

These lyrics note the folly of pursuing "justice" through the Israeli legal apparatus. This analysis is shared by as noted a scholar as Edward Said, who writes that the West is "spectator, judge and jury of every facet of Oriental behavior" (1978, p. 109). The law and its enforcers are not only instruments of repression, Said argues, but also enact the techniques of knowledge, studying, displacing, judging, and managing Palestinians through the political and legal apparatuses.[15]

Prison

The use of "prison" and "prisoner" to describe the living conditions of Palestinians serves both descriptive and symbolic purposes. Although incarceration may literally describe the conditions of Palestinian communities, it also conveys the position of Palestinians in larger geopolitical decisions. In the first line of *Mali Huriye*, or "I Don't Have Freedom," DAM (2006a) raps, "We've been like this more than 50 years/Living as prisoners behind the bars of paragraphs/Of agreements that change nothing." DAM offers a biting analysis of the perpetual political peace process. These "agreements" create and sustain the conditions of Palestinians; they are at once the structure of the occupation and its legitimating function.

In the chorus of this same song, DAM raps, "Everywhere I go I see borders, imprisoning humanity/Why can't I be free like other children in this world?" and in the following verse, "And a wall that's separating me, myself, and I/The US has made it their 51st state/Cleaning the Middle East of its Indians." These lines speak to the physical presence of the various walls that confine Palestinians. Israel's construction of a barrier affects whole villages of Palestinians in ways that range from inconvenience to being potentially life-, or at least livelihood-, threatening.[16] Thus, DAM levels a critique that implicates a political process: the social, political, and physical construction of a border, which demarcates territory, incarcerates a population, and severs relationships by literally splitting villages in half. The content of the lyrics align DAM and Palestinians with the indigenous of the Americas, whereas the form of the music positions them in solidarity with African-Americans. Alleging the role of the United States in both the formation of Israel's borders and ethnic cleansing of indigenous peoples allies the group with an international anti-imperialism.[17]

The characterizations of life in carceral terms found in these lyrics are consistent with the metaphor of "life as prison" that Schulz and Hammer (2003) observed in her work with Palestinians in the diaspora.[18] For Palestinians residing outside of the West Bank and Gaza, Schulz argues, life is a forced exile with limited choices and a constant longing to return home.

For those in the Occupied Territories, life means being subjected to surveillance, checkpoints, and control. Schulz and Hammer (2003) writes that some Palestinians understand Palestine/Israel as one big jail: the land is imprisoned.

Terror

The normative usage of the terminology of terrorism in the context of Israel/ Palestine is often unidirectional: terrorists are generally young, Arab-Muslim men who commit acts of extreme violence against Israeli civilians. In hip-hop, artists tend to avoid contextualizing or explaining Palestinian "terrorist" actions in the structural conditions of the occupation, in favor of challenging the normative usages of the term. Artists appropriate, reconfigure, and rearticulate terrorism to describe the actions of the Israeli state:

> And now while my agony is so immense
> You call me the terrorist?
> Who's the terrorist?
> I'm the terrorist?
> How am I the terrorist
> When you've taken my land?!
> Who's the terrorist?
> You're the terrorist!
> You've taken everything I own
> While I'm living in my homeland.
> (DAM, "*Meen Erhabe*")

DAM's (2001) configuration of the Palestinian relationship to the land as biological and steadfast, a theme I explore further in the subsequent sections of this chapter, renders attempts to relegate the Palestinian population and the methods of that relegation as terrorism.

Artists also employ the language of terrorism to narrate the quotidian Palestinian experience. In "Look into my Eyes," Danish group Outlandish (2007) tells of life under occupation from the perspective of a Palestinian girl on her way to school:

> See I've known terror for quite some time …
> It's the checkpoint on my way to school
> Terror is the robbery of my land
> And the torture of my mother
> The imprisonment of my innocent father
> The bullet in my baby brother
> The bulldozers and the tanks
> The gases and the guns
> The bombs that fall outside my door …

The popular music video for "Look into my Eyes" provides additional insight. The video features the three members of Outlandish organizing a grade school play of Little Red Riding Hood. Several tropes connote that the production also tells of Palestinian life under occupation. Little Red, for example, wears a red *keffiyeh*, the headscarf traditionally worn by Arab men, and popularized by Yasser Arafat. As she leaves her house for the day, she encounters the separation wall, a helicopter flying overhead, and ultimately a military checkpoint staffed by the "Big Bad Wolf" in military fatigues. A semiotic analysis of the video reveals some of the same juxtapositions found in DAM's music. As the second verse, quoted in the preceding text, details the machinery of the occupation that constitutes terror – checkpoints, robberies, torture, imprisonment, bullets, bulldozers and tanks, gasses, guns, and bombs – the "Big Bad Wolf" subjects "Little Red" and other people in line at the checkpoint to various humiliations. As she stands at the checkpoint, Little Red daydreams, presumably of a Palestine free from occupation, and Outlandish uses animals, trees and a collection of happy youth all dancing under a blue sky to convey a stark juxtaposition to the militarized and drab reality of the occupation.

Even when hip-hop artists do not explicitly use the word "terrorism" to describe the conditions of occupation, they still rap about the violence of the state and invert other terminology that, like "terrorism," is often used unidirectionally. Belly (2007), a Palestinian-Canadian rapper, integrates analyses of the occupations of Palestine and Iraq, the 2006 invasion of Lebanon, and the United States government's lack of response to Hurricane Katrina in his song "History of Violence":

> Tears trickle down my face
> This is a war on my race
> So don't expect me to fall into place
> Think of the kids they can't be replaced …
> Am I dreaming?
> They call us names
> When they acting like extremists
> They left us in pieces
> That's not what peace is

Belly and "History of Violence" must be understood in a transnational context. Belly was born in *Jenin* in the West Bank, and currently lives in Ottawa, Canada. The music video for "History of Violence" features Belly, with a group of people in the background rapping with him, all of who appear to be of African or Middle Eastern descent. They all hold flags,

presumably from their home countries, fortifying Belly's messages of national pride and of solidarity across ethno-national boundaries.

"Uprooted Trees, No Chance of Growin' our own Seeds":
Nature as Victim

– Shaheed, "The Reality"

Hip-hop artists employ a variety of metaphors to convey victimization at the hands of Israeli violence. In these lyrics, the land, animals, trees, agriculture, and homes all suffer from state violence, extending victimization beyond individual bodies. These "natural" victims also signify the deeper loss of Palestine.

One of the more violent images contained in these songs is from *Meen Erhabe*. DAM (2001) characterizes Israel's treatment of Palestine as rape, and contextualizes the birth of the suicide bomber in this atrocious crime:

> Your countless raping of the Arabs' soul
> Finally impregnated it. Gave birth to your child
> His name: Suicide Bomber
> And then you call him the terrorist?
> … You silence me and shout:
> 'Don't they have parents to keep them at home?'
> 'But you let small children throw stones!'
> WHAT?!
> You must have forgotten you buried our parents under the rubble of our homes.

DAM's lyrics offer a complex construction of the violence of the conflict. The artists place the existence of both the stone-throwing youth and the suicide bomber in the historical context of Israeli violence: the gruesome imagery of "countless raping of Arabs' soul" and the destruction of homes.

This construction is highly gendered. In the lyrics, the Israeli state perpetrates a masculine sexual violence against a feminine "Arab soul." This trope offers an interesting articulation with Orientalist characterizations of Arabs as premodern and preindustrial, fecund, and feminized. Said (1978) notes that the Orient was a "geographical space to be cultivated, harvested and guarded." He continues, "The point here is that the space of weaker or underdeveloped regions like the Orient was viewed as something inviting French interest, penetration, insemination – in short, colonization" (p. 219). DAM's construction of the Arab soul as feminine shares some of the same tropes as those utilized to rationalize colonization, but makes clear that the sexualized conquest of Palestine is not consensual and constitutes rape.

Moreover, DAM's lyrics construct the suicide bomber, and perhaps by extension Palestinians, not as uncivilized or feminine but as born of the violence between a colonizing "father" and feminized motherland.

The imagery of destruction of homes and crushed bodies in the earlier passage from *Meen Erhabe* also may be understood as a synecdoche for the destruction of Palestine. Khalili (2005) and Schulz and Hammer (2003) both note the importance of images of bodies and destruction of homes that circulate through transnational communication networks. These images "underline the persecution and victimization of the nation" while they also "fortify the semiotic language of a shared national identity" (Khalili, 2005, p. 138). These are crucial points; Palestinian hip-hop communicates across borders and national boundaries the loss of the nation, as it also provides geographically disparate Palestinians with the same images and words with which to reconstruct a national identity.

In addition to the images of bodies and home demolitions found throughout Palestinian hip-hop are lyrical and visual references to the razing of olive trees. This latter action is especially common and salient. Shaheed (2006), a Palestinian-American hip-hop artist in New Orleans, raps in his song, "The Reality":

> Walls are bein' built to separate
> Shattering the dreams and hopes of havin' our own state,
> Uprooted trees,
> No chance of growin' our own seeds
> Metaphorically speakin'
> How can we ever succeed?

The Iron Sheik (2003), a Palestinian-American rapper from Detroit, employs the olive tree to signify the loss of Palestine:

> They exiled us and stole our homes
> Now all we have are old keys and new poems
> They turned us into refugees
> And uprooted us like our olive trees

Meen Erhabe ends with documentary footage of an older Palestinian man mourning the loss of his olive trees to Israeli bulldozers. With the music gradually fading out, and against a backdrop of a bulldozer clearing the land, the man says to the camera:

> These were my olive trees, all over here. All of this land was full of olive trees … Look!
> Look what they did to these trees. The poor things … they came and uprooted them.
> A tree like this is 200 years old. For two hundred years we lived from its olives. And they
> just come and destroy them.

Though this quote serves the practical function of contextualizing the song's claims of Israeli state terrorism in the lived experiences of a Palestinian farmer, it has a symbolic, semiotic, and relational significance as well. The last images we see are the destruction of an olive branch, the international symbol of peace, by Israeli Defense Forces bulldozers, and being mourned by Palestinians. The message embedded in this testimony creates a multimodal communication. The olive grower asserts that the uprooted olive trees and broken branches – these signifiers of peace – have sustained him for 200 years. His mourning can be understood both for the destruction of his literal financial sustenance, as well as for the razing of these symbols of peace. Ending the song with the words and image of the Palestinian man and his grove also serves as an intranational, historical articulation by DAM to connect with an older generation, and with the agricultural history of the land.

> *"Connected to Palestine Like an Embryo to the Umbilical":*
> *Nature as Resistance*

– DAM, *Mali Huriye*, "I Don't Have Freedom"

The image of an older, Palestinian man mourning the loss of his olive trees, as in the conclusion of *Meen Erhabe* described earlier, is a recurring theme in much of the literature that explores Palestinian claims to and through nature. Yet, rather than the victimization that the man expresses in *Meen Erhabe*, often the peasant and the olive tree signify resilience and resistance.

Many scholars have noted that, for Palestinians, the olive tree is the ultimate symbol of rootedness and *sumud*, or steadfastness (Massad, 2005; Schulz & Hammer, 2003; King-Irani, 2000; Rabinowitz, 2000; Appadurai, 1988). Signifying a historical connection to the land, the olive tree acts as a political trope of unyielding attachment to Palestine. The metaphor of the olive tree as resistance, found in Palestinian poetry and in ethnographic accounts of the diaspora, also appears in hip-hop. In *Mali Huriye*, or "I Don't Have Freedom," DAM (2006a) raps:

> My feet are the roots of the olive tree
> Keep on prospering, fathering and renewing branches
> Every branch
> Grown for peace
> Every branch
> Under the pressure of occupation
> Refusing to give up
> So why don't I have freedom?
> Because I refuse to live in slavery

The iconic images of the peasant and the olive tree embody Palestinian connection to the land. The peasant, according to Rabinowitz (2000), has become a national signifier in Palestinian nationalist narratives. He argues that

> [t]he corporeal presence, way of life, and character of the Palestinian peasant, resiliently rooting himself in the soil through the powerful symbolic images of olive trees, orange groves, and cacti, became counter-images of the detached, diasporic urbanite. (p. 770)

In Palestinian hip-hop, the land itself becomes an agent in the conflict. This phenomenon is also found in older cultural productions and among diasporic imaginings of the homeland. Atran (1990) notes that *Intifada* poetry often identifies stones thrown at Israeli soldiers as "pieces of the dismembered homeland" (in Bisharat, 1997). Schulz and Hammer (2003) writes that the land becomes "capable of resisting the transformation that it is superficially undergoing because of Israeli modernization, and becomes an actor in itself" (p. 99). The land, she argues, is primordially Arab, with much of the landscape imbued with a romantic, biological meaning for Palestinians, as if "the people grew from the land." This discourse of natural, biological belonging asserts a counter-hegemonic narrative to that enacted by the apparatuses of the Israeli state. Palestinian connection to the land rhetorically defeats the building of settlements, the construction of physical barriers, the surveillance of the census, and even the destruction of Palestinian villages. It is a nationalist articulation of place and identity couched in nature, exerting an inexorable relationship between Palestinians and the land. In this imagining of the conflict, nature and the nation defeat the "unnatural" Israeli state, defined by the military, industry, and bureaucracy.[19]

Natural claims to Palestine also emerge through a feminization of the land. Two distinct metaphors – the land as the mother and as a lover – are prevalent in hip-hop constructions of place. Schulz and Hammer (2003) notes that Palestinian poets often refer to the land of Palestine as "the beloved woman (wife, mistress), or the comforting, consoling mother, thus representing passion and romance as well as safety and protection" (p. 102). King-Irani (2000), in her work studying Palestinian constructions of homeland in the Galilee, writes that:

> Few Nazareth residents described the land as capital or the geographic expression of a centralized state. Rather, they spoke of the land as a mother; they anthropomorphized trees, plants, fruits and the earth. The land was described as the source of communal identity, purpose and honor. (p. 43)

In *Mali Huriye*, in the stanza preceding the above-mentioned excerpt, Tamer Nafar of DAM raps:

> You won't limit my hope by a wall of separation
> And if this barrier comes between me and my land
> I'll still be connected to Palestine
> Like an embryo to the umbilical cord.

This reinforces several important themes. The spatial barriers that relegate and confine Palestinians cannot sever their connection to the "land," which here DAM indicates, signifies Palestine rather than just their community of *Lod*. This connection is biological; the metaphor in the lyrics indicates Palestine as the mother, giving birth and nourishing Nafar through their physical connection.

Rappers also invoke Palestine as a lover. This is evident in "Born Here," where DAM characterizes their community of *Lod* as an embarrassed "bride without a veil." Abir El'Zinati uses a variety of metaphors to convey the embarrassment, loneliness, fear, and hope that "she" – *Lod* – feels in the face of the separation wall and what it symbolizes. At the end of the chorus, El'Zinati sings, "Time's passed her over, forgotten her/The separation wall mutes her hope." While El'Zinati sings, the accompanying images in the music video are of bulldozers and DAM's dilapidated community. As she finishes the chorus with, "Like a bird that breaks out of the cage/She'll spread her wings and fly," the images in the music video reinforce the idea of escaping the conditions of imprisonment.[20] El'Zinati walks up to and peers through a concrete wall, presumably considering breaking through her "cage." This multimodal communicative act should also be understood in its transnational relational context: DAM literally and figuratively escape the confines of their geopolitical incarceration through the global consumption of their music.[21]

The connection to land can be a powerful articulation of a historical right to a place (Appadurai, 1988).[22] Hip-hop artists join Palestinian poets, scholars, and voices from the diaspora in constructing Palestine – as victim and as resistor – through the land.

PROBLEMATIZING PRIMORDIALISM

Palestinian hip-hop's identification with nature is ideologically contradictory. On the one hand, artists evoke a muscular nationalism that genders the land as feminine and as vulnerable to rape. On the other hand, artists frequently restore the agricultural peasant to the center of their narrative,

which is a more traditionally progressive articulation of resistance, connecting to both historical and contemporary global social movements. Despite the contradictions, artists connect their bodies and politics to the land in ways that invoke a biological interdependence. Given centuries of geopolitical aggression, demeaning representation, and exploitative study, all of which were made possible through the imagining of Middle Eastern peoples as primordial (Said, 1978), hip-hop's embrace of a ''natural'' Palestinian requires further contextualization.[23]

Gupta and Ferguson (1997) note that the concept of home has changed for Palestinian refugees in West Bank camps. In the earlier years of the Israeli occupation, a return home was characterized by longing for one's specific dwelling or village. The authors argue that in later years and with the chance of a full return seemingly remote, the concept of home has become more abstract, and memories of specific homes and villages have become memories of a collective homeland,

> an intensely romanticized place sometimes likened to a lost lover. The imagery of exile portrayed the alliance of Palestinian life with the land, with earth and the elements, while seeing the occupation as a perversion of nature and a deviation from history. (p. 10)

Thus, affiliation with nature can be understood, in part, as both a product of and strategy for the changing nature of Palestine/Israel. As Gupta and Ferguson (1997) and Bisharat (1997) note and as hip-hop demonstrates, Palestinian connections to nature offer a semiotic and linguistic imagining of a Palestinian nation – a collective identity tied to a particular land. In contrast, the imagining of the state maps on to Israel (and at times, on to the United States) through militaristic, legalistic, and bureaucratic images and terms.

These changes in the Palestinian conception of home have occurred through three identifiable means. First, and as Gupta and Ferguson (1997) argue, Israeli policy played an active role in the changing of Palestinian conceptions of place from village to nation and from a localized identity to a spatially dispersed, national, and ''natural'' identity. Bisharat (1997) has noted that 385 of the 475 Palestinian villages that fell within the 1948 borders of Israel were razed, and subsequently reforested to deter resettlement. King-Irani (2000) observed that pine trees were often planted with the instrumental purpose of creating a physical deterrent to Palestinians wishing to resettle historic villages destroyed in or post-1948. Schulz and Hammer (2003) also makes this point, noting that Israel has planted cypresses among the olive and fruit trees surrounding unrecognized villages. Cypresses grow quickly and block older but shorter trees from the sun, suffocating them and erasing symbols of Palestinian claims to and memories of their land. In contrast to the olive tree's

rootedness and steadfastness, pines and cypresses signify loss and exile. Trees, Schulz argues, become an extension of the Israeli state apparatus.

Second, the rise of Palestinian secular, nationalist movements, in particular the Palestine Liberation Organization (PLO), imbued concepts like "return" with new meaning. Bisharat (1997) notes that various cultural publications and productions center on this concept of an expelled population returning to a historic homeland. Both PLO propaganda and the cultural work of the time intensely romanticize the land, comparing the loss of Palestine to the loss of a lover. Also prevalent in these earlier nationalist writings are similar juxtapositions found in contemporary hip-hop. These works often contrast the romanticized, serene, and fecund Palestinian life with the unnatural, militarized incursions of Israel. Bisharat (1997) stresses, however, that this "hyperemphasis of the pastoral connections of Palestinians to the land is reflective not of genuine rootedness but of an intellectualized, stylized assertion of place under conditions of rupture and threat" (p. 225). The articulation of an elemental connection to the land, Bisharat argues, is not an evidence of a primordial Palestinian but rather is a strategic nationalism rooted in the land as response to fragile conditions.

Finally, practices associated with both the operations of the conflict and the growth of globalization have further displaced Palestinian conceptions of home villages and garnered a romantic longing for the homeland. As both scholarship and hip-hop have noted, Israeli actions often result in solidifying the Palestinian resistance. Bisharat (1997) notes that imprisonment of Palestinians became a rite of passage, particularly for young men. In prison, as well as in the diasporic locations of refugee camps, universities, jobs, and other institutions, Palestinians of different generations and from disparate locations and backgrounds met and further solidified a "transcending national Palestinian identity" (p. 223). That is, geographical, age-based, economic, and religious differences gave way to a growing identification as being "Palestinian."

Problematizing and historicizing the primordial articulations found in Palestinian hip-hop furthers our understanding of constructions of place and identity in a globalized world. Gupta and Ferguson (1992) illustrate this point in a discussion of the future of anthropological scholarship. They argue that:

> What is needed, then, is more than a ready ear and a deft editorial hand to capture and orchestrate the voices of "others"; what is needed is a willingness to interrogate, politically and historically, the apparent "given" of a world in the first place divided into "ourselves" and "others." A first step on this road is to move beyond naturalized conceptions of spatialized "cultures" and to explore instead the production of difference within common, shared, and connected spaces – -"the San," for instance, not as "a

people," "native" to the desert, but as a historically constituted and de-propertied category systematically relegated to the desert. (p. 16)

Palestinian hip-hop offers a politico-cultural contribution to this project. A deeper reading of the "natural" connection of Palestinians to the land reveals that the artists' professed longing for a return to a romanticized, mystical, primordial Palestine is rooted in a historically and politically produced situation that rendered connections to specific villages broken, and displaced the longing for a return home to a return to a "homeland." Hip-hop's embrace of a primordial Palestinian population is a product of technological and political change. The natural signifies the national through the transnational.

"I'M NOT FIGHTING FOR A FLAG, A SYMBOL, OR THE NAME 'PALESTINE'": NATURE AND THE NATION

– Tamer Nafar of DAM

Various political bodies and media construct the conflict in Israel/Palestine as being steeped in religious–historical animosities and resolvable only through the creation of two independent nation-states. Boundaries, borders, and checkpoints are crucial to this narrative's imagining of Israel and an adjacent Palestine. As Rabinowitz (2000) has noted,

"We are here, they are there' refrain" that hegemonically asserts the Israeli accommodation of a Palestinian state casts a future "Palestine" as "a dependent, disenfranchised, rather amorphous Palestinian community incarcerated in a fragmented, dismembered, discontinuous terrain." (p. 760)

Palestinian hip-hop asserts a biological and interdependent relationship between Palestinians and the land, challenging the hegemonic narrative of historical irreconcilability and solutions based on separation. Hip-hop's narrative has its own "roots," growing out of Israel's actions, the rise of Palestinian nationalist movements, and the impact of transnational networks. Artists' articulations of place and identity occur outside of and at times against the normative language of the nation-state, and yet stake claims to the land through a language and semiotics that are nationalistic.[24]

The images contained in these songs that most closely identify with the state are those that signify Israel: legal actors, war machinery, and walls that demarcate territory. This closely aligns with Appadurai's observations, as noted by Rabinowitz (2000), of a tension between the "tendency of states to define space as 'territory', accentuating control, order, and security; and the

tendency of individuals to associate space with "soil," emphasizing free movement, shelter, and subsistence" (p. 767).

Yet, this is too neat of a summary. When DAM founder Tamer Nafar states that he "is not fighting for a flag, a symbol, or the name Palestine,"[25] but instead for a future for children and Jewish-Arab coexistence, he jettisons the hegemonic signifiers of the nation-state for a vision that challenges separation and division. Belly's (2007) video featuring various members of his hip-hop "crew" waving flags from their home countries and singing about their common "histories of violence" also presents a vision that is at once nationalistic and yet visibly expresses a cross-borders international solidarity.

Perhaps it is most appropriate to suggest that Palestinian rappers produce a new "locality," that is, a sense of the local as "a structure of feeling" (Appadurai, 1996) rather than a bounded and geographically determined site. In conflating and embracing their immediate neighborhoods, the larger, imagined nation, and even a transnational and virtual community, territorially divided artists can form "communities of imagination and interest that are geared to their diasporic positions and voices" (Appadurai, 1996, p. 194). Palestinian hip-hop's counter-hegemonic messages may be communicable through channels that both insulate it from surveillance and create new communities of consumption. Appadurai summarizes this point noting, "as local subjects carry on the continuing task of reproducing their neighborhood, the contingencies of history, environment, and imagination contain the potential for new contexts (material, social, imaginative) to be produced" (p. 185). Thus, DAM's members from a particular neighborhood in the city of *Lod*, or Belly from *Jenin* and Ottawa, may understand locality and place as concentric circles that represent varying but intersecting spheres of social and cultural production. They may view their respective communities as localities; through the processes of continued shared displacement, and longing for return, they may identify Palestine as a locality; through an affinity with rappers in Europe, North America, and other countries, they may view an internationally connected, transnationally forged hip-hop network as a locality.

"TO BE PRESENT IN HIS PAST HOME 'TIL THE END'": CONCLUSION

– DAM, *Ihda'*, "Dedication"

Palestinian hip-hop accommodates the traditional themes of the diasporic narrative, "routes and roots" (Schulz & Hammer, 2003, p. 184), as it also

adds layers of meaning onto these terms. In addition to describing the processes of exile, migration, and settlement, "routes" also encompass the transnational communication outlets and inlets through which Palestinians hip-hop artists forge conceptions of identity, place, and the conflict that challenge hegemonic narratives. In addition to understanding the connections that Palestinians maintain to their land, scholarship must interrogate the seeming naturalness of "roots" to ensure that these connections are understood within the historical–political processes in which they were produced. At the same time, Palestinian hip-hop demonstrates that "roots and routes" are perhaps not distinguishable phenomena, but in fact mutually constitute each other.

While imperative to understand Palestinian claims to their land in the proper historico-political context, it seems equally important to recognize that conditions and productions of locality are also context-generative (Appadurai, 1996, p. 186). As artists forge relational, transnational relationships and contribute to a new imagining of identity and locality, they are actively engaging in the creations of new contexts from which to understand future articulations. In other words, the shared semiotic language of concepts like law, prison, and terrorism to narrate life under occupation as well as various metaphors and images from nature to signify victimization and resistance, create frameworks from which Palestinians may craft new interpretations of conflict, place, and identity.

It would be oversimplified to announce, however, that in creating new contexts or in articulating a counter-hegemonic narrative through transnational networks, Palestinian hip-hop is altogether liberatory. The Israeli occupation consistently localizes Palestinians, managing, counting, and relegating them to certain areas while ensuring they do not appear in others. Appadurai's (1996) description of the Yanomami of Venezuela and Brazil resonates strongly in considering the Palestinians' context: despite being "in a position to generate contexts as they produce and reproduce their own neighborhoods, they are increasingly prisoners in the context-producing activities of the nation-state, which makes their own efforts to produce locality seem feeble, even doomed" (p. 186).

Though Palestinian hip-hop offers a counter-hegemonic narrative of the conflict that stakes a claim in a resistant identity and construction of place, the larger geopolitical context renders rappers marginal in changing the structures of the occupation. Perhaps DAM's own words demonstrate this point most clearly. In "Slingshot Hip Hop," a 2008 documentary film about Palestinian hip-hop that features DAM along with other artists, the filmmakers go with the group to visit the separation wall. As DAM member

Mahmoud Jreri peers up the 30 feet of concrete, he comments: "I feel small, not small in size compared to its height, small to the powers that support this." Tamer Nafar, in a segment moments later, summarizes the group's message: "There's hope. There's a spark, like a flame in the darkness of a cave." He holds his thumb and forefinger out, an inch apart, signifying the diminutive glimmer, and finishes his thought: "We hope it works out."

NOTES

1. Several important works have documented the historical origins of hip-hop and its rise in New York City. See, for example, Ogbar (2007), Chang (2005), Forman and Neal (2004), and hip-hop journalist, activist, and historian Davey D's website www.daveyd.com. I refrain from more of a general history here in order to prioritize the political messages found in the music. Admittedly, an understanding of hip-hop's historico-political origins in other genres is an important component in exploring its political messages.

2. According to a 2007 San Francisco Chronicle article, there are over 300 hip-hop courses taught at universities and colleges around the country. In 2006, Howard University introduced a hip-hop studies minor in their curriculum. See Mahiri (2004, 2000) and Harmanci (2007) in http://www.sfgate.com/cgibin/article.cgi?f = /c/a/ 2007/03/05/DDG3MOE3041.DTL

3. See Recording Industry Association of America, http://www.riaa.com/keystatistics. php?content_selector = consumertrends

4. In the spirit of engaged and reflexive qualitative study, some words of caution are important here. Of particular importance, and with implications that speak to possible serious weaknesses of this analysis, is the fact that I do not speak Arabic. My lack of linguistic fluency is mitigated by the fact that all of the artists included in this chapter either have their lyrics translated into English on their website or rap and sing in English. Additionally, two of the music videos I analyze have English translations running across the bottom, and two different people, one Arabic speaker and one Hebrew speaker, have looked at both videos and corroborated their translations. Nevertheless, it is likely that I have overlooked linguistic nuances and unique socio-cultural references because of my inability to speak the language, and my relatively novice understanding of Palestinian political and cultural history. The focus of this chapter, which is to explore the usage and meaning of various concepts in these songs in the context of a hip-hop construction of Palestine/Israel, hopefully renders these weaknesses as important enough to be noted, but not so much as to undermine the arguments of the chapter as a whole.

5. As quoted in Askins (2006). See the article at http://www.wiretapmag.org/race/ 42893/. See also http://www.freethep.com/tunage.htm for a compilation of Arab and American hip-hop focused on Palestine.

6. Their presence online includes multiple videos on YouTube, viewed a total of over 400,000 times, a MySpace page, their own website, as well as various sites devoted to Palestine and Palestinian music. See http://youtube.com/watch?

v = ZqbDiN2uYcQ for *Meen Erhabe* or ''Who's the Terrorist?'' and http://
youtube.com/watch?v = zIo6lyP9tTE&feature = related for ''Born Here,'' http://
www.myspace.com/damrap and http://www.dampalestine.com/main.html

7. A trip to the group's website and their MySpace page indicates that their
relative anonymity within Palestine has changed with the release of their most recent
album, and the wide success of ''Slingshot Hip Hop,'' a newly released documentary
about Palestinian rappers.

8. Chuck D, the leader of Public Enemy, famously referred to hip-hop as enacting
this mediated relationship. Interestingly, Tamer Nafar, the founder of DAM, was
quoted by a New York Times reporter as calling Arabic hip-hop ''the CNN of
Palestine,'' invoking Chuck D's famous line. See Shadi Rahimi (2005), ''Palestinian
Rappers Paint a Gritty Picture,'' *NY Times*, October 18, 2005: http://www.nytimes.
com/2005/10/18/nyregion/18ink.html?_r = 1&oref = slogin

9. I am grateful to Purnima Bose for making this point.

10. Ogbar (2007, p. 160) has referred to this tendency within some hip-hop as
''offering a neominstrelsy of pernicious stereotypes about black people.''

11. This is not to say that other eras, as well as sub-genres of hip-hop including
commercial and ''gangsta,'' are not also conscious and political. Hip-hop artists
have challenged these separations, both implicitly through their collaborations
across sub-genre lines and explicitly through lyrics. In a remix of Dead Prez's
''Hell Yeah (Pimp the System),'' the revolutionary artists feature the most prominent
of commercial rappers, Jay-Z. At various points throughout the song, Jay-Z
challenges our preconceptions of the separations between commercial and political
rap: ''We're together on the same track now, baby. What you gonna call us
now … We broke those boxes y'all try to put us in to separate us, you know what
I mean?''

There is also compelling academic literature that looks to challenge the notion
that various sub-genres within hip-hop, including commercial and ''gangsta'' rap,
cannot also be resistant or political. See Kelley (in Perkins, 1996), Quinn (1996), and
Swedenburg (1992). Ogbar (2007) also offers the important argument that part of the
project of demonstrating rap's counter-hegemonic potential includes framing its
misogyny, homophobia, and violence in the larger context of American history and
political economy, specifically the hundreds of years of violence, sexism, racism and
economic stratification. Chang (2005) has argued that the distinction between
commercial and political or conscious rap is a matter of consumer demographic, with
''things,'' such as clothing, food, and drink bringing audiences together rather than
the music.

12. See the trailer at http://slingshothiphop.com/trailer or http://www.youtube.
com/watch?v = of5NCrNeRjA&feature = related

13. See ''Brooklyn 2 Palestine (Part III),'' available at the Palestine/Israel
Education Project: http://www.thinkpep.net/index.php?option = com_content&task
= view&id = 49&Itemid = 1

14. Interesting to note here is the distinction between Nafar's and El'Zinati's
identifications with hip-hop from the United States and that expressed by their peer
in Israeli hip-hop, ''Subliminal.'' Though Israeli hip-hop is by no means monolithic,
with groups like the collective *Hadag Nahash* offering critical appraisals of Israel and
the conflict, Subliminal is avowedly nationalistic and right wing. In an interview with

The Forward, he speaks of his lack of identification with American rap: "When it comes to American hip-hop and the messages, I can't really relate … In Israel, our reality is very different. If we see a cop chasing some guy down the street, we'd jump in and help the cop. Cops are saving our lives every day." (Goelman, 2008).

This is one of the few references to Israeli artists, which is a flaw of this article. A more comprehensive essay would offer comparative analyses of these tropes in both Palestinian and Israeli hip-hop. See Al-Taee (2002) for a comparative analysis of Israeli and Palestinian popular music from the 1960s to 1990s, specifically highlighting collaborative efforts around songs dedicated to peace.

15. For a compelling and alternative perspective on the importance of using law as a tool of resistance to the occupation, see Hajjar (2001).

16. For maps, critique, and links to the International Court of Justice's ruling on the illegality of the wall, see http://electronicintifada.net/bytopic/216.shtml

17. DAM's internationalist stance does complicate an analysis of Palestinian hip-hop. This chapter interprets Palestinian hip-hop's frequent usage of nature metaphors and the identification with the land as nationalist tropes, even as artists imagine the nation in different ways.

18. Interestingly, Schulz also writes of the tendency of the Western researcher to represent and expect a "particularly political Palestinian," a constructed identity from which Palestinians find it hard to escape. Appadurai (1988) has also used the prison as a metaphor, warning against spatial incarceration of the native by the researcher.

19. Of interest here, is the fact that some Israeli hip-hop employs similar tropes, which also map on to the nation and state, albeit in different ways. In one example, *HaMakom Hamushlam*, or "A Perfect Place," Subliminal and Sivan Benham (2006) rap and sing of their vision of a utopian life. Various images from nature play important roles in this narrative, including signifying both hardship…" (i.e., the "crossing the desert") and realizing the dream of the "perfect place" (i.e., "when the rains will return to the *Negev*, tears of joy will replace tears of sadness."). In this song, nature maps on to the nation and state uniformly. Subliminal raps that the return of rain to the desert signals "the state will have some respect again/ a constitution, a law, a train that works." The perfect place, in other words, is both the return of the natural order and the functioning of the state. See: http://www.youtube.com/watch?v = DRAdM3VWQko&feature = related

20. The usage of the bird metaphor articulates with decades of Palestinian music and can be understood within an intranational relationality framework. Massad (2005) mentions that images of birds are "ubiquitous" in Palestinian music from the late 1960s, and such images convey the jealousy of exiled Palestinians over the ability of flocks to return home. DAM symbolically reverses the connotation of this popularized image, however, and uses it to convey a longing to break down walls and live in freedom.

21. DAM, in fact, notes this capacity of its music in its song *Kalimat*, or "Words," rapping that talented wordsmiths can "walk through borders."

22. This assertion is also found in the work of at least one Israeli hip-hop artist, Subliminal (2002). In the chorus of his song *Biladi*, which is Arabic for "Land," he challenges Palestinian hegemony over this historical "right," rapping: "We are here

and we will never leave … I am from here and I came from here/This is my land and this is my country." The historical right to a place is a strong narrative in Zionism, connecting the national movement to the biblical home of the Jewish people.

23. Historical contextualization of rap lyrics is not unprecedented in scholarship on hip-hop. Kelley (1996) recognizes the importance of historical context to studies of popular culture, quoting acclaimed hip-hop historian and analyst Tricia Rose as saying: "Without historical contextualization, aesthetics are naturalized, and certain cultural practices are made to appear essential to a given group of people. On the other hand, without aesthetic considerations, black cultural practices are reduced to extensions of socio-historical circumstances" (p. 119).

24. Despite most artists' refusal to articulate a vision of the region in nation-state terms, the Iron Sheik (2004), a Palestinian-American hip-hop artist from Detroit, Michigan, is one possible exception. A song of his reviewed for this chapter, entitled "Return AKA 194," offers an explicit call for the Palestinian right of return through United Nations Resolution 194. Though the trope of return is certainly shared by artists, Iron Sheik is the only one to couch the call for return in the discourse of global political bodies like the U.N. and to stake his claim in territoriality.

25. Franzen (2006), available at http://www.qantara.de/webcom/show_article. php/_c-310/_nr-367/i.html

ACKNOWLEDGMENTS

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RAP MUSIC'S VIOLENT AND MISOGYNISTIC EFFECTS: FACT OR FICTION?

Charis E. Kubrin and Ronald Weitzer

ABSTRACT

Purpose – *We review the literature on the general effects of rap music and discuss in detail those studies that purport to examine how it affects attitudes and behavior related to violence and misogyny.*

Methodology – *Critical review of the popular and scholarly rap music literature.*

Findings – *We describe four critical weaknesses in this literature that limit our ability to draw firm conclusions on rap music's effects: (1) the nonempirical nature of most writings on rap; (2) vagueness regarding the precise relationship between rap music and attitudes and behavior, and the associated lack of theoretical perspectives in rap literature; (3) the exclusion of the perspectives of rap music listeners in most studies; and (4) the drawbacks of both experimental research and existing ethnographic studies in this area.*

Value of chapter – *Based on the deficiencies in the literature, we provide recommendations for future work and discuss why it is imperative, despite the many challenges that exist, to conduct research on rap music and its effects.*

INTRODUCTION

Rap has become one of the most popular music genres of all time. From its inception in the late 1970s to today, rap has gained more new listeners than any other music genre, including rock, country, pop, and R&B. According to data from the Recording Industry Association of America (RIAA), the percentage of all music purchased that was classified as rap/hip-hop increased from 3.8 percent in 1987 to nearly 11 percent in 2008 (RIAA, 2009). Recent figures indicate that by far the most popular form of music for 7th- through 12th-grade adolescents is rap/hip-hop (Roberts, Foehr, & Rideout, 2005). This music genre's popularity now extends far beyond the United States to international contexts, where rappers express local identities through the vernaculars of rap and hip-hop (Mitchell, 2002). Listeners and rap music fans are also more diverse than ever before. They include members of all ages, races, and classes.

It is clear that rap is enjoying unprecedented success. What is less clear is the impact rap music has had on American society broadly, and on its listeners in particular. In fact, "the precise meaning of rap's significance as a cultural form produced predominantly by African Americans and consumed by a multi-racial and multi-ethnic audience has been and continues to be a subject of public debate" (Fenster, 1995, p. 224).

One side of the debate stresses rap's positive impact, particularly for African American youth. Henderson (1996, p. 309) notes, "One of rap music's greatest contributions derives from the fact that it has fostered a profound nationalism in the youth of black America," while Smith (1997, p. 345) argues rap "serves as an expressive artistic outlet for a marginalized urban social bloc." Supporters draw attention to rap's educational benefits, declaring it "a vehicle for telling the repressed and suppressed histories of African American culture" (Potter, 1995, p. 116). Rappers themselves echo these sentiments claiming, "Rap is 'edutainment'" (KRS-ONE) and "Rap music is the CNN for black America" (Chuck D of Public Enemy).

Far outnumbering these appraisals are the many criticisms surrounding rap music and its impact on society. Opponents argue that rap is extremely violent and misogynistic, particularly in the subgenre of "gangsta rap," which has been growing in popularity over the past 15–20 years. Gangsta rap is known for its "vivid, sexist, misogynistic, and homophobic lyrics, as well as its violent depiction of urban ghetto life in America" (Abrams, 2000, p. 198). Its roots can be traced to early depictions of the hustler lifestyle and blaxploitation movies of the 1970s that glorified blacks as criminals, pimps, pushers, prostitutes, and gangsters. Gangsta rap is considered a product of

the gang culture and street wars of South Central Los Angeles, Compton, and Long Beach, and the resurgence of the ''mack'' culture (pimp attitude and style) of East Oakland (Perkins, 1996, p. 18). Since its early pioneers were gang members, gangsta rap conveys the life experiences of the rappers themselves, and its lyrics portray gang and ghetto life from a street criminal's perspective (Krims, 2000, p. 70).

Critics such as C. Dolores Tucker, an American politician and civil rights activist most recently known for her stance against gangsta rap, maintain that early rap was an art form of prose and poetry that expressed life in the same way that Christian spiritual music did, whereas gangsta rap is a "perverted form which has been encouraged by those who have always used the entertainment industry to exploit and project the negative stereotypical images to demean and depict African Americans as subhuman" (Tucker, quoted in George, 1998, p. 189). Critics further maintain, "The misogyny is so dense that it sounds more like little kids discovering nasty words for the first time. … It is pure profanity bereft of the rich storytelling and use of metaphor and simile that have been cornerstones of rap music since its origins" (Kelley, 1996, p. 147).

Embedded in these criticisms are claims and assumptions about rap's effects on listeners, particularly young listeners. These claims and assumptions center on how the lyrics and videos affect listeners' attitudes and behavior. According to the most common assumptions, listening to rap music can make youth become more violent and encourage them to develop negative attitudes toward women.

Despite pervasive criticism, very little empirical research has actually tested the claim that rap music and violence are causally related. And the few studies that have, which are mostly experimental in nature, suffer from methodological limitations. In this chapter, we review the literature on the general effects of rap music and discuss in detail those studies that purport to examine how it affects attitudes and behavior related to violence and misogyny. We identify four critical weaknesses in this literature that limit our ability to draw firm conclusions on rap music's effects: (1) the nonempirical nature of most writings on rap; (2) vagueness regarding the precise relationship between rap music and attitudes and behavior, and the associated lack of theoretical perspectives in the rap literature; (3) the exclusion of the perspectives of rap music listeners in most studies; and (4) the drawbacks of both experimental research and existing ethnographic studies in this area. We conclude our chapter with recommendations for future work and discuss why, despite the many challenges that exist, it is imperative to conduct research on rap music and its effects.

NONEMPIRICAL NATURE OF RAP WRITINGS

A quick literature search on rap music yields hundreds of writings on dozens of topics related to rap. There is a direct correlation between the genre's success and scholarly interest in rap music; as rap has become increasingly popular, more scholars have written about its content, broader societal effects, and related issues. A careful review of this literature, however, reveals that few writings, including published journal articles, are empirically based. That is, relatively few authors base their claims or conclusions about rap music on data or observations. Of those writings that are based on some form of data collection, most have relied heavily on anecdotal evidence and the selective use of quotations from songs to support their arguments. As a result, we argue that a critical weakness in the rap literature that has a bearing on our ability to assess its attitudinal and behavioral effects is the nonempirical nature of much rap writings.

This drawback is not limited to studies on rap music's effects. The nonempirical nature of most work in this area extends to all types of rap studies. Here are a few examples: researchers have examined topics ranging from rap's hidden politics (Rose, 1991), to identifying the various dimensions of rap music (Lusane, 1993), to describing the historical context for rap as part of the black rhetorical tradition (Kopano, 2002) and contemporary black life (Pinn, 1999), to identifying rap's evolution as it has become commercialized (Watkins, 2003). None of these writings approach their topic from an empirical standpoint; most are critical essays of one sort or another. While this is not a problem in and of itself, the abundance of nonempirical work on these topics raises larger questions regarding the literature's conclusions.

Our central concern here, though, is with those writings that purport to examine the music's attitudinal or behavioral effects on listeners, whether in terms of violence and misogyny or some other aspect of identity formation (e.g., race/ethnicity, political consciousness, etc.). In the literature, it is not difficult to find claims or assumptions regarding rap's effects, most of which are never empirically examined or tested using data of any kind. Work of this type also ranges from considerations of how rap music is used by listeners to redefine their ethnicity and relationship to mainstream culture (Stephens, 1991), to how rap functions as a vehicle to express oppositional politics (Delgado, 1998), to how rap affects cultural identity formation (Forman, 2002), to the music's effects on violence and misogyny (Oliver, 2006). None of these writings is empirical; yet all, at some point in their discussion, make claims regarding what rap does *to* and *for* its listeners.

For example, in considering rap's effects on the definition of one's ethnicity, Stephens (1991, p. 72) claims, "we can conceive how rap's non-black constituents use this art form as an interracial bridge, even as many blacks, by defining it as 'only black,' attempt to use it as a source of power and exclusive identity." Unfortunately, no data are provided to examine these claims, so the idea that blacks and whites "use" rap for different means is never empirically ascertained.

In another example, Oliver (2006, p. 923) asserts, "Hip hop culture, particularly gangsta rap music and videos, has had a major influence on the evolution and transmission of contemporary street culture socialization and the social construction of gender identity among poor and nonpoor African American males." Although this is not the main focus of his article, he provides little empirical evidence to support this major claim, citing only one study that itself is nonempirical. He later claims that

> portrayals of Black women by male artists in hip hop culture serve to perpetuate existing stereotypes (e.g., Jezebel and Sapphire) or reformulate new stereotypes (e.g., "skeezers," "bitches," "hoes" and "ride-and-die chicks") that render Black women vulnerable to aggression and violence perpetrated by Black males who have internalized misogynistic messages that provide justifications for engaging in acts of violence against Black women. (Oliver, 2006, pp. 926–927)

Once again, no empirical evidence is provided that documents the process by which black males internalize misogynistic messages that provide them with justifications for engaging in violence against women. While we do not necessarily disagree that such a process may exist, such claims and conclusions must be tempered until evidence is provided along these lines.

Another set of writings are what we would describe as quasiempirical. In some cases, data are used to support a point but there are methodological flaws that limit the ability to draw conclusions from the study's findings. Forman (2002), for example, analyzes how hip-hop and rap music influence cultural identity formation, particularly new racialized identities, among Somali immigrant and refugee youth in North America. Forman concludes, "Hip Hop culture emerges as perhaps the single most powerful force through which Somali teens learn the definitions of authentic black identity that guide their own subjective transitions" (Forman, 2002, p. 5) – quite a powerful statement in regard to rap's effects. Yet nowhere in the study does Forman present any data to support this claim or to explain how he arrived at this conclusion. In the study's abstract, he mentions having conducted "extensive ethnographic research among Somali high school students"

(Forman, 2002, p. 101), but any discussion of data, methods, or analysis is absent in his essay.

Additional weaknesses associated with the quasiempirical literature involve small sample sizes in surveys and ethnographic studies (e.g., Kuwahara, 1992; Perullo, 2005; Sullivan, 2003) and the selective use of examples (e.g., rap lyrics, video segments, or writings) to "prove" a point (e.g., Fenster, 1995). Even studies that include sufficient sample sizes and perform regression analysis suffer from methodological weaknesses. For example, in their study of the relationship between preference for different types of rap music and delinquency (including violence, theft, street gangs, and drug use), Miranda and Claes (2004) omit key variables in the analysis, including the sex, ethnicity, and age of youth – all factors related to the probability of engaging in delinquency.

We review this literature in large part because the assumptions made in these writings have broader impact. These grand claims have real-world consequences in terms of how the public perceives rap. A sizeable number of Americans also believe that rap has real-world effects on either attitudes or behavior. One poll found that 65 percent of adults agreed with the statement: "Rap music with violent lyrics inspires listeners to commit violent acts"; 64 percent of whites and 70 percent of blacks subscribed to this view (Time/ CNN, 1995). On the question of the frequency with which "rap music actually causes people to behave violently," 25 percent of adults said very often, 24 percent fairly often, and 27 percent occasionally (Los Angeles Times, 1995). Interestingly, a national poll asking respondents "how much does hip hop music influence [you or other family members'] attitudes toward women and violence" found that 11 percent said "a lot" and 12 percent said "somewhat" or "a little" (Newsweek, 2000). The survey was not restricted to rap listeners, and the figures are clearly vulnerable to underreporting. In the same poll, 64 percent of respondents thought that rap music contains too much violence, while 22 percent said this was not a problem.

This short review, which is admittedly incomplete, is not meant to imply that all writings of rap music effects are nonempirical or quasiempirical and suffer from methodological weaknesses. Indeed, there are a few superior studies that use empirical data to back up major assertions about the music's violent and misogynistic effects. The problem is that these studies are too few in number when compared to the much greater nonempirical literature. The imbalance is startling. Interestingly, though, with the exception of some experimental studies (reviewed below), the few projects that do examine these issues in an empirical fashion have yet to conclude that listening to rap music promotes violent and misogynistic beliefs. Instead, the relationship between

rap and such attitudes and behavior is much more complex. For example, in a study using participant observation and interviews of youth in various classrooms to explore how students interpreted or reflected upon rap music and hip-hop culture, particularly its representations of crime, violence, and sex, Mahiri and Conner (2003, pp. 137–138) report three key findings: (1) youth had complex understandings of the nature and causes of violence and crime in their lives and communities; (2) their understandings often included critiques of negative images and messages of violence, crime, and sex in rap music; (3) their understandings and critiques of instances and images of crime and violence worked to mitigate influences from these sources and increased their desire to circumvent or ameliorate violent situations in their lives and communities. At a minimum, these findings begin to counter the argument that rap music and negative attitudes and behavior are linearly related. More empirical research of this kind is necessary.

THEORIZING THE RELATIONSHIP BETWEEN RAP MUSIC AND ITS EFFECTS

It has long been claimed that violent images in popular culture promote violence in the real world. Such claims are often made with regard to violence on television, and, more recently, violence in rap music. It is frequently argued that rap music "causes" or "contributes to" negative behavior or "reinforces" preexisting negative inclinations among audience members – but these associations are typically loosely described, if they are described at all. What is needed is a more theoretically grounded, systematic approach. This section of the chapter addresses this issue by outlining competing theoretical perspectives that highlight different types of media–crime relationships, with implications for studying rap music's effects.

One approach presents a direct challenge to the conventional wisdom that the media shapes audience perceptions or contributes to criminal violence. The *real-world thesis* portrays such perceptions as largely or entirely shaped by conditions *external* to the media, such as personal experiences or neighborhood characteristics. According to this perspective, the media plays little or no role because media messages are typically far removed from the audience's everyday lives and because the media often gives disproportionate coverage to atypical or spectacular events that are remote from most individuals' personal experiences (Rubin, Perse, & Taylor, 1988; Tyler, 1984). Whether it is crime news reports, crime in fictional television shows and films, or violence in music lyrics and videos, according to this perspective, all have

little, if any, impact on audience members' perceptions or conduct. In short, the media constitutes a world apart from the real world, and it is the latter that matters most in shaping attitudes and behavior.

A contrasting perspective echoes the popular notion that the media has a direct effect on the audience in the real world, such as increasing actual violence or misogyny via emulation. The *cultivation thesis* asserts that heavy exposure to media influences audience perceptions of reality (Gerbner, Gross, Morgan, & Signorielli, 1980; Morgan & Signorielli, 1990). Greater consumption of particular media messages increases the odds that audience views of the world will match what is presented in the media. For example, since the news media disproportionately focuses on murder and neglects both crime patterns and the larger causes of crime, audience views of crime are typically distorted in the direction of believing that crime is inexplicable and random (Sacco, 1995). Both television news and crime dramas differ greatly from reality and may cultivate exaggerated fears and a sense that the world is a dangerous place, especially when one is frequently exposed to such images (Gerbner & Gross, 1976). Likewise, entertainment shows, video games, and music that glorify violence may have a *cultivating* effect on individuals who come to view violence as a solution to problems, who see violent actors as role models, and who identify with music icons who celebrate violence in their songs and videos.

The cultivation thesis is consistent with social learning theory's argument that children internalize new attitudes and conduct norms from television (Bandura & Walters, 1963) and other media. Cultivation is also related to Glaser's "differential identification" thesis, which holds that criminal behavior is learned when individuals positively identify with other criminals and their values, including people they are exposed to via the mass media. Glaser (1956, p. 440) writes, "A person pursues criminal behavior to the extent that he identifies himself with real or imaginary persons from whose perspectives his criminal behavior seems acceptable." Deviance is pervasive in the mass media, which may partly help to reinforce deviant values and inclinations, at least for a segment of the population. This theoretical perspective thus echoes popular claims that, say, rock or rap music encourages deviant behavior among its listeners.

A variant of the cultivation perspective, the *substitution thesis*, holds that "media effects are most powerful for issues that are outside a subject's personal experience" (Surette, 1998, p. 205). Heavy consumption of media crime messages is predicted to have an especially strong effect on those with no direct experience of crime; for these individuals, media images become a surrogate for real-world experience (Gunter, 1987; Weaver & Wakshlag, 1986).

Persons who are well insulated from street crime (e.g., the affluent, women, residents of low-crime areas) should be the most heavily influenced by media images of crime. For example, middle-class white youth who live in tranquil neighborhoods and who consume mass quantities of violent video games would be predicted to have an inflated fear of violent crime and/or elevated inclinations to engage in violent crime. And if they were heavily exposed to rap music, they would similarly be expected to adopt the viewpoints of their favorite rappers, even if these views were inconsistent with their own lived experiences and socialization at home.

The substitution thesis is more nuanced than the cultivation thesis because the former does not predict monolithic media effects. A glaring deficiency of the cultivation thesis is its assumption that media images and messages indeed have a uniform and direct effect on audiences. First, with regard to criminal violence in television and film dramas, the social learning and cultivation theses can be turned on their head: Since crime does not pay for TV and film criminals (who typically are caught, punished, or killed) (Sacco, 1995), it could be argued that violence in such genres might *reduce* the violent inclinations of viewers. Learning is still involved in this process, but the result is deterrence, not emulation. Second, scholars increasingly regard the reception of media content as a dynamic process in which the audience actively interprets and perhaps reconstructs media "messages" in light of their personal experiences and social backgrounds (Dahlgren, 1988). Audience experiences (e.g., socialization, victimization) and demographic characteristics (race, gender, age, etc.) play an important role in how media content is received. For example, studies of media effects on fear of crime have found that media messages are variably interpreted, in line with a person's background and life experiences (Eschholz, 1997; Heath & Gilbert, 1996; Weitzer & Kubrin, 2004). Similarly, for those whose social circumstances are at variance with the messages in rap music lyrics and videos, we should expect some compartmentalization – that is, the music would have little effect on this audience's perceptions and behavior.

This is where the fourth perspective comes in. The *resonance thesis* holds that when media portrayals are consistent with one's demographic characteristics, lived experiences (e.g., criminal victimization) and social location (e.g., living in a high-crime community), media and real-world factors mutually reinforce each other (Gerbner et al., 1980). (This perspective is thus diametrically opposed to the substitution thesis.) When the messages in rap, rock, or country music are consistent with one's lived experiences, the potential effect of the music is magnified, and the same prediction would apply to other entertainment and news media generally. Residents of

high-crime areas ''may be particularly sensitive to crime on television because of their direct knowledge of a crime problem in their neighborhoods'' (Eschholz, 1997, p. 47). In a Toronto study, fear of crime increased with heightened television watching in high-crime communities but not elsewhere, suggesting that media exposure is salient only in interaction with neighborhood crime conditions (Doob & MacDonald, 1979). The researchers reported that residents of low-crime neighborhoods ''do not feel that the violence on television has any relevance for them'' (Doob & MacDonald, 1979, p. 177). Similarly, Heath and Petraitis (1987) found that viewing television crime dramas increased fear of crime for residents of high-crime but not low-crime neighborhoods in Chicago. And a study that examined city-level patterns in 242 Florida cities found that individuals' consumption of local television news programs had the strongest effect on fear of crime in cities with high crime rates (Chiricos, Padgett, & Gertz, 2000). Because many high-crime neighborhoods are predominantly African American and because blacks are disproportionately victimized by crime, the resonance thesis predicts a stronger media–crime relationship among blacks than among whites. Exposure to crime news in the media, coupled with greater personal vulnerability or experience of neighborhood crime, is indeed associated with a heightened fear of crime among blacks (Chiricos et al., 2000; Weitzer & Kubrin, 2004).

Empirical support for the resonance thesis suggests that it is superior to the other perspectives. When media images are congruent with real-world circumstances, the two have a combined, mutually reinforcing effect on the audience. The general pattern is nicely summarized by Gerbner et al. (1980, p. 20): ''These people receive a 'double dose' of messages,'' increasing the chances that media messages will influence audience perceptions and behavior.

None of the empirical work on rap has explicitly linked it to any of these perspectives, and we argue that it can be theorized along the lines presented above. The four perspectives would predict different outcomes when applied to rap music lyrics and videos. The real-world thesis would predict little or no effect of exposure to rap on listeners' attitudes or behavior; the cultivation and substitution theses would predict significant effects of exposure on the audience; and the resonance thesis would theorize exposure as mediated by listeners' social contexts.

We argue that researchers should more explicitly theorize the predicted effects of rap music on behavior and attitudes. Existing studies make strong causal claims yet pay little attention to potential complexities involved in the relationships. Before researchers can adequately test causal relationships, more complex, theoretically driven models are necessary. The four

perspectives discussed above move us in the direction of thinking about alternative models of the relation between rap and audience attitudes and behavior.

THE MISSING PERSPECTIVES
OF RAP MUSIC LISTENERS

As just noted, there are several ways one can theorize the relationship between rap music, attitudes, and behavior. One of these perspectives (resonance) emphasizes the importance of listener characteristics, context, and agency for extrapolating meaning from media generally, and music in particular. This point is emphasized in other media studies, where it is widely assumed that listeners play an active role in their media consumption. Unfortunately, the same assumptions are not present in studies of rap music. Thus, a third major weakness of the rap literature, with direct implications for the music's effect on violent and misogynistic attitudes and behavior, is that it fails to incorporate a key player in the equation – consumers.

One reason for this omission may have to do with the types of studies that dominate rap music literature. With few exceptions, "the small body of research … focuses more on artists, lyrical content, and the history of hip-hop" rather than on the audience (Sullivan, 2003, p. 609). As already noted, much of what is written on rap is nonempirical. Yet even among the empirical studies, the vast majority consists of content analyses of lyrics or videos. In most content analyses, major themes of rap are explored but little is said in reference to how these themes are consumed, interpreted, and internalized by listeners: "How these fans interpret and reinterpret rap music and how important rap music is in their lives have not been thoroughly explored" (Sullivan, 2003, p. 606). While the exclusion of listeners' perspectives is generally missing, this omission is especially problematic for those studies that are interested in rap's attitudinal and behavioral effects. With the exception of experimental studies (discussed below), studies that purport to test rap's causal effects are guilty of omitting listeners' voices. Sullivan (2003, p. 609) asserts, "Debates regarding the effects of rap music are missing one very critical voice – that of fans." How can conclusions regarding rap music's effects be made in the absence of data on listeners? We argue that they cannot.

The exclusion of listeners' voices may reflect (incorrect) assumptions regarding how music is internalized and how it shapes the attitudes and behaviors of listeners, as we noted in the previous section. In fact, much of the

literature on rap makes such assumptions. In one study, the author claims, "Rap informs the listener of the reality of Afro-American experience and thus *raises his/her social consciousness*. The questions and resistance musicians express in their songs as well as in interviews *make fans aware of the dominant power and moreover invite them to participate in resistance*" (Kuwahara, 1992, p. 66, emphasis added). Are rap music listeners aware of the dominant power? Do they feel compelled to participate in resistance after listening to rap? These empirical questions are not addressed in the study due to the lack of data on listeners. Readers must, therefore, proceed with caution when interpreting such causal claims. These assumptions are also prevalent with respect to rap music's alleged effects on violent behavior or unconventional attitudes, including nihilism and misogyny (discussed in the following section).

Failing to take into account listeners' characteristics, social contexts, and perspectives assumes that listeners play no active role. Yet listeners are not "cultural dopes" who merely consume what is produced. And, as noted in the chapter's introduction, there is great diversity among audiences. Researchers caution that there is no monolithic African American experience, let alone a singular experience across racial and ethnic boundaries: "rap may provoke multiple interpretations and constructions" among consumers (Delgado, 1998, p. 96). As indicated in the previous section, other critical dimensions, including sex, age, socioeconomic status, previous lived experiences, and neighborhood context, condition how listeners respond to rap music lyrics and, more importantly, how such lyrics affect violent and misogynistic attitudes and behavior.

Listeners interpret music in multiple ways, and rap lyrics are appropriated and embedded into specific individual, familial, and community contexts of reference. Rap music is a "localized form of cultural expression" (Bennett, 1999a, 1999b, p. 77). It has emerged in several cities with "local hip hop scenes that link various regional postindustrial urban experiences of alienation, unemployment, police harassment, social, and economic isolation to their local and specific experience via hip hop's language, style, and attitude" (Rose, 1994, p. 60). In essence, lyrics have situational and situated meaning for listeners, a fact that researchers must acknowledge in considering their effects.

A related issue challenges the linear assumptions made about rap music's effects: lyrical reception may be oppositional and confrontational for some listeners; that is, listeners may actively disagree with what they hear in songs or see in rap videos. Along these lines, Negus and Velazquez (2002, p. 141) point out that listeners can reject lyrics, resulting in disaffiliation, ambivalence, and disengagement with (rap) music. Empirical findings from

a handful of studies support this idea. One study of youths who listen to rap found that although the youths revealed that their lives were saturated with violence, they had more progressive values than are represented in the rap discourse to which they are exposed. The study also found that at least some youths have cogent critiques of the discourse of rap and hip-hop (Mahiri & Conner, 2003, pp. 130, 135). In particular, these youths critiqued the negative characterization of men and women as gangstas and "ho's." Anticipated disaffiliation may even be part of the lyrics' design, as in instances of irony, sarcasm, or hyperbole. Press (1994) raises this point in her review of the cultural reception literature. She presents a sophisticated model of reception as a site of struggle between cultural industries, critics, and receivers. This model "emphasizes both the importance of cultural judgments of authority, and the responses of groups with differential power in relation to these judgments" (Press, 1994, p. 230). Collectively, these perspectives challenge "the simple connections that the dominant public discourse and media so often draw between rap music and pervasive negative influences on black youth" (Mahiri & Conner, 2003, p. 135).

In sum, studies assessing rap's effects on listeners must fully incorporate the varied experiences and interpretations of those consuming it. Up to this point, studies have, for the most part, ignored listeners' perceptions, thereby assuming they are uniform in direction and effect. For this reason, in their summary assessment of the literature, Miranda and Claes (2004, p. 114) conclude that "there were very few attempts in evaluating the importance that adolescents actually give to rap songs' lyrics. This is an important point, since studies have indicated that music listeners tend to process lyrics and music separately." There are two notable exceptions to this pattern, however, which we discuss below.

EXPERIMENTAL AND ETHNOGRAPHIC STUDIES

It is possible that the images in rap music, like other types of popular culture, affect audience members in diverse ways according to the extent to which they resonate with individual experiences and social contexts. As indicated earlier in the chapter, however, critics' charges against rap go far beyond what would be predicted by the resonance thesis, just as earlier generations made sweeping indictments of other kinds of popular music. Jazz, the blues, rock, heavy metal, and now rap music have been denigrated because of their "immoral" messages and for allegedly corrupting youth by providing deviant role models who influence listeners. Heavy metal music,

for instance, was targeted in the mid-1980s by organizations that considered the lyrics harmful to listeners and to society (it was deemed violent, suicidal, occultist, and antiauthority) (Binder, 1993). Heavy metal and rap music also stand accused of promoting antisocial attitudes and behavior. Collins (2000, pp. 82, 144) includes rap music as one source of "controlling images" used to subordinate black women, and Oliver (2006, p. 927) claims that rap's sexist lyrics "provide justifications for engaging in acts of violence against black women."

Experimental research has attempted to measure the effects of exposure to music. One study found that persons exposed to heavy metal music in laboratory settings are more likely than controls to express negative attitudes toward women after hearing the music (St. Lawrence & Joyner, 1991), while other research reported similar effects for rock music videos depicting violence (Peterson & Pfost, 1989). A few similar experimental studies have examined how listeners respond to rap, and the findings suggest that the music influences either attitudes or behavior (Dixon & Brooks, 2002). Subjects exposed to gangsta rap songs were more likely than controls to express the belief that men should dominate women (Wester, Crown, Quatman, & Heesacker, 1997), and subjects who viewed rap videos portraying scantily clad female dancers (a measure of objectification) expressed greater acceptance of teen dating violence than did controls (Johnson, Adams, Ashburn, & Reed, 1995). In an attempt to measure behavioral effects in another study, subjects exposed to misogynistic rap songs were more likely than controls exposed to neutral rap music to show a female confederate a film vignette depicting an assault or rape of a woman (doing so was interpreted by the researchers as an aggressive act) (Barongan & Hall, 1995).

These findings might lead one to conclude that rap music indeed causes listeners to develop violent or misogynistic tendencies. Yet experimental research of this kind has well-known deficiencies that must be taken into account in drawing conclusions from such studies. First, findings of attitudinal and/or behavioral change in a laboratory setting may be artifacts of the experiment – either because of a "demand effect" (i.e., subjects believing that the experimenter condones what is presented), or the result of immediate stimuli in the lab (whose effects are short-lived). In both cases, the experimental effect is lacking in external validity in the outside world. In other words, the cultivation of attitudes or behavior may be momentary, and none of the studies reviewed above attempts to measure any lasting effects caused by the experimental stimulus. Second, the violent scenarios presented in media clips in lab experiments are often quite different from the situations people encounter in their own lives, where there are

multiple influences on their behavior. Exposure to such messages in a laboratory is wholly decontextualized and detached from the subject's real-world circumstances. But even natural experiments in the real world – either comparing different contexts cross-sectionally or longitudinal changes in, say, violent programming – have not demonstrated a link between media violence and the aggressive behavior of children or adults (Felson, 1996).

Media violence appears to lead *some people* under *certain conditions* to act violently, though most people exposed to violence in the media do not engage in aggressive behavior. At best, media effects are ''weak and affect only a small percentage of viewers'' (Felson, 1996, p. 123). What matters is whether a person is socially predisposed to act, or ''primed,'' in a certain way – preexisting views reinforced by, or resonating with, new stimuli (Donnerstein & Linz, 1995). Given the small numbers of subjects in experimental studies, the impact of any nonmedia variables included in the analysis cannot be statistically tested because of the inherently small sample sizes.

Experimental studies skew the literature in one direction. Few researchers have investigated the deeper meanings attached to music lyrics or videos by male and female consumers in the real world. As noted earlier, the neglect of consumers (aside from lab subjects) is remarkable in light of the grand, sweeping claims that are often made about rap's impact on listeners. One of the few nonexperimental studies, a national survey exploring music's real-world effects on behavior, found that, after controlling for other variables, music with degrading sexual content predicted self-reported sexual behavior among young people, while nondegrading sexual lyrics had no such association (Martino et al., 2006). The study was not limited to rap music.

A handful of ethnographic studies are also suggestive of ways in which rap music may be salient in the real world. These studies can be divided into two types: (1) those providing some evidence of a *convergence* between messages in rap music and youths' attitudes and behavior and (2) those exploring how youths *actively decode* rap's messages.

Regarding the convergence model, a number of neighborhood ethnographies indicate that the lived experiences and value systems of inner-city youths overlap with many of the themes in rap music. This convergence is not surprising given that rap originally emerged out of the ghetto, but the music and neighborhood culture may be reciprocally related as well, with each influencing the other. For instance, it has been argued that many rap lyrics reflect themes of respect, retaliatory violence, and strained gender relations among youths in many inner-city communities (Kubrin, 2005a, 2005b; Weitzer & Kubrin, 2009). The harsh conditions of the ghetto and the barrio provide residents with few conventional sources of self-esteem

(Bourgeois, 1995; Horowitz, 1983; Liebow, 1967), which means that self-worth is often sought via unconventional means. Violence is one such way of generating respect from others or punishing those who withhold it (Kubrin & Weitzer, 2003). The following lyrics illustrate how this inner-city subculture is expressed in rap songs:

> Them other niggas, they get they ass put in check,
> When they try to flex and disrespect me,
> And that's when I gotta get even with niggas, retaliation.
>   (Krayzie Bone, *Thugz All Ova Da World*)

> I ain't gonna let a nigga disrespect my clique,
> And I ain't gon' let a nigga come and take my shit [possessions],
> That'll make me look like a stone cold bitch,
> So ain't no way I ain't gon' grab my AK and let my shit spit.
>   (Juvenile, *Guerilla*)

Note Juvenile's concern about looking like a ''stone cold bitch'' if he does not retaliate against ''niggas disrespecting his clique.'' He embraces violence to maintain respect – a fundamental aspect of the street code. And lyrics sometimes make direct reference to the street code:

> Must handle beef, code of the street,
> Load up the heat,
> If these niggas think they could fuck around …
> By all means, niggas knowin' how we get down. (Nas, *Shoot 'Em Up*)

Anderson's (1999, p. 76) ethnography of an inner-city Philadelphia neighborhood explained retaliatory violence among young men in precisely these terms: ''Their very identity, their self-respect, and their honor are often intricately tied up with the way they perform on the streets during and after such [confrontational] encounters.'' A distinctive neighborhood culture, what Anderson calls the ''code of the street,'' requires both preemptive aggression and a threatening demeanor to prevent verbal and physical attacks by others as well as violent reprisals when one has been ''messed with.'' Anderson argues that young children learn the street code's conduct norms by observing older youths in their neighborhood, but he does not consider how these intraneighborhood dynamics may be reinforced by external sources, such as rap music. In fact, there is a striking convergence between the street code and the values conveyed in much of rap music (Kubrin, 2005a, 2005b).

With regard to gender, some ethnographic studies provide evidence of deep discord between men and women in disadvantaged, minority neighborhoods. Men are admired for economically and sexually exploiting women. Four decades ago, Liebow's ethnographic study of a low-income, black neighborhood described how important it was for men to be seen as "exploiters of women," even if they did not always treat women in this way (Liebow, 1967, pp. 140–144). Recent research indicates that the exploitation and degradation of young women is still a feature of some inner-city communities today and continues to shape gender relations, including male violence against women. Miller's (2008) study of St. Louis and Anderson's (1999) study of Philadelphia identified several aspects of the street code that perpetuate misogyny and gendered violence at the neighborhood level. The street code places a high value on sexual conquest, promiscuity, and the manipulation of women: "In many cases the more the young man seems to exploit the young woman, the higher is his regard within the [male] peer group" (Anderson, 1999, p. 154). A similar male street culture is documented in an ethnographic study of a Puerto Rican barrio in New York City (Bourgeois, 1995, 1996). Rooted in conditions of socioeconomic disadvantage that strip men of traditional sources of dignity, this street culture is characterized by a high level of male promiscuity, the "celebration of the gigolo image," the value of "being an economic parasite" on one's girlfriends, and justifications for violence against women (Bourgeois, 1995, pp. 276–295).

In misogynistic rap songs, violence is depicted as the most appropriate punishment for women who challenge male domination and even for those who simply disrespect men (Weitzer & Kubrin, 2009). Juvenile (*March Nigga Step*) asks, "If she think you're jokin', is she goin' get a quick chokin'?" and Dr. Dre (*Ackrite*) tells listeners that "snobby-ass bitches get slapped out of spite." Eminem raps:

Slut, you think I won't choke no whore,
'Til the vocal cords don't work in her throat no more?!
Shut up slut, you're causin' too much chaos.
(Eminem, *Kill You*)

These lyrics in misogynistic songs both espouse gender norms and advocate sanctions for women who violate them. The norms are mirrored, to some extent, in disadvantaged communities. For instance, Miller's (2008) ethnography of inner-city St. Louis found that both girls and boys believed that male violence was called for when a girl seemed to have "forgotten her

place'' – for example, girls who "run their mouth," "act a fool," dress inappropriately, or drink too much. As in rap music, violence in the inner city's street code is portrayed as entirely legitimate in perpetuating gender inequality.

It is important to point out that *we* are documenting similarities between rap and conditions in the real world; this is not a feature of the ethnographies discussed above, which fail to consider possible extraneighborhood sources of youths' attitudes and behaviors (see also Oliver, 2006). The ethnographies link internal neighborhood processes to the extreme socioeconomic disadvantages characterizing such communities, but they fail to consider cultural factors such as rap music. One qualitative study of ethnic cliques in one high school documented the extent to which teenagers adopted the pimp or player persona (and their associated exploitation of girls), but only hinted that these roles might be traceable to rap music – that is, again, convergence, not explicit linkage (Staiger, 2005). There is a striking consistency between the youths' worldviews (in these ethnographic studies) and the content of rap music (as documented in other studies [see Armstrong, 2001; Kubrin, 2005a, 2005b; McFarland, 2003; Weitzer & Kubrin, 2009]). But none of the ethnographic studies explores the possible *external sources* of youths' attitudes. We do know that rap music is heavily consumed by American youth: One survey of 1,590 individuals aged 15–25 reported that the majority of black youth listen to rap music *every day* (58 percent, compared to 45 percent of Hispanic youth and 23 percent of white youth). Only 3 percent of black youth said they never listened to rap music, compared to 12 percent of Hispanic youth and 19 percent of white youth. And one-quarter of black youth reported that they watched rap music programming on television every day, with about half reporting that they watched it at least several days a week (CSRPC, 2007).

It can be argued that such music plays at least a reinforcing role, endorsing preexisting worldviews among young men and women. To be clear: this does *not* mean that rap music causes predatory attitudes or violent behavior among youth who are inculcated with the street code, but it does suggest that there *may* be reciprocal effects between the music and a particular neighborhood culture. This reiterates our earlier argument regarding the need to more carefully theorize the links between rap music and attitudes and behavior.

The second type of qualitative study, unfortunately all too scarce in the literature, moves from convergence to an attempt to empirically document links between the music and listeners' perceptions. Earlier in the chapter, we mentioned an ethnographic study by Mahiri and Conner (2003) that found that youths variably interpreted and critically engaged with rap music.

In another study, a focus group of African American boys and girls aged 11–13, participants were presented with stereotypical sexual labels (e.g., diva, gangster bitch, gold digger, freak, baby mama) and scripts associated with each type of female distilled from hip-hop music. The youths reported that they listened to hip-hop and rap music and videos every day (in part because of the lack of television programs centered on black youth), and they immediately recognized the labels presented to them. Moreover, both the male and female youths reported that hip-hop culture was "an integral part of their daily lives, taught them things about life, and gave them a perspective on their role or position in society" (Stephens & Few, 2007, p. 56). The participants readily sang songs and identified artists who represented each of the sexual scripts. Their "daily consumption of hip hop culture normalized the scripts," and "they actively sought to consume or express aspects" of this culture (Stephens & Few, 2007, p. 59). More importantly, they gave "real life examples of peers who they felt re-enacted key cues associated with these scripts" (Stephens & Few, 2007, p. 56). None of the participants stated that they had personally enacted the messages in hip-hop scripts and none had been sexually active, but they believed the scripts influenced the sexual behavior of other youths. While the study did not examine violence, it is possible that similar findings regarding youth internalization of music messages, and perhaps behavior consistent with those messages, would be found in qualitative studies of violent themes as well.

What is needed, but missing so far, is research on consumers of rap music that is systematically linked to these individuals' lived experiences and circumstances. Some of the ethnographic studies reviewed above are suggestive of a dynamic intersection between the messages in rap music and distinctive social contexts and experiences of some of those who frequently listen to this music, but these studies are suggestive at best. For instance, while there is an apparent convergence between the "code of the street" in inner-city neighborhoods and the conduct norms embedded in elements of the "rap code," a *reciprocal relationship* between the two has yet to be documented. Instead, claims about the effects of rap music and claims about the origins of the street code are made separately, without considering the potential influence of each on the other. We think such studies would be a fruitful line of research.

CONCLUSION

This chapter has shown that much of the literature on rap music is filled with unexamined assumptions about both the content and effects of the

music on listeners. Surprisingly, this literature fails, for the most part, to actually document such effects. Even the experimental studies that purport to test rap's effects on subjects' perceptions and/or behavior are deficient (small numbers, lack of external validity, inability to conduct multivariate analyses, immediate "effects" that cannot be tracked over time). Because of these myriad problems, we regard experimental studies of rap's effects as inherently limited. What is needed, as we have argued, are studies that examine how, and in what ways, rap music's values and messages are interpreted and internalized in the real world.

We have also documented the lack of theoretical clarity in this body of literature. While we do not expect to find theoretical frameworks in popular writings on music, the latter nevertheless often make claims about cause and effect relationships. And, regarding academic studies of rap music, very few can be considered theoretically informed. This applies to experimental studies, content analyses, and (the few) relevant ethnographic studies reviewed here. The deficiencies in the existing literature can be rectified by future research that is theoretically driven, based on systematically created samples (rather than anecdotal material), and examines the meanings and practices of those who consume rap music in the real world. This will help to address the unanswered question of the nature of the relationship between music, identity, attitudes, and behavior. How do the consumers *really* interpret the messages of rap music, and *to what extent and in what ways* do they model their own behavior on such messages?

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CRIME, RESISTANCE AND SONG: BLACK MUSICIANSHIP'S BLACK CRIMINOLOGY

Viviane Saleh-Hanna

The field of criminology has a historical and contemporary relationship with black communities and black nations that is strife with physical and sexual sadism, intense cultural brutality, and an over-arching legacy of violent white supremacy. Historically, this relationship was defined by eugenics and the anthro-biological theories (Lombroso & Ferrero, 1893, 1911; Garofalo, 1914; Ferri, 1908) that, in the name of Western science and European "civilization," provided a logic through which colonial imperialists could validate the torture and murder of millions of colonized and enslaved peoples (Hasian, 1991; Washington, 2006). The criminological contributions to these "sciences" propelled the institutionalizations of slavery, apartheid, colonialism (Simon, 2006; Mann, 2005; Agozino, 2003) and continue to validate the continued confinement and mass incarceration of millions of colonized peoples within European and Euro-American prisons (Saleh-Hanna, 2008; Gilmore, 2006; Sudbury, 2005; Herivel & Wright, 2003; Rosenblatt, 1996). In more contemporary scholarship, this relationship has expanded to include psychological and sociological dissections of blackness that continue to interrogate the racist and academically constructed relationship between blackness and violence (Covington, 1995).

In practice, "contemporary criminology has focused largely on the stratifications of race (still largely framed in black and white terms) and place, class, age, and gender" (Martinez & Valenzuela, 2006, p. 85). Most endemic is the criminological interrogation of race are "questions of whether African Americans display a higher level of criminality, and if so, *whether this is due to some characteristic of the black race* or to discrimination against persons with brown skin have remained central questions in criminology for decades" (Knepper, 2000, p. 15). *All* research that attempts to locate "characteristic flaws" within a specific race, its peoples or their cultures is racist. In fact, such studies are an explicit illustration of the colonial gaze. Fanon (1967) defined and illustrate how "the white male colonial gaze helps create a social and visual space in which black peoples are equated with, and reduced to, their bodies … a negatively stereotyped 'blackness' becomes the essence of what the self is, an essence seen through a 'white mask' and filled with shame and self-contempt" (Shilling, 2004, p. 194). For these reasons, I have been building a Black Criminology that is defined not by a white supremacist, colonial gaze, but instead articulated by black activists, artists, and revolutionaries who, in their music, discuss, research, and present a comprehensive critique against colonialism, genocide, and the racist criminal justice system that has legalized and enforced crimes against humanity.

In this chapter, I present the beginnings of a Black Criminology articulated in lyrics written and performed by black artists in Nigeria, Jamaica, and the United States. Through the lyrics, black artists and their audiences are able to articulate a resistance to and rejection of racist theories that have criminalized, colonized, and enslaved Africans and their surviving descendants. In the lyrics one discovers a musicianship that complements and at times rivals academic scholarship on crime. The term *musicianship* was created by Fela Anikulapo Kuti and very much describes the use of artistic talent represented in this chapter:

> **[Fela's Voice Speaking]**
> **You see,**
> **Because,**
> **When the higher forces give you the gift of music,**
> **Musicianship**
> **It must be well used**
> **For the good of humanity**

[Musical background from Fela's song Zombie]
Music is the weapon
Music is the weapon of the future
Music ….

"Zombie (Part II) Instrumental"
By Nile (2002) (Album: *RED HOT+RIOT*)

Black Musicianship produces lyrical theories that are historically grounded upon, not "theories on crime," but alternately and more humanely, theories and understandings of justice. The data set relied upon for this research combined Afrobeat lyrics from West Africa, Reggae lyrics from the Caribbean, and Hip Hop lyrics from the United States because these three regions are key geographical locations upon which the centuries long European slave trade was inflicted upon captured Africans.

The results presented in this chapter are the product of a much larger study in which more than a hundred songs produced by 42 artists and recorded in 56 albums were used. The thousands of pages of lyrics gathered have produced a rich data set through which I am in the process of building and presenting a Black (lyrically produced) Criminology. In this chapter, I summarize the divergent forms of resistance that artists have used in response to racist criminological discourses and white supremacist criminal justice policies. Most specifically, this chapter serves as an introduction to the esthetics of the Black Criminology that has been produced by Black Musicianship.

LANGUAGE AND RESISTANCE: *THEY CALLED OUR LANGUAGES VERNACULAR*

The use of art as resistance is well documented in academic scholarship. Gregerson (2007) acknowledged that taken for granted realities and histories are rewritten through lyrical poetic uses of pauses, words, and articulations. Ortiz and Raquel (2005, p. 107) explored the portfolio of Puerto Rican artist Alicea and concluded that he "successfully researches and rescues broken pieces of history to construct new images … he rewrites history through his portfolios, offering us a version of history that invites us to learn about and to question what has previously been written and presented" (Ortiz & Raquel, 2005, p. 107). Addressing black resistance

through soul music, Yancy (2004, p. 289) explains that "style is the dynamic expression or articulation of the motif of overcoming … we need to move within the space of soul and style where our collective *languaging is a commentary on both*" (emphasis added).

This collective languaging is the esthetic of resistance in Hip Hop, Afrobeat, and Reggae music – it is the **explicit vision of vocal precision** that articulates distorted histories while explicitly promoting liberation:

It[1] is written
<u>an explicit vision</u>
<u>of vocal precision</u>
with fiery flavor
concocted in grandma's kitchen
packed full of wisdom
fall in line for a bowl
sofrito for ya soul
it'll be the best decision you've made
help you grow old
in these days
with one foot in the grave
its what you crave
its what the sages rave about
in sacred scriptures that only fools doubt

answers are in the breath
breath in, breath out
gather all your chi
stop wasting energy
on sectarian schisms
when we have the same enemy

its capitalism
a system which exploits
workers work
wealth is worth
risking your life so there can be a rebirth
an end to the search
for answers to questions
about this 500 year depression

do the addition
who's the majority?

lets pull on this steering wheel together
so we can change the direction
for all humanity

fuck all their weapons and insanity
I got a solution its called unity
And its spreading
Faster than Bush's war cries
So it is written

[Chorus: Woman's Voice]:
Its time to resist
Its time to resist
Its time to resist
Its time to resist

Cause resistance is something we teach infants
Must leave imprints of the militant in each and every sentence
Our words are relentless cause our people are defenseless
So we extend this,
Hopin' you all comprehend this

''**Resistance**''
By Welfare Poets (Album: *Rhyme for Treason*)

Although black people and cultures have survived centuries of war and genocide, resistance has ensured survival of the people and their cultures; empowered manifestations of blackness in musicianship symbolize survival and dignity *despite* immense attempts at annihilation. It is a persistent survival, reinforcing the inhumane and flawed components of colonialism and white supremacy. It is also a survival that reinforces the failures of the colonial experiment in its attempts to wipe out black cultural self-determination. A most scathing illustration of this failure exists through the infusion of blackness into white languages.

The very esthetic of black resistance has, since contact with European imperialism, produced languages that mock and delegitimize the self-professed superiority of Europeans. Discussing patois in the Caribbean, Griffin (2006, p. 9) explains that "decorum is anxiously maintained in the round tones and wry style of British legal banter. It forms a stark contrast to the national language of *patois*, which flattens, roughs up, and injects everything it touches with a bitter humor." Bolton (2005) explains that the phenomenon described by Griffin (2006) in patois applies to many variations of the English language as it now exists in all formerly occupied British colonies.

In a song entitled ''Mr. Grammarticologylisationalism is the Boss,'' Kuti (1975) rejects the elitism attached to British English in West Africa. He challenges the assumption that British English is *proper*, pointing out that this superiority is reliant upon African degradation. He highlights white supremacy in colonial assumptions of linguistic supremacy and discusses the destructive impact this has on black identities: ''**They called our languages vernacular … we just accepted that we were English and everybody wanted to go to England for a Masters Degree … Come back home to be a Master**.'' Relying on languages of the oppressor, Africans risk duplicating ideologies that mirror and reproduce colonial oppression. By relying on African forms of communication black musicianship critiques, and works to reverse black reproductions of colonialism – the conditions that Nkrumah (1975) defined as neocolonialism and what and Ngũgĩ (1982) described as the reoccurring African nightmare.

In his song ''Freedom of Speech,'' Immortal Technique confronts the obstacle of colonial languaging as it is manifested in the United States. He does so through lyrics that converse with Bill O'Reilly, a racist Fox News personality. In 2004 O'Reilly called for a boycott on Pepsi because they hired a rap artist[2] to star in their commercials. O'Reilly has a long standing, publically acclaimed distain for hip hop. As a result of O'Reilly's disapproval, Pepsi never aired the commercial.[3] In 2005, O'Reilly was outspoken in his opposition to the proposition that Ebonics become an officially recognized language in Oakland, California, public schools. He claimed that ''Reading and writing *proper English* is the first priority. Math is the second. Ebonics should not be anywhere near a public school''[4] (emphasis added). Immortal Technique responded to both incidents:

> **And O'Reilly you think you a patriot?**
> **You ain't nothing but a motherfuckin racist bitch**
> **Fulla hatred, pressin a button trying to eject me**
> **But I ain't got no motherfuckin deal with Pepsi**

''Freedom of Speech''
by Immortal Technique[5] (Album: *Revolutionary, Vol. 2*)

Black shifts in colonial English reinforce the survival of black cultures and thus progress struggles for black liberation and black self-determination. These struggles are progressed in black musicianship through the use of black languages in the music.

NONE BUT OURSELVES CAN
FREE OUR MIND

Emancipate yourselves from mental slavery
None but ourselves can free our mind

"Redemption Song"
By Bob Marley[6] (Album: *Legend*)

The process of *Languaging as commentary*, or collective languaging as discussed earlier (Yancy, 2004), emerges very clearly in Rasta musicians' reconstructions of the English language in Reggae music. This infusion of black liberation esthetics *into* Rasta languages represents emancipation from **mental slavery**. It is understood that without emancipation from mental slavery, black people will continue to be trapped in the abusive cycles of enslavement and exploitation.

Campbell (1987, p. 121) explained that "the Rastas were a section of the working poor [in Jamaica] who wanted to break the spirit of competition and individualism which permeated the society and its main institutions." At the core of Rasta working class struggles was the fight for black liberation from economic and cultural degradation: "The legacy of almost two centuries of slavery [legally ending in 1833] meant that, once free from their masters' control, the newly emancipated resisted returning to the plantations to labor for wages … geographic and demographic conditions … presented the former slaves with feasible alternatives. Vast areas of uncultivated land and acres of land previously cultivated but since abandoned by bankrupt planters were occupied by the former slaves and developed into small agricultural plots" (Bakan, 1990, p. 18). At this time, plantation work was used to *supplement* income to aid in the development of black self-determination and economic independence in Jamaica. In the 1880s, the mechanization of farm labor began to expand, and unoccupied farmland became increasingly sparse.

By the turn of the century, "Foreign corporate interests, such as the United Fruit Company of the United States and Tate and Lyle of England, became major agricultural investors in Jamaica. At the same time, Kingston and neighboring St. Andrew developed into a large urban centre, *attracting* many thousands of displaced rural workers" (Bakan, 1990, p. 18, emphasis added). Although Bakan suggests that urban centers *attracted* displaced rural workers, Campbell (1987) documents the Rasta struggle against forced removals from farmland and involuntary displacement to urban centers. Working class black people in Jamaica were *forced* to live in urban settings that did not

accommodate access to employment or legal means of survival. As a result, survival meant the creation of a lifestyle less reliant on Western consumption. This included creating alternative dietary, medical and spiritual lifestyles:

I don't sniff … cocaine …
Don't take … morphine …

I man don't
eat … fried chicken …
eat … frankfurters …
drink pink blue yellow green soda

"Mystic Man"
by Peter Tosh[7] (Album: *Mystic Man*)

The reconstruction of identity through the reconstruction of language became vital in the creation of alternative lifestyles. This included "resisting the traditions of local whites, mulattoes, and educated blacks which said that the language of the [Rasta and poor] people was 'bad talk'" (Campbell, 1987, p. 123). Resistance also included a rejection of colonial languages as superior or legitimate: "standard English of the schools and law courts was a second language to the sufferers … [Since] English is coterminous with the acquisition of higher education, and a much sought-after escape under neo-colonialism … *a slow process was started to develop expressions and to form a language which reflected their solidarity, self-reliance and Africanness*" (Campbell, 1987, p. 124, emphasis added). Reggae music played an immense role in this process. Peter Tosh, in a live performance, introduced "Get Up, Stand Up" by stating:

[Tosh talking]
Music is a part of the healing of the nation
People need music

They are getting music
But they aren't getting the music that you know
Can heal their minds and souls you know

They get the music that keep them down
That music say 'Get Down!'

mmmm …
But my music say 'Get Up!'

"Get Up, Stand Up"
By Peter Tosh[8] (Album: *Honorary Citizen*)

In addition to encouraging resistance through Reggae music, Rasta musicians present a communicative esthetic that, in its very articulation, promotes the collective rejection of Eurocentric histories and social structures. Pollard (1983) explains that the Rasta word ***overstand*** replaces the English word ***understand*** in Reggae music. Hickling (2004, p. 65) explains that overstand means "insight," identified as "the ability of Caribbean people to transform their psychology, and the inability of the colonizers to be insightful of their own oppressive racism … This word represents the limited insight of the user to recognize the global psychological issues based on egocentric racism born out of centuries of colonial misadventure." Colonial, racist reasoning requires one to be submissive and disempowered, to **under**stand knowledge is to be beneath it to "get it." To **over**stand knowledge is to be empowered by it, to have some of the power required to create it and instead of "getting (or receiving) it," to collectively and trans-continentally create and own it.

Jamaican Rasta ideology, lifestyles, and music have gained a significant following among the youth in West Africa in the past two decades. Savishinsky (1994, p. 19) illustrates that "the movement has drawn its largest and most committed following from among those whose indigenous culture has been suppressed, and in certain instances completely supplanted, by Western models imposed during centuries of European and American colonial expansion." A rejection of these Western models is presented in Tosh's characterization of the criminal justice system in his song "Here Comes the Judge":

<div align="center">

[talking]
And that does not mean the judge in what they call …
Our colonial judiciary <u>shitstem</u> …
Our imperial judiciary system,
I mean the judge of righteousness

</div>

<div align="right">

"Here Comes the Judge"
By Peter Tosh[9] (Album: *Honorary Citizen*)

</div>

Referring to the Criminal Justice System as a **shit**stem emphasizes that it is a racist system that relies on dirty, imperialist ideologies and policies. This comprehension of the criminal justice system as mistreating Africans in Africa and the Diaspora will be further presented in Chapter 6. Within the context of resistance, this languaging emphasizes what Savishinsky (1994, p. 19) refers to as the Rastafarianism "ideological corrective to the suffering, exploitation and alienation experienced by young people of color the world over." He also explains that these correctives hold "an especially heightened

resonance and appeal for Africans and those of African descent. And while the messages expounded by the Rastafarai promote love and respect for all living things and emphasize the paramount importance of human dignity and self-respect, *above all else they speak of freedom from spiritual, psychological as well as physical slavery and oppression* … things Africans have come to know much about over the course of the last four hundred years'' (Savishinsky, 1994, p. 19, emphasis added). This quest for freedom starts *but does not end* with **emancipation from mental slavery**.[10]

To fully contextualize and appropriately represent Rasta ideologies and the roots of resistance that shaped both the culture and the music, it is important to add that respect, love, and human dignity are not ideals that preclude armed struggle for self-defense. Too often, Rasta culture is framed within the ''nonviolence'' framework ignoring the Mau Mau[11] inspirations that gave rise to Rastafarianism. In addition, it is important to address the racist and classist implications of a nonviolence framework that requires poor people to go on hunger strikes to protest their oppressions while dictating that colonized peoples resist genocide without access to weapons that can preserve their lives in facing armed, colonial invaders.

> Besides the fact that the typical pacifist is quite clearly white and middle-class, pacifism as an ideology comes from a privileged context. It ignores that violence is already here; that violence is an unavoidable, structurally integral part of the current social hierarchy; and that it is people of color who are most affected by that violence. Pacifism assumes that whit people who grew up in the suburbs with all their basic needs met can counsel oppressed people, many of whom are people of color, to suffer patiently under an inconceivably greater violence, until such time as the Great White Father is swayed by the movement's demands or the pacifists achieve the legendary ''critical masses'' (Gelderloos, 2007, p. 23).

This is an important point to make here because popular and white supremacist conceptions of Rasta culture emphasize a pacifist, non-political, mainly spiritual, heavily drugged lifestyle. Contrasting these false images of authentic Rastafarianism, it is important to note that **emancipation from mental slavery** is only the beginning, *but not the end of* liberation as defined by black musicianship.

SOLIDARITY: *TURN THIS CONFUSION INTO UNITY UNITY*

''They that walked in darkness sang songs in the olden days – Sorrow Songs – for they were weary at heart. And so before each thought I have

written in this book I have set a phrase, a haunting echo of these weird old songs in which the soul of the black slave spoke to men" (Dubois, 1903, p. 155). Dubois wrote these words in his acclaimed book *The Souls of Black Folk*. In this statement, he captured the essence of black musicianship as survival and communication throughout historic black cultures. He communicated the importance of black music as a tool for survival, and over a hundred years later, songs continue to represent tools for resistance and communication in suppressed and exploited black communities. The messages in these songs, across time and through genres, have consistently and in harmonic unison communicated black liberation:

<u>**Turn this confusion**</u>
<u>**into Unity Unity**</u>
so that the sun will follow
our foot steps in the day …
because we are born free …
My people.

"My People"
By The Last Poets[12] (Album: *Oh My People*)

The transformation of confusion into unity is a crucial component of identity politics in black musicianship. Artists of black musicianship often assume that confusion in black identities is very much related to the erased and obscured histories – BLACK HISTORY SENTENCE. The Welfare Poets inter-relate the resulting confusions of buried black histories with contemporary racisms promoted through mainstream mass-media outlets:

It's the media
causing mass hysteria in all areas
They're all carriers of false information
All barriers to true emancipation
and its scarier when you're aware
how they're connected to corporation …

Turn off your TVs
Don't believe their news
Don't read their views
<u>**They'll keep you confused**</u>
Forget how to tie shoes

Talk about pulling yourself by your used bootstraps
Now who's strapped
food strapped
somehow accused and trapped?
People in Vieques abused
cause they're brown and black
Just like down in Afghanistan
and in Iraq
It's a part of their plan
of world domination
Control the land, its resources
and set up corporations …

Lets get deep
and make leaps
into parts of history that they don't want to leak
What Is-real?
Which is fake?
Take a peak …

So let it echo
as we will continue
to deliver the street news directly to the ghetto
As Satan perches
right there on the church's steeple
the media, they're filming
but they won't show the people
for their plans are to keep you
and your mind in a fetal stage
and leave you in a daze
engaged in a maze
as you find your mind stays forever afraid
forever afraid

"Media"
by Welfare Poets[13] (Album: *Rhymes for Treason*)

Global attacks on non-European peoples have always been and continue to be a reliant upon generalized stereotypes and simplifications of millions of people and their complex, diverse cultures. In resistance to this, black musicianship presents a more complex vision, unanimously echoed in messages offered through Afrobeat, Reggae, and Hip Hop. Solidarity in this

context is not sameness in identity, but more accurately sameness in struggle. Solidarity emerges due to involuntary but *commonly shared* mass exploitations through experiences with (neo)colonialism: "**People in Vieques abused cause they're brown and black, Just like down in Afghanistan and in Iraq. It's a part of their plan of world domination. Control the land, its resources and set up corporations**." In these analyses of inter-related struggles, the Welfare Poets bring common ground to the forefront of the consciousness of their audiences.

In the current technologically expanding, economically centralized, heavily globalized world, tools for solidarity and resistance have had to adapt. Wilde (2007, p. 179) explains that "solidarity cannot operate as did the spatially bound, tightly organised solidarities of the past. Rather it would require more variegated forms, involving complex mediations and a rolling process of articulation and re-articulation. The pursuit of human solidarity would also require an explicit ethical movement, which is perhaps harder to envisage." This explicit ethical movement that Lawrence finds difficult to envisage in academia is clearly articulated in black musicianship: it exists in the common goal to "**get free**"[14] from global oppressions imposed through racist colonialisms. In "Freedom" (Album: *Rhymes for Treason*) the Welfare Poets (2005a) state:

> **Freedom won't be relinquished**
> **You won't get free from simply makin' a wish**
> **Freedom ain't instantaneous**
> **And it ain't spontaneous**
> **It's a revolutionary process against those that contain us**

This containment is understood to be a direct repercussion of colonialism and varying forms of European wars on blackness. The Welfare Poets elaborate:

> **See there's a fire of Hip Hop babies burning Babylon to the ground**
> **Fall you big, funky computer chip capitalistic motherfucker**
> **Cause your time is over anyway**
> **Die in your own inequities cause hell's fire is not hot enough to burn your**
> **corrugated jungle** …
> **Oh say can you see**
> **Oh say can you see**
> **Oh say can you die!**
> **Die for all the pollution that your paratrooper boots caused while stomping**
> **black backs in South East Asia!**

Die for all the babies you murdered in Sharpsville, in Milan and Attica!
Die with the amplified wisdom that Bob Marley laid on your wretched souls!
Die for Shaka
Die for Nat
Die for Candice
Die for Harriet
Die for Malcolm
Die for Malcolm
Die for Bird, Trane and Miles
You killed Billie Holiday but God blessed that child
You killed Beatrice in the name of Mau Mau peace
And when millions of Zulus stomped your ass
You cringed like the prince of darkness that was being chased by the wolfman
You killed Mark Clark and Fred Hampton cause you said they had guns
You killed the Arab world for refusing to give you oil
You killed George while he dreamed of a better world for black babies
And you killed the nature of Black Asia with your star war programs
That's like neutron bomb, napalm and "Puff the Magic Dragon" too
You better die while there is still life left on our planet
Die cause you blinded us with re-interrelated lies
Die cause this is the land of the free and home of the brave
Dies cause you refuse to give me liberty and blind justice also
Die you pyramid-grave robbing-jack ass
Die for all the famine you biologically created in Ethiopia
Die in remembrance of Slave Ships passing through the night
Die for all of our dying will be your just reward
Die for Salassie
Die for Hannibal
Die for Nefertiti
Die for Algiers
Die for Che
Die before I choke your ass to death

"Just Die"
by Welfare Poets[15] (Album: *Project Blues*)

In this song, it is clear that black liberation relies upon the death of a system
that has oppressed people of color for five centuries. A Nigerian reggae
musician provides an assessment of why this fight for freedom is an

international black struggle. In doing so, he identifies the root of harmonic international solidarity:

> The problem with people in the Diaspora is similar if not identical to the situation here in Africa. The colonies are fighting against neocolonialism, and the overall effect is perpetual instability, with the common man feeling the brunt of it all. Living in a depressed economic condition where the standard of living is deplorable, there will always be a cry for improvement especially where protest cannot directly be registered. It is inevitable to embrace the messages and philosophies of reggae music as a means of protest against the oppressors and self-aggrandizement.

> The images and tribulations portrayed through the records of reggae musicians make the music very attractive to African people. The fact that the original root of Reggae music is Africa facilitates the swiftness in rekindling the flames of the music. (Savishinsky, 1994, p. 23)

The similarities between Caribbean, African, and African-American struggles with ''deplorable living conditions'' are articulated in the music. Afrobeat, Hip Hop, and Reggae all originated in locations black people were taken from or taken to through the Cross-Atlantic slave trade. As such, each genre addresses black struggles by tying them back to colonialist institutions of enslavement that that contained and continue to suppress black autonomy and self-determination. Intrinsic to this struggle is the fight to establish solidarity despite colonial constructions of fragmented categories of people (based on ethnicity, class, geographic location, language, etc.). These are divisions that both figuratively and literally divide and conquer colonized peoples.

RACIST CAPITALISM: *TODAY THEY SAY WE ARE FREE, ONLY TO BE CHAINED IN POVERTY*

To contextualize black musicianship's critique of Western societies and their social control mechanisms, I present an analysis of the inter-relationships between racism and classism as they relate to struggles for black liberation. Although DuBois's resistance to racism in *The Souls of Black Folks* was centered on cultural identity and the production of empowered black knowledges, this approach changed later in his life. In *The Gift of Black Folk: Negroes in the Making of America* he identifies the inter-relational associations between racism and capitalism. ''He began to believe, and

explicitly argued from around 1930 on, that to effectively fight white racist habits, one must focus on the transactional relationship to their unconscious economic aspects'' (Sullivan, 2003, p. 206). DuBois strongly believed that black liberation is based within the establishment of a strong black economy that could counter the racist constructions and institutions of white supremacist economies. He also believed that black self-autonomy could challenge and erase "entrenched unconsciousness operations of white racism" (Sullivan, 2003, p. 209). These operations are functions of a capitalism that breeds unconscious normalizations of black exploitation in the predominantly white, capitalist monopoly of resources. Lyrics in Afrobeat, Hip Hop, and Reggae musicianship emphasize and transmit the understanding that classism and economic oppressions for black people are functions of racist capitalist economies:

> **Today they say that we are free**
> **Only to be chained in poverty**

> **"Slave Driver"**
> by Bob Marley[16] (Album: *Songs of Freedom*)

In "We Need a Revolution" (Album: *Turn off the Radio*) dead prez[17] proclaim: "**I can stop racism, a product of cap-it-a-lism.**" In "Resistance" (Album: *Rhymes for Treason*) the Welfare Poets (2005b) link contemporary capitalism to racist European colonialism. They point out that overwhelmingly, the European global minority benefit from racist capitalism at the expense of the majority people of color populations around the globe:

> **We have the same enemy**
> **Its** <u>**capitalism**</u>
> **A system which exploits**
> **Workers work**
> **Wealth is worth**
> **Risking their life so there can be a reverse**
> **And enter the search**
> ***For answers to questions about this 500 years oppression***
> **Do the addition**
> ***Who's the majority?***

In "Prophecy" (Album: *Revolutionary Vol. 1*), Immortal Technique (2001b) also articulates the inter-relationship between classism and racism,

emphasizing that this is both a national (within the United States) and global struggle:

> **Cause you forgot that when you're free**
> **It's multiplied indefinitely**
> **By the struggle that be**
> **the struggle I see**
> **To socialistically unite third world countries**

<div align="right">

"The Prophecy"
by Immortal Technique (Album: *Revolutionary Volume 1*)

</div>

In "Leaving the Past" (Album: *Revolutionary Vol. 2*), Immortal Technique (2005b) again reminds his audiences that "**capitalism en democracy are not synonymous**." In "I.T.T. International Thief Thief" (Album: *Original SufferHead/I.T.T.*), Fela correlates the struggles of African economies to foreign capitalist exploitations of the continent. He highlights the role corrupt African leaders play in this process through their participation in foreign intervention and aid. Fela understood that participation in white economic systems within the context of on-going, racialized disempowerment perpetuates and further entrenches European and American exploitation of African resources and people:

Many foreign companies dey Africa	Many foreign companies are in
carry all our money go	Africa, taking our money
Say am, Say am …	*Tell it like it is*
Dem go write big English for newspaper	They write derogatory things about
Dabaru we Africans …	Africans in their English newspapers
I read about one of them inside book like that	I read a book on this
Them call him name na I.T.T	They called them a name – I.T.T.
Them go dey cause confusion	They cause confusion
confusion	*confusion*
Cause corruption	They cause corruption
corruption	*corruption*
Cause oppression	They cause oppression
corruption	*oppression*
Cause inflation	They cause inflation
inflation	*inflation*
Dem go dey, cause oppression	These things lead to oppression
oppression …	*oppression* …
Then start to steal money	Then they start to steal money
Start start them corruption	Starting corruption

Start start them inflation	Starting inflation
Start start them oppression	Starting oppression
Start start them confusion	Starting confusion
Start start them oppression	Starting oppression
Start start to steal money	Starting to steal money from Africa
Start start to steal money	Starting to steal money from Africa
Like Obasanjo and Abiola	Like the president and vice president
International Thief Thief	of Nigeria – *International Thief Thief*
I.T.T.	I.T.T.

"I.T.T. International Thief Thief"
by Fela Kuti (Album: Original SufferHead/I.T.T.)

DuBois's analysis of the interrelationships between racism and classism are highlighted in Sullivan's (2003, p. 211) work: "economic issues … were partially responsible for bringing about unconscious racism … To varying degrees, white people's 'race prejudice was built and increasingly built on the basis of the income which they enjoyed and their anti-Negro bias consciously or unconsciously formulated in order to project their wealth and power.'" These interpretations are heavily articulated in black musicianship: Although black people **have the same enemy, it's capitalism**,[18] that enemy is not simply an economic system. It is a racist capitalism that gave birth to **the slave driver** that made Bob Marley's **blood run cold**;[19] the same slave driver who grew up to be the **foreign companies and International Thief Thief**[20] that Fela criminalizes in his lyrics.

IT'S NOT OUR CULTURE TO BE POOR

Promoting intellectual and cultural empowerment, black musicianship maintains a culture of resistance to the criminalizing rhetorics of colonialism and white supremacy. This resistance rejects dehumanization tactics that have promoted a continued attack on blackness. Memmi (1965, p. 19) outlines the history of these dehumanization tactics through an analysis of the journals written by colonialists arriving in Africa. He explains that often "new arrivals" from Europe were "astonished by the large number of beggars, the children wandering about half-naked, trachoma, etc, ill at ease before such obvious organization of injustice, revolted by the cynicism of his own fellow citizens … 'Pay no attention to poverty! You'll see: you soon get used to it!'" He highlights the fact that colonialists too often failed to recognize their own role in the poverty they witnessed. Instead, they assumed Africa naturally and historically embodied poverty.

Academic constructions of blackness supported these assumptions. Euro-supremacist history would have us believe that Africans lived in impoverished conditions (translated in euro-centric terms into "savage" and "primitive") before European arrival. Euro-supremacist culture would further argue that the European presence in Africa was (and is) charitable and "burdensome" (Davidson, 1992). Yet, in direct contradiction to these assumptions is the fact that colonialists and slave traders occupied Africa to drain it of its rich resources:

> **Poverty has nothing to do with our people.**
> **It's not in our culture to be poor.**
> **That's only been the last 500 years of our history;**
> **look at the last 2000 years of our existence and what we brought to the world**
> **in terms of science, mathematics, agriculture and forms of government.**

> **"Poverty of Philosophy"**
> by Immortal Technique (2001a) (Album: *Revolutionary Vol. 1*)

From the perspective of the oppressed, the brutality with which colonialists and slave traders have treated people destabilizes their legitimacy in the eyes of colonized and enslaved peoples (Césaire, 1972). To properly address this issue, oppressed black populations legitimize and more accurately represent their own analyses of oppressions within the inter-related and desegregationist framework of war and resistance.

Racist ideologies and cultures have created a blackness that is inherently illegitimate. This illegitimacy is a product of colonialism and slavery, and it has been extended through the inter-relational contexts of criminal justice, globalization, and institutionalized poverty. As a result, black musicianship provides legitimate knowledges that counter these degradations and oppressions. In this research I have relied on black musicianship in a reversal of racist delegitimizations of blackness. Through the music, I have illustrated that legitimacy exists within the empowered voices that influence, shape, and form a collective black identity with those who share in the silenced histories, struggles and oppressive conditions.

The mass production of destructive black music (Alridge, 2005) and Western academia's criminalization of blackness indicates that black voices have been relegated to invisible and un-attentive statuses. This disempowered status has a long history, and it has always been reliant upon an image of blackness as blind, deaf, and dumb:

> Consider a slave on the auction block, awaiting sale. Imagine the slave being seen, indeed examined, by the potential bidders. Imagine what she felt. Think of her trembling and

crying, breaking down, even fighting back. Such attempts to imagine looking in on the auction block and to empathize with those for sale have found a hard won place in the mainstream of American culture. But little prepares us to see her as looking out, as studying the bidders. And yet, as recent and imaginative research has shown, slaves on the block often searched out every clue in sizing up the whites who would own them. Did that scar represent a history of violence? What did that leer suggest? Was that accent familiar, or did it point to the possibility of being transported great distances, away from family and to the master's home? Did those clothes mean great wealth, declining fortunes or poor whiteness? What could be learned of the buyers from other slaves? What strategies of self-preservation would discourage the attention of the bidder most feared, or encourage the potential buyer judged to be the best of terrible options? (Roediger, 1998, p. 3)

In this analysis of the dynamics of the slave auction block, Roediger (1998) instills a complexity that includes black interaction and reaction through white institutions. It is a complexity that white supremacist and segregationist cultures and Western academic discourses have denied and silenced. It is a complexity of experiences and analyses that black musicianship brings into the consciousness of their audiences.

Tupac (2001) recreates history and instills conversation and analysis into the dynamics of slavery: "**Imagine if we could go back, actually talk to the motherfuckers that persevered (hehehe). I mean the first motherfuckers that came in the slave ships. (Hey, excuse me, excuse me!) Y' know? (Look)**." Peter Tosh (1997b) creates a courtroom in which he tries and convicts colonialists: "**Because it said here comes the judge, seen. And that does not mean the judge in what they call, in our colonial judiciary shitstem. See our imperial judiciary system, I mean the judge of righteousness** … " Fela Kuti (1980)[21] brings forth these interactive dynamics of black experiences with oppression through his conversations in song with military dictators in Nigeria. After a military attack resulted in the murder of his mother, he took her coffin to military headquarters in Lagos and sang through the gates: "**Yes, they no want take 'am [they don't want to take this coffin]** *Oh them take 'am [they will take it!]*, **Obasanjo carry 'am [the president will take this coffin]**, *Oh them take 'am [they will take it!]*, **Yaradoua too [the vice president will take this coffin]**, *Oh them take 'am [they will take it!]*, **Ahhh they no want take am [they don't want to bury her]**, *Oh them take 'am [they will take it!]*, **He dey for them office [he is inside his office]**, *Oh them take 'am [they will take it!]*, **He dey there now now [he is inside his office right now]**, *Oh them take 'am [they will take it!]*, **He dey there now now [he is inside his office right now]**, *Oh them take 'am [they will take it!]*." … By placing a replica of his mother's coffin at the gates of the military barracks, Fela publicly communicated his position and experience of the military attacks that ultimately claimed his mother's life.

Through the music he constructed a conversation between the powerful and the powerless.

It becomes clear through these interjections that black liberation includes a black voice that embodies the capacity to disseminate and make public black analyses of black oppression. In researching black musicianship's lyrics, I am contributing to this process of liberation through disseminating within academic discourses and consciousness the messages and ideologies presented and discussed in black musicianship. By participating in this libratory process, I have experienced a sense of empowerment that I had not achieved through traditional academia. Through the music I have found a voice through which a black criminology can emerge.

CRIMINOLOGY: *IS BUILT ON IGNORANCE*

Césaire (1972, p. 10) explained that despite verbalized assertions of good will and charity, European institutions and histories embody "neither evangelization, nor philanthropic enterprise, nor a desire to push back the frontiers of ignorance, disease, and tyranny, nor a project undertaken for the greater glory of God, nor an attempt to extend the rule of law." Western criminology embodies these falsely professed goals. Western approaches to defining and dealing with crime have claimed evangelical goals through the spiritual ideologies in the 16th century. These resulted in church prescribed torture to purge the devil from criminals (Foucault, 1977). During the European era of *Enlightenment*, western criminologists claimed the desire to push back the frontiers of barbarism and criminality (Lombroso & Ferrero, 1911), and that resulted in torture through eugenics and the use of lobotomies (Simon, 2006). Western criminology has more recently claimed the desire to implement the "rule of law," and this has resulted in a racist over-representation of colonized peoples currently imprisoned under a mass incarceration regime in the United States (Mauer, 2005) and the world over (Saleh-Hanna, 2008; Sudbury, 2005).

Realizing these contradictions has helped me to contextualize and make sense of my own experiences and struggles as a student of Western criminology. I have felt an implicit aversion to punishment discourses in criminology and now understand that this is the result of my distrust of State prescribed violence; this is also my aversion to the colonial assumption that European criminal justice systems have the ability to "push back the frontiers of [criminality] ignorance, disease and tyranny." I have also felt an aversion to criminological rehabilitation discourses and am now beginning

to understand that these discourses are an extension of the traps set in
"philanthropic" assumptions that claim to "help" but instead euphemize
hegemonies and further entrench violent oppressions.

Overwhelmed by racist conditions in which many criminologists
formulate their discourses, I turned to the music. There I found ideological
paths that are inherently anti-racist. I embarked on a journey that
eliminated the fear of reprisal that restricts criminological ventures to the
unknown. I found creative words and empowered ideologies that "admit
once and for all, without flinching at the consequences, that the decisive
actors here are the adventurer and pirate, the wholesale grocer and ship
owner, the gold digger and the merchant, appetite and force, and behind
them, the baleful projected shadow of a form of civilization which, at a
certain point in its history, finds itself obliged, for internal reasons, to extend
to a world scale the competition of its antagonistic economies" (Césaire,
1972, pp. 10–11). Through black musicianship, I am able to update this list
of decisive actors. They are the scholars who are rewarded for their
constructions of racist theories on crime. They are political leaders,
businessmen and corporations who profit from mass incarceration. They
are the capitalist "elite" who centralize and monopolize global wealth and
resources. They are the historians who deny and misconstrue black history,
and they are the music industry executives who profit from the continued
degradations of blackness through their misappropriations of black
cultures. In a black analysis of western criminology, the inaccurate
formulations and reproductions of blackness are located within the core
context of white supremacy:

English man go dey take he	English man had his own way
conye conye dey feel my niash	He degrades me and touches my ass
Do you know …	*Do you know why he would do this?*
Ignorance, that is the reason	Ignorance is the reason
Ignorance	*Ignorance*
They say I get tail	They thought I have a tail
Ignorance	*Ignorance*
Like monkey tail	Like a monkey
Ignorance	*Ignorance*
You see what I mean?	You see what I mean?
Ignorance	*Ignorance*
Ignorant caption	Ignorant legends about blackness
Ignorance	*Ignorance*
Get-e wrong education	They have been mis-educated

Ignorance	*Ignorance*
Wrong information	Producing wrong information
Ignorance	*Ignorance*
White supremacy	White Supremacy
I*gnorance*	*Ignorance*
Built on ignorance	Is built on Ignorance
Ignorance	*Ignorance*
Western civilization	Western Civilization
Ignorance	*Ignorance*
Built on ignorance	Is built on Ignorance

"Africa Center of the World"
by Fela Kuti (1986) (Album: Underground Spiritual Game)

To counter the degradations of white supremacy, Fela and other black political musicians express pride in Africa and empowerment through blackness. Fela also explains that racism is not limited to the acts of a "few racist individuals," as is often assumed. He states that white supremacy is institutional, educational, historical, and ideological. Those ideologies that civilize white history perpetuate a degradation of black people. In response to these atrocities, and in honor of the millions that have violently perished in slave dungeons, on colonial battle fields and inside prison cells, Black Musicianship thrives. The field of criminology, with its intimate relationship to historical genocides and continued mass confinements and degradations is in much need of enlightenment. Black criminology, guided by Black musicianship can provide this much needed shift in paradigmatic focus for criminological theories and their overwhelmingly colonizing intentions.

NOTES

1. Hip hop.
2. Snoop Dog is a black musical personality whose music in many ways represents commodified and commercialized hip hop – he does not practice black musicianship, alternately, he represents heavily popularized and white supremacist representations and expectations of blackness.
3. http://www.nydailynews.com/front/story/171350p-149525c.html
4. http://www.foxnews.com/story/0,2933,163070,00.html
5. See Immortal Technique (2005a).
6. See Marley (1984).
7. http://home.planet.nl/~hekma120/info_peter_tosh_lyrics_mystic_man.html
8. See Tosh (1997a).
9. See Tosh (1997b), with revisions in lyrics for *Honorary Citizen* box set version.

10. Redemption Song by Bob Marley (Album: *Legend*).

11. Armed anti-Colonial uprisings in Kenya in the 1950s and 1960s.

12. See Last Poets (1996) – the Last Poets are often identified as the first hip hop musicians. In the 1960s, they combined poetry into musical communication (now known as rap) and are still heralded as founders of contemporary hip hop by many.

13. See Welfare Poets (2005b).

14. Title of a dead prez (2000) album.

15. See Welfare Poets (2000).

16. See Marley (1992).

17. See dead prez (2002).

18. *Resistance* by the Welfare Poets (2005c) (Album: Rhymes for Treason).

19. *Slave Drive* by Bob Marley (1992) (Album: *Songs for Freedom* Disc 2).

20. *I.T.T.: International Thief Thief* by Fela Kuti (1981) (Album: Original Sufferhead/I.T.T.).

21. ''Coffin for Head of State'' on *Nonstop Mix Vol. 1*.

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THE DIFFERENT SOUNDS OF AMERICAN PROTEST: FROM FREEDOM SONGS TO PUNK ROCK

Ellen C. Leichtman

ABSTRACT

Purpose – *This study explores music as a philosophical reflection of protest. It focuses on two movements: one from each end of the philosophical protest continuum, the civil rights movement, based in community (modernist), and the Punk Movement, based in individualism (postmodernist). The music of each movement is interpreted to explain how its style illuminates the underlying philosophical values and beliefs from which it comes.*

Design/methodology/approach – *This chapter first analyzes the background music of the civil rights movement and subsequently investigates the same themes in the Punk Movement. Analytically, a comparison of the two musical styles and their philosophical foundations are offered.*

Findings – *The philosophical values of each movement were reflected in its music.*

Originality/value of paper – *Music is often overlooked in the field of criminal justice. This chapter is an introduction to a comparison of different types of protest music. It shows the value and importance music serves to those involved in fights for justice.*

INTRODUCTION

The idea of protest is rooted in concepts of power, domination, resistance, and freedom. While often assumed to be the domain of the weak against the strong, in and of itself, this is not necessarily true, as resistance can be used by either side against the other. Here, however, the term will be used in the sense of freeing from domination so that, to protest, one must protest against something or someone more powerful than oneself.

The two movements discussed here come from each end of the protest continuum. The first, the civil rights movement, was an assemblage of mostly African Americans, many of them lower class, both men and women, who fought for their freedom using what is sometimes called the ''direct action'' tradition (Reed, 2005). That is, they used tactics such as sit-ins, marches, voter registration, community organizing, and boycotts to gain equality and justice for all black Americans. The Punk Movement, on the contrary, was a collection of middle-class, mainly white, middle-class, young males, who rejected corporate America and the commercialization of American life and wanted to see themselves as marginalized from mainstream society.

The idea of protest is also rooted in its cultural context, in the patterns of oppression it is fighting. It is contextually bound by the social and psychological structures it is resisting and can only be understood through that power configuration (Hoy, 2005). Thus, the civil rights movement must be understood through the background of slavery and segregation, and disenfranchisement and dehumanization in the American South of the 1950s and 1960s. Likewise, the Punk Movement can only be interpreted within a culture of white male supremacy, corporate power, and the mass production of American and Western European culture that emerged in the late 1970s and 1980s.

This is not to say that there are not threads that join these two movements. Intrinsically, they are both protesting the same ''establishment'' from which they both came. However, each highlights different aspects of it. While both the civil rights movement and the Punk Rock Movement were concerned with what they considered to be the ills of society, just what constituted those ills were conceived of quite differently by the two groups. One addressed major government institutions, such as the justice system, the educational system, and the housing authority, to redress racial inequalities; the other rebelled against the homogenization and corporatization of American culture. While one looked outward, seeking to raise the living standards of the black lower class, the other, coming from the middle class, looked inward, rejected its status, and strove for downward mobility. Both

protest movements, as different as these were, however, found a major outlet for their beliefs and values in music.

Like the movements themselves, the music of each was very different, one from the other. The songs of the civil rights movement, with its roots in the African-American communities of the deep South, drew from the heritage of black church music, Negro spirituals, and union songs. They were also gleaned from popular music that everyone knew, with changed lyrics. In contrast, punk rock was a rebellion against the glam rock bands of the 1960s, like Kiss and Led Zeppelin, which punks considered overproduced and artificial. They rejected the long guitar riffs between song stanzas that showed off the guitarist's technical proficiency and the major production numbers that oozed hypocrisy. Punk was a self-constructed rebellion against the corporate culture of the middle class and upper middle class, to which these people belonged.

FREEDOM SONGS OF THE CIVIL RIGHTS MOVEMENT

The 10-year period that began on May 17, 1954 with the Supreme Court decision Brown v. Board of Education, which made segregated education unconstitutional, was one of turmoil and unrest, especially in the American South. The Brown decision was a starting point for the fight for civil rights in the sense that it was the first time the Supreme Court had ruled on the side of anti-segregationists. This was the case that local activists had been waiting for, to use as a lever in other segregation suits, so that they could widen their integration scope to include private and governmental businesses and public facilities.

While this decision was a watershed moment, the groundwork for the movement had already been laid down through the past decades. Three main conditions that underlay its emergence were (1) the major black population movements from the rural south to the urban north, which led to occupational changes for black workers from agriculture to industry; (2) feelings of both black racial pride and anger after World War II; and (3) Cold War policies and the emergence of the Third World (Reed, 2005).

First, economic and occupational changes resulted in black population shifts from the agricultural south to the industrial north. This began during Reconstruction, after the Civil War, and continued into the twentieth century. The outcome was a major change in black demographics and the types of labor they performed. Black cultural centers emerged in the north,

like New York's Harlem and Chicago's Southside. These centers fostered social groups developed to work with those people already organizing in the south (Reed, 2005).

Blacks in the north were not as isolated as they had been in the south, and as they obtained jobs in the industrial north, they began to have a new feeling of consolidated power. This new sense of empowerment was increased by the formation of unions. Most were segregated, but some were not, like the Industrial Workers of the World (IWW, also known as the Wobblies). Many connections developed between integrated organized labor unions and the civil rights movement (Reagon, 1975; Reed, 2005; Eyerman & Jamison, 1998).

Second, a majority of blacks had fought selflessly and courageously in World War II to free the world of Nazism and its racist beliefs, while American forces were still segregated. Many, who had fought for the freedom of others, did not have it themselves. When they returned home, especially in the south, often decorated for bravery, they expected respect but were greeted with racism. For many returning to the south, it was the first time they understood that segregation was not a universal (Reed, 2005).

Third, the Cold War left the United States vulnerable to charges that while its politicians referred it the country as the leader of "the free world," it was unwilling to give its African-American citizens their due rights. For African Americans, the rise of the Third World held examples of ways to attain their freedom. They began to identify with the newly emerging countries of Africa that had thrown off their yokes of colonialism and especially looked to the strategy of non-violent direct action used in India (Reed, 2005).

The Beginnings of the Civil Rights Movement

Almost a year after *Brown v. Board of Education*, Emmett Till, a young, 14-year-old African American from Chicago, was sent down to the town of Money, in the Mississippi Delta, with his cousin, to visit his uncle Mose Wright. Till did not know the culture of the South, nor his place in it as a "black boy," and did not believe it when the children from the town told him that he was not allowed to talk to white women. On a dare, he and his cousin stopped into a grocery store to buy candy, and Till, on his way out said "bye, baby" to the young, white female store clerk. Three days later, the woman's husband, together with his stepbrother, went to Mose Wright's house and took Till. Several days later, his body was found in the Tallahatchie River, beaten, mutilated, and shot through the head (Awakenings, 2006).

Till's body would have remained just another black corpse found in the River if it had not been for his mother, Mamie, who notified the Chicago newspapers about her son's disappearance. Subsequently, she decided to have an open casket at Emmett's funeral so that the world could see what had happened to her son. This became a major news story and both the murder and the trial were covered by the national press. The perpetrators were caught, as everyone knew who they were, but they were never convicted. To many, this was the seminal incident that started the civil rights movement.

For others, it was the arrest of Rosa Parks. About three months after the murder of Emmett Till, at the beginning of December 1955, Rosa Parks, a middle-class black woman and the secretary to the president of the local NAACP refused to move to the back of the bus in Montgomery, Alabama. Although she was not the first person to refuse, nor was this the first time she herself had refused, it was the first time she was arrested for disorderly conduct. Her position in the black community, together with the help of her boss, E. D. Nixon, the president of the local NAACP, spurred a reaction from the (Black) Women's Political Council, which was able to get word out for a one-day bus boycott (Awakenings, 2006).

Nixon called Martin Luther King, Jr., the new pastor of the Dexter Ave. Baptist Church, the next day. King had come to Montgomery the year before. King, Nixon, and the Rev. Ralph Abernathy called a meeting for that night, which was attended by many of the black middle class of Montgomery. The result was a proposal to boycott the Montgomery buses the following day and to call for a city-wide mass meeting the following Monday, December 5, to determine how long the boycott should continue (King, 1958).

That Sunday night, King read an article in the city's newspaper about the boycott that inferred that the black community, with its contemplated boycott, was using the same techniques as those used by White Citizens Councils. These Councils had formed in Mississippi a few months after the Brown decision and had spread throughout the South for the sole purpose of preserving segregation. To do this, they used actions such as covert terror, physical intimidation, and threats of starvation to black men, women, and children. They also used economic reprisals against any whites who tried to cross them, intending to destroy any opposition to segregation (King, 1958).

The newspaper had equated the actions of those who had power with those who did not. The question is whether they are comparable. David Hoy explains Foucault's two concepts of power, disciplinary power and bio-power, as power on two different levels, not as different kinds of power. Bio-power addresses a global perspective and is a counter to the sovereign model. In the sovereign model, the sovereign had the right to make any decision

she/he wanted, for example, the right to let someone live or to cause her/him to die. Bio-power, however, does not deal with individuals, but with populations. While bio-power is often presented as a benefit for the people, for example, the mission to prolong life, it is also employed in racist discourse, with terms such as degeneracy, inferiority, and purity. It is the state that uses such explanations to justify such things as segregation (Hoy, 2005). The White Citizens Councils were not trying to eliminate opponents of equal stature; they were trying to destroy those considered to be inferior.

The intention of the Montgomery bus boycott was not to destroy the power of white southerners. It was an ethical use of non-violence, King concluded, and must be conducted within the law. He did not address the situation of immoral laws. It was his concern that the boycott did not focus on putting the bus company out of business, which he considered wrong, but on the positive issues of putting justice into the bus business. As far as he was concerned, the boycott would accomplish two things: it would protest the injustice, slavery, and brutality that the black community had endured for decades; and it would withdraw the black community's active participation in what he called "this evil system" (King, 1958).

The Monday evening meeting was a combination of speech giving and prayer service. King's words included a call to civil disobedience:

> Our method will be that of persuasion, not coercion. We will only say to the people, 'Let your conscience be your guide.' … Our actions must be guided by the deepest principles of our Christian faith. Love must be our regulating idea. Once again we must hear the words of Jesus echoing across the centuries: 'Love your enemies, bless them that curse you, and pray for them that despitefully use you.' If we fail to do this our protest will end up as a meaningless drama on the stage of history and its memory will be shrouded with the ugly garments of shame. In spite of the mistreatment that we have confronted we must not become bitter, and end up by hating or white brothers. As Booker T. Washington said, 'Let no man pull you so low as to make you hate him.' (King, 1958, p. 62)

The importance of this speech in Montgomery is well known in the history of civil rights. But the Rev. Ralph Abernathy, in an interview 20 years later for the documentary *Eyes on the Prize*, says he will never forget the hymn that was sung, "What a fellowship, what a joy divine, leaning on the everlasting arms" (*Eyes on the Prize*, vol. 1). As for King, he points out that music was ubiquitous at all boycott meetings, that while the meetings began at 7 pm, often the churches were filled by 5 pm, and while some read books and papers:

> others joined in group singing. Usually the hymns preceding the meeting were unaccompanied lined tunes of lower pitch and long meter. One could not help but be

moved by these traditional songs, which brought to mind the long history of the Negro's suffering. (King, 1958, p. 86)

Freedom Songs and Black Pride

The civil rights movement often elicits remembrances of its freedom songs because music was integral to its struggle for equality. Social movements incorporate fragile balances between individual identity and communal experience. It is the idealistic individual who joins a movement, but it is the collective that sees the dream to fruition. For many, music became an important force in the forging of both an individual transcendence and a collective identity (Reed, 2005).

Before the civil rights movement, many middle-class southern blacks had striven to throw off their slave heritage, to assimilate into white mainstream culture. Now, the movement, partly through its use of black spirituals and gospel music, was a way for people to proudly show their black identity. Songs were retooled to inform the moment, but to also remember the past. Melodies of already known songs were sung to invoke memories and even historical events. Just by changing a few words, the changed lyrics joined them to the present.

Dr. Bernice Johnson Reagon, an expert in the music of the civil rights era, divided movement songs into two types: group participation songs and topical songs. They differ with regard to performance and creation. Group singing was often a spontaneous affair, as each time a song was sung, it was likely to be changed. Singers added verses, re-ordered them, and even changed their renditions. This was the organic nature of the music, which changed together with events. No one owned a song.

One of the important elements of black communal singing was the position of song leader. It was the duty of the song leader to develop a set of songs for a particular event that would keep the momentum going and to lead them. To do this, she/he would sing the first line of a verse. This would also initiate a particular musical key so that people would know on what pitch to start. It was also the job of the song leader to encourage singers by calling out during or between the lines of their singing. Sometimes, song leaders would change a traditional, religious song into one with a political message. This happened to Bernice Johnson Reagon during the Albany, GA, protests. She was asked to sing and began with "Over My Head I See Freedom in the Air," changing the original song's lyrics from "trouble" to "freedom," and then to "glory" and finally "victory" (Reagon, 1975).

The role of song leader transcended music. She/he was also a local civic leader. Many of the towns in the South had local civil rights movements. From each of these came strong song leaders who seemed to emerge spontaneously from the community (Appleton, 1975). Among the most famous was Fannie Lou Hamer, a Student Nonviolent Coordinating Committee (SNCC) field secretary from Mississippi, who became a founding member and vice president of the Mississippi Democratic Freedom Party, which was organized because the Mississippi Democratic Party refused blacks membership in the party (*Eyes on the Prize*, Vol. 3; Reagon, 1987). Another was Bernice Johnson Reagon, also a song leader, from Albany, GA.

Many of the group participation songs derived from the traditional African vocal structure of "call-and-response." This pattern consists of two parts: one sung by a song leader and the other by a chorus. The simplest type of African call-and-response is one where the first musical phrase of a section is sung by the song leader and is responded to by the chorus with a set response. Another variation on this begins with the leader singing a few notes of the first phrase, whereupon the chorus joins in to finish the section (Nketia, 1974).

These types of structure are found in movement music. An example of the call-and-response structure is found in "Certainly, Lord" (*Voices*, disk 2, track 3). In this song, the song leader sings out "Have you been to the river?" and the group responds with "Certainly, Lord." This occurs three times after which all sing "Certainly, certainly, certainly, Lord" (Reagon, 1997).

The second structure can be heard in "This Little Light of Mine" (*Voices*, disk 1, track 2). Here, the song leader begins the first line of the stanza:

> Song leader: "This little light of mine,"

after which all join in for the rest of the verse:

> Everyone: "I'm gonna let it shine
> This little light of mine, I'm gonna let it shine
>   This little light of mine, I'm gonna let it shine
> Let it shine, let it shine, let it shine." (Reagon, 1997)

The hymn that Rev. Abernathy remembered so well from the first meeting about the Montgomery boycott, "Leaning on the Everlasting Arms," embellishes on this. Here, the members of the traditional black chorus are part of new additions to the verses. The song leader, in this example, begins by singing the first line of the first verse, before several members of the chorus join in. By the time they reach the refrain, the entire chorus is singing. Although unison singing is the norm, the chorus sometimes uses

certain types of embellishments such as adding an additional melody during a held note:

Held melody: Leaning_____ Leaning_____

Counter melody: Leaning on Jesus, Leaning on Jesus.

after which everyone sings: "Leaning on the everlasting arms" (Reagon, 1997).

They sing in harmony, with an emphasis on the melody line. The strongest harmony comes at the cadences, probably because they are traditional chord progressions, but throughout the song there may be counter-melodies in the inner voices.

The call-and-response pattern, however, is found in other places besides song. Black ministers often preach in such a pattern, where the congregation responds during the sermon, acknowledging their agreement with what is being said. Thus, the call-and-response pattern is a stylized way of communicating.

Another aspect of African vocal music is the notion of a "beautiful singing voice." Western musical standards include pitch, timbre, and purity of tone. Africans, however, focus on the ability of the singer to inject his/her singing with an ability to translate daily life into musical sound. No one is rejected because of a lack of musical ability. Quite the contrary, the importance of music is its connection to and confirmation of life. Anyone who wants to sing to commemorate an occasion is urged to do so (Bebey, 1975). This embodies the music of the civil rights movement and its song leaders.

Call-and-response singing was brought to America by enslaved Africans who transformed them into spirituals. These spirituals were sung, often with no, or only minor, changes, as Movement songs. There is debate over whether spirituals were protest songs against slavery or reworked white spirituals (Reagon, 1975; Nettl, 1964). Probably, they came out of both traditions. Their importance to the Movement, however, is not whether they have a pure African genesis, but what they meant to an oppressed people. For example, the song "Oh, Freedom" was a slave song that was sung during the Atlanta riots of 1906. It also became one of the bedrock songs of the civil rights movement:

Oh freedom, Oh freedom
Oh freedom over me
and before I be a slave
I'll be buried in my grave
And go home to my Lord and be free.

This song was also used as a union song in the 1930s. The union movement began a large mobilization in the early twentieth century. As the Industrial Revolution grew, blacks moved north, and both they and new immigrants began to inhabit cities, taking jobs in urban factories. This was a time when labor unions gained strength under the rubric that collective bargaining was a better way to negotiate than the ballot box. It was during this period that the IWW, or the Wobblies, organized. They consisted of anarchists, communists, revolutionaries, and trade unionists, who were great believers in the power of song. They began to publish a songbook, Songs to Fan the Flames of Discontent, also known as the Little Red Songbook. One of their songs was "Solidarity forever," which was later developed as a freedom song, as were others (Reagon, 1975; Eyerman & Jamison, 1998; Reed, 2005).

The civil rights movement was a singing and marching movement. Music helped keep it together and focused. Demonstrations of young black men and women, along with some older blacks and a few whites, would walk through the streets singing (Appleton, 1975). Music was central to African-American life in the South, in both secular and sacred aspects. Protest songs were the voice of the people, and a study of it thus becomes a study of community. Interestingly, the shift in historical studies from an emphasis on major events and "great" men to one that focuses on community and ordinary people began in the 1960s (Novick, 1988).

PUNK ROCK IN THE 1980s

Punk emerged on the scene in the 1970s. It not only rebelled against the current rock scene, it also rebelled against the traditional, mainstream, direct action style of protest. Those involved in the movement were not interested in change; instead, they wanted to disengage from conventional society.

Punk surfaced on both sides of the Atlantic at the same time. While much of the literature divides punk into British and American, Jon Stratton (2005, 2007) contends that punk was the youth subcultures' of the West reaction to World War II and the Holocaust. Up through the late 1970s, the term "Holocaust" had not yet been coined to define the genocide of European Jewry, together with other minority groups, such as the gypsies, homosexuals, and political and religious opponents of Hitler. However, according to Stratton, there was a conscious realization growing that the major tenets of the Enlightenment, upon which the West had built its civilization, were not true. For example, the idea of the social progression of civilization according to scientific principles and rational thought had been

used to systematically murder entire groups of people. Some, here Stratton cites Jean-Francois Lyotard, have marked this period as the moment of transition from modernity to postmodernity. Most studies of punk do not include this background in their analyses, although, culture critic Dick Hebdige, punk style was a mix-and-match distortion of the major post–World War II subcultures (Fox, 1987; Fryer, 1986; Mattson, 2001; Moore, 2004; Hebdige, 1979).

Reagan's America and Punk

Reagan's America and punk worked well together. Although the punk subculture predated the ascendency of Ronald Reagan as president of the United States, the rise of conservatism found its apex during his reign, as did punk. The 1980s was one of the most conservative decades in U.S. history, binding together culturally conservative, fundamentalist Christians with free market libertarians, under the Republican tent. Deregulation and supply side economics were the theories of his administration, which led to the ascent of big corporations and the dismantlement of government programs. Under Reagan, government was "the problem" while big business, especially the financial sector, was starting its free rein from oversight. Instead of keeping a strong legal barrier between Wall Street and government, Reagan appointed Donald T. Regan, the chairman and CEO of Merrill Lynch, as his Secretary of the Treasury. This began a time of corporate raiding and relaxed regulation, which culminated 25 years later with the massive collapse of the global financial system.

Beginning with Reagan's presidency, it became the belief of mainstream America and those they put in public office that all institutions, including school systems, higher education, and government, could and should be run like businesses, that is, for a profit. This led to further massive deregulations of the rules and laws governing finance under Clinton and Bush II. Roosevelt's New Deal, which had held sway since the 1930s, with its assumption of social equality, was undercut as Reagan took the country in a new direction, back to a new Gilded Age (Mattson, 2001; Johnson, 1991; Rogin, 1987).

The values espoused during the Reagan administration were those of power and wealth. Conspicuous consumption became a symbol of virtue to which many aspired and was encouraged by the Nancy Reagan, who wore a gown estimated at $46,000 at Reagan's second inaugural. Reagan, himself, seems to have been a product of the old Hollywood (he had been an actor before he went into politics), in his embrace of the conservative, masculine

messages found in movies such as John Wayne Westerns, the *Rambo* franchise, and Clint Eastward's *Dirty Harry* series. The world of Reagan was one of a celebration of wealth, overt masculinity, engineered optimism, corporatization, and the vilification of government (Mattson, 2001).

The punk rock scene that arose during the late 1970s and continued throughout the conservative Reagan 1980s was, in part, a protest of these values. Punk was an oppositional and anarchic movement that fought against this massive focus on wealth and excess, while floundering in the lack of absolute morals of traditional society. Those who comprised this movement were primarily white, middle class, and male.

Punk Style

Punk is often associated with class conflict. The most repeated narrative is that punk came from angry working-class, young men, who hated school, could not find jobs, found government corrupt, and their homes vast wastelands of city housing. Punk style and music was a natural evolution out of rock music. However, this was not the case. Punk came from a mostly white, male, middle-class environment, most of whose adherents were educated musicians, artists, and entrepreneurs (Fryer, 1986).

The major theme academics have focused on is style (Hebdige, 1979; Brake, 1980; Fox, 1987; Fryer, 1986; Moore, 2004) because this is one way people separate themselves from others; when many people choose the same style, it defines their membership in a group. These subculture theorists of punk believe that punk style is the political message because it rejects what mainstream culture values. However, as Mattson (2001) points out, too great an emphasis on style, without also addressing subcultural production, underscores the powerlessness of the rebellion against a society that reintegrates the rebellion into itself. That is, in a consumer society, the elements of dissent themselves will be brought into the consumer market, thus negating the power of the insurgence.

Punks came from many different political backgrounds, but what they had in common was a resistance to American corporate power and youth alienation, which led them to a culture of Do It Yourself (DIY). In that sense, it was like the arts and crafts movement of the early 1900s. In another sense, it was like the Dadaist and Surrealist movements in the art world. In fact, many musicians associated with punk had art backgrounds (Fryer, 1986). Punk subverted categorical meanings of things. For example, garbage bags were used as clothes, and safety pins as jewelry or ornaments. Punk dress was

meant to be openly repulsive and threatening. Clothes were purposely ripped, seams put on the outside, and multiple zippers added. Shirts were covered with swear words, disgusting sayings, even fake blood. Hair was cut short or in a Mohawk or buzz cut and dyed in vivid, unnatural colors like vivid blues, greens, yellows, and reds. Black leather, rubber, and plastic, body piercings and tattoos, often including swastikas or other Nazi symbols, spiked collars, razor blades, and chains were the norm. Heavy black makeup was worn by both men and women, who walked around with blank looks, negating emotion. Punks understood that dress style was a way for people to demarcate themselves from others (Hebdige, 1979; Brake, 1980; Fox, 1987).

The main problem that has emerged from the use of style as a mainstream marker is what happens when the dominant culture usurps it for its own use. Just like the 1960s, when torn, washed-out jeans were made by upscale designers, punk clothes could also be bought at a price. Being punk became part of fashion. Another problem that has surfaced is that the focus on style has overshadowed other important factors in understanding punk, such as issues of identity, self-understanding, and authenticity (Moore, 2007; Mattson, 2001; Traber, 2001).

Punk Music

Punk music developed out of garage rock and other musical forms in the middle 1970s as a rebellion against the excesses of mainstream rock. Groups often cited as anathema to punk rockers include Kiss, Genesis, and Led Zeppelin. While this is simplistic, it does relate the message that rock had grown too commercial. To counter this musically, punk rockers stripped their music to include only a few instruments playing a minimum number of chords. The style was loud, fast, and short, with a heavy drum beat. The lead guitar played chords rather than individual notes of a melody. The lyrics of their punk songs were short bursts of sound, full of anger, frustration and despair, and usually political (Fryer, 1986; Albiez, 2003).

Punk musicians derided the idea that professional musicians needed to be skilled instrumentalists. Instead, they made it a point of pride to use only three or four chords in their music. Bands, such as the Ramones and the Sex Pistols, boasted about their lack of musical ability, although some were accomplished musicians. There is a story about one fanzine that printed instructions on how to play three guitar chords, with the charge "*Now Form a Band*" (Moore, 2007; Fryer, 1986). The message was populist: create with passion and say something; technical adroitness is superficial. Another way

they sent this message was by mocking the pretentiousness and life styles of commercial rock bands. Punk music's aesthetic was based on anarchy and nihilism. By the late 1970s, punk had emerged as the alternative to rock music (Moore, 2007).

The punk rock movement that peaked during the Reagan 1980s was a full blown incorporation of musicians, music producers, independent record companies, fanzine writers, and fans. The purpose was to create an oppositional structure to the corporate means of production. To do this, they produced and sold their own music through alternative avenues, wrote and distributed zines (short for fanzine, a handmade publication of original or others' written or art work), and held performances. The idea was to do it yourself.

Some of the first punk bands in the United States were the Ramones, the Talking Heads, and the Velvet Underground, all of whose members came from the middle class, many of whom were college educated. The members of the Ramones were from middle-class families in Forest Hills, Queens, NY, and the original members of the Talking Heads were all alumni of the Rhode Island School of Design.

One of the most influential groups, however, was The Velvet Underground. Founding member Lou Reed, singer/guitarist, and Sterling Morrison, guitarist, had been college roommates. The other founding member of the group, John Cale, had been a student of John Cage. Cage was a major Western composer and a leading figure of the early twentieth century avant-garde. He was known for his non-standard use of instruments and also did pioneering work in electronic music. Cage himself had been a student of Arnold Schoenberg, who established atonality and the 12-tone technique, a musical technique that destroyed Western tonality. In traditional Western music, there are consonant and dissonant sounds that melodically revolve around and resolve to a tonic. Schoenberg's technique abolished both the ideal of a tonic and the difference between what musical sounds are consonant (pleasing) and which are dissonant (disagreeable). Cale had also studied and worked with another avant-garde composer, La Monte Young, whose work in musical minimalism and use of drones also influenced Cale. The Velvet Underground, whose practice included "noise" as part of their sound, was inspirational to many British punk groups (Mattson, 2001; Fryer, 1986; Grout, 1960; Apel, 1969; Joseph, 2002).

Other punk musicians also had backgrounds in the arts, including singer Patti Smith, who wrote poetry, Tom Verlaine of the band Television, who was fascinated by lyric French poetry, and Sandy Pearlman, a poet who produced all the Blue Öyster Cult's albums (Fryer, 1986).

Within punk, it was the individual who was fighting to retain his/her identity from being overwhelmed by the mass commercialism. The meaning of the music reflected this, as its meaning was also up to the individual listener. Punk was not striving to change the country. What that struggle would result in was unknowable. Thus, the struggle, according to Mattson (2001), was the message.

Unlike the white youth rebellion of the 1960s, when authenticity was believed to be connected to the folk, and folk music was considered to be the voice of the people, by the late 1970s and 1980s, the mechanization and crass commercialism of the dominant culture led to a revolt against accepted and assumed norms. In music, this consisted of a rejection of classical Western music theory and the idea of melody.

MUSICAL PROTEST

Both movements used spontaneity in their songs. However, the type of spontaneity was different. In the civil rights movement, spontaneity meant a change of lyric within a known melody. In punk music, it could mean anything. The lyrics could change, the chords, the sound in general. It was based on the spontaneity of the musicians and how they felt at the moment.

Protest Music as a Reflection of Justice Paradigms

As protest, it is possible to understand these movements through the lenses of ''consensual'' and ''critical'' paradigms of the law. Using these models, the civil rights movement may be viewed as exemplifying the consensual belief that America has a central set of beliefs and morals around which her legal and justice systems revolve. Such beliefs include the ideas of freedom, equality, and liberty, ideas that are considered fixed as they are agreed to by society. According to this paradigm, southern cities and towns had debased America's ideals through their affirmation of segregation. This was a foundational belief of the movement. As such, it employed songs ''of the people'' that represented the wishes and desires of the oppressed to take their place within the mainstream society.

In contrast, the Punk Movement comes from a ''critical'' paradigm, where society is split into competing segments around different issues. Examples of these interest groups include big business, conservation, global warming, anti-nuclear proliferation, and gay marriage. Each vies for power in several

arenas and may combine with other groups to get it. The law is influenced by these powerful groups. However, the groups themselves change in membership according to particular interpretations of specific issues and may split on certain issues. Thus, the power of these groups rises and falls, depending on various factors. This may be seen in the punk movement as individuals come together on certain issues, but retain their focus on themselves. The music reflects this as it centers on the DIY paradigm of composing, playing, producing, and selling the product.

The decade from 1955 to 1965 was a time of good economic conditions. The country was still basking in the afterglow of World War II, where good had triumphed over evil, America had lived up to its ideals, and the values of the Enlightenment were proved. The Greatest Generation had won the war, Korea was only a blip on the screen, and Viet Nam had not yet come into the country's consciousness. People had a feeling that everything was possible.

Of course, this was only true if one were white and at least middle class. What the black youth culture together with middle-class blacks of the 1960s did was to take American ideals literally. It was because young blacks in the south, the main movers and the shakers of the civil rights movement, believed that all Americans had the right to good schools, to vote, to live in decent housing, not to be intimidated, to be treated equally, that they rose up and demanded these things. And, unlike the punk message that the struggle was the message, the civil rights movement had a definite goal in mind – racial equality.

It was in the decade of the 1960s that multiculturalism was in vogue, when other cultures were deemed equal to those of the West. It was also a time to help seniors, with the passage of the government program Medicare, and to take care of the poor, with President Johnson's War on Poverty that began programs like Head Start to give underprivileged, preschool children educational, nutritional, and social help. This was all within the context of the civil rights movement.

By the 1980s, the economic situation had begun to decline and, with it, the country's hopeful attitude. In the 1970s, there was an oil embargo, interest rates hit double digits, and New York City almost went into bankruptcy. The political climate turned conservative, and Ronald Reagan was elected president. He immediately began to dismantle many of the liberal programs that had been put in place beginning in the 1930s. The tenor of the country turned inward. Social programs for the less fortunate were rejected as indulging those who did not want to work. Taxes were rerouted from progressive to regressive paths. Suburbanites no longer wanted their property tax dollars to fund inner city schools. The new message was that it is all about

me. Industry was beginning to shut down, and the consumer culture built on service jobs was taking its place. This was the context of the punk movement.

The structure of the music of the civil rights movement was in tune with the dominant society. It was tonal, used a traditional structure, and Western harmonies. Many of its melodies were decades, even centuries, old. It exuded substance, community, and positive emotion. It was built on rational Western ideals.

This contrasts with the structure of punk music. By definition, it had none. This "lack" of structure, however, was in itself a structure. There have been studies that directly link postmodernism and punk (McRobbie, 1986; Hebdige, 1979; Brake, 1980; Moore, 2004). These studies raise a question, however, about the meaning of postmodernism in music. Postmodernism has been defined as a mixing of styles, a negation of hierarchy, and a validation of local stories over metanarratives. But this kind of definition misses the point. Postmodernism is not searching for "objective, universal truth" as Moore (2004) states. That concept was debunked a long time ago (de Saussure, 1959; Husserl, 1954/1970; Madison, 1982). Postmodernism is the realization that there are no absolute truths. And "true" to its postmodern roots, this negation is found in punk. Ideally, there are no answers to its protest and it seeks none. People seek to resolve their issues in their own individual way. No one way is considered correct. When there is agreement, it becomes "inauthentic" and thus not punk. Moore's article in postmodernism and punk highlights this even if his introduction points in another direction. The various types of punk he describes, found in New York City and Britain in 1976–1977 and in California from around 1977–1984, reject the power large corporations have, with their monopoly over cultural values and mores, to dictate taste through the media and crass consumerism. The punk subcultures that emerged during this period defined themselves in the negation of these terms. They fought commercialism through parody, irony, and nihilism. They rejected the styles and beauty concepts of the fashion industry and the suburban lifestyle that was supposed to be everyone's dream, and from which many of them came. Some of them did this through the postmodern method of deconstruction, which led them to favor a DIY ideal and even self-mutilation.

Others went on a quest for "authenticity" and "purity" in punk, which invalidated its punk's concepts. It also helped end the movement.

The two movements show opposite sides of protest. The inclusiveness of the civil rights movement, often led by both men and women (although women were mostly unacknowledged), and the broad definition of its goals point to its modernist foundations. Likewise, its music is traditional. Punk is

a reflection of postmodernism as it was a fragmented movement. The individualization of punk, its middle-class, white, male base, and localized answers to universal questions all point to its postmodern foundation.

It is interesting that the major modernist movement for civil liberation resulted in the fragmentation of American society into a multitude of subgroups, each seeking its own enfranchisement, including African Americans, Chicanos, women, Puerto Ricans, and Native Americans (Anderson, 1995). The understanding of modernism fragmented into postmodernism, and the music of each of their times reflected both.

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PART III
CRIME AND JUSTICE IN NON-FICTION

EVIL MONSTERS AND CUNNING PERVERTS: REPRESENTING AND REGULATING THE DANGEROUS PAEDOPHILE [☆]

Anneke Meyer

ABSTRACT

Purpose – The crime of child sex offending or child sexual abuse is a serious social problem. Since the 1990s, it has been popularly conceptualised as a 'paedophile threat' and has become one of the most high-profile crimes of our times. This chapter examines the social construction of paedophiles in UK newspapers and its impact on official regulation of child sex offenders.

Methodology/approach – Discourse analysis is used to establish how newspaper language produces common discourses around child sex offenders. Documentary research of government legislation and law enforcement helps analyse the ways in which official regulation is informed by media discourses.

[☆] The bold font of certain words and expressions in newspaper quotes has been added by the author to highlight discourses.

Findings – *Newspaper discourses around child sex offenders construct the paedophile as a distinct and dangerous category of person. This media figure informs government legislation and law enforcement in several ways. For example, discourses around paedophiles necessitate and legitimate punitive legal trends regarding child sex offenders and facilitate the conceptualisation of specific laws.*

The conceptual shift towards understanding child sexual abuse through the figure of the paedophile has several detrimental consequences. This chapter offers a critique of contemporary media and governmental/legal discourses, pointing to misrepresentation, sensationalism, demonisation and insufficient child protection.

Value – *This research indicates that discourses and conceptual shifts around child sex offenders are driven by the media but have come to be accepted and perpetuated by the government and the law. This dynamic not only illustrates the power of the media to set agendas but raises questions regarding the adequacy of official governance informed by media discourses.*

INTRODUCTION

This chapter explores the social construction of paedophiles in the media and the ways in which they inform official regulation of child sex offenders. Since the mid-1990s, paedophilia has attracted enormous interest and concern across many Western industrialised nations including the United States and the United Kingdom. This preoccupation can be witnessed in the media (e.g. the launch of anti-paedophile campaigns), the wider public (e.g. anti-paedophile protests, vigilante attacks and killings) and the government and its law enforcement agencies (e.g. the introduction of new legislation). The crime at stake is child sexual abuse or child sex offending; it came onto the public agenda in the United Kingdom in the 1980s when it was framed as a problem of the family (Campbell, 1988). Research has shown that the vast majority of child sexual abuse is committed by someone who is known to the victim and often stands in a close, familial relation to it (e.g. Cawson, Wattam, & Kelly, 2000; Grubin, 1998). While concerns about paedophilia are concerns about children being sexually abused, the terminological change from 'child sexual abuse' to 'paedophilia' reflects wider conceptual changes (Kitzinger, 1999). Paedophilia is embodied by the figure of the

paedophile who is a highly dangerous stranger who attacks, sexually abuses and potentially kills children (Meyer, 2007).

The media have both driven and reflect the obsession of Western cultures with paedophiles (Kincaid, 1998). Quantitative studies regarding the UK media (e.g. Critcher, 2003; Silverman & Wilson, 2002) have shown that since the 1990s, the number of paedophilia-related stories has risen dramatically and remained at a very high level. Coverage peaks at specific points, usually driven by particular high-profile events. The three biggest cases in the United Kingdom concern the murder of Sarah Payne by a convicted paedophile in summer 2000, the murder of Holly Wells and Jessica Chapman by a school caretaker in summer 2002 and the suspected abduction and murder of Madeleine McCann in summer 2007. Newspapers devote several pages, including the front pages, to these stories for weeks while television news programmes dedicate long reports. Aside from specific cases, the media continuously produce numerous factual documentaries and special investigative reports into a wide range of paedophilia-related aspects (e.g. on Internet paedophiles or the work of anti-paedophile police units), take issue with paedophiles in chat shows and magazine programmes and offer fictional accounts of paedophilia in television dramas or cinema films. But it is not only the *amount* of media attention which is central to the construction of paedophiles as a major social threat but also the *intensity* of coverage. A number of UK newspapers have run campaigns to expose convicted paedophiles by publishing their names, addresses and photographs (Kitzinger, 1999). The most infamous example is the *News of the World*'s 'Name and Shame' campaign in 2000, which demanded legal changes in the form of indeterminate sentences for paedophiles and public access to the sex offenders' register (SOR). The *News of the World* branded these changes 'Sarah's Law' in reference to Sarah Payne and in imitation of 'Megan's Law' in the United States.

While paedophiles are widely represented in all media, this chapter is limited to an analysis of newspapers because of space constraints and salience of the press. Societal preoccupation with paedophiles is continuously fuelled by newspaper coverage of real-life cases. The analysis focuses on two different types of British newspapers: the *News of the World* and the *Guardian*. The *News of the World* is a tabloid with a conservative-populist outlook, which uses sensational language and attention-grabbing headlines. Much of its space is taken up by visual materials such as images, photographs and large writing. It covers some serious news material, such as political events or social issues, but often in little depth, and carries ample light entertainment news such as celebrity stories. The purpose of the

newspaper is to entertain as much as provide information. The *News of the World* is the biggest selling Sunday newspaper in the United Kingdom with circulation figures just over 3 million (ABC, 2009). The *Guardian* is a daily broadsheet with a liberal-left political outlook. It is a serious newspaper in which most space is taken up by dense writing and the style is largely sober and analytical. Most coverage is devoted to serious national and international news on politics, social issues, culture, finance and economy, and the *Guardian* often provides in-depth information including backgrounds and analyses. The *Guardian* has a high standing in the United Kingdom, but with average circulation figures around 330,000 copies it attracts a fraction of the readership of the *News of the World* (ABC, 2009). The *Guardian* and the *News of the World* are at opposite ends of the UK newspaper spectrum, which makes for a useful comparative analysis. The aim of the chapter is twofold. Firstly, it explores the discourses produced around paedophiles in the two newspapers. It will follow the media in referring to child sex offenders as 'paedophile(s)' but point to the problems associated with this terminology. Secondly, the chapter analyses the ways in which media discourses inform practices of government regulation of child sex offenders.

THE SOCIAL CONSTRUCTION
OF THE PAEDOPHILE: A CASE STUDY
OF UK NEWSPAPER DISCOURSES

Evil

Following Foucault, discourses can be understood as follows:

> [W]ays of referring to or constructing knowledge about a particular topic of practice: a cluster (or formation) of ideas, images and practices, which provide ways of talking about, forms of knowledge and conduct associated with, a particular topic, social activity or institutional site in society. (Hall, 1997, p. 6)

Hence, discourses are systems of representation which exist in the form of language, images and social practices. This section identifies some major discourses that British newspapers construct around paedophiles and the meanings produced in the process. In sum, the paedophile emerges as a distinct figure with a typical mindset, character and behaviour pattern that differentiates it from the rest of humanity. Central to this construction is the discourse of evil (e.g. Collier, 2001; Kitzinger, 2004). The British tabloid

press in particular frames paedophiles as possessing a thoroughly wicked, malicious and evil nature, devoid of any positive or ambiguous characteristics. Consequently, paedophiles have been identified as classic folk devil of our times (Critcher, 2003). Paedophiles are linguistically produced as evil through lexical items that directly associate them with the realm of the satanic, such as 'devil', 'evil', '(sex) fiend', 'depravity/depraved' or 'vicious'. In the *News of the World* editorial, demands such as 'For these **evil** perverts there must be no hiding place' (Editorial, 2000, p. 6) or descriptions such as 'The **fiend** spent 15 years indulging his **depraved** desires before being caught' (O'Dornan, 2008) illustrate the use of such language, which demonises paedophiles as evil and non-human. The newspaper is also littered with sensational headlines that highlight the discourse of evil because of their prominence. In the headline, '**Evil** paedos are secret BNP thugs' (Sabey, 2008), 'evil' is an adjective that attributes a specific meaning to the noun 'paedo'. But headlines such as '**Evil** on the loose' (Gekoski, 2003, p. 32) demonstrate that the discourse of evil has become so pervasive that 'evil' can be used as a noun to replace 'paedophile'. Readers can be expected to correctly decode 'evil' as 'paedophile' because of the constant connections made in the *News of the World* (Fairclough, 1989).

Broadsheet papers such as the *Guardian* also brand paedophiles as evil, for example, by proclaiming that

> Nothing will prevent the existence and activities of paedophiles. So better, surely, that their **depravities** are enacted in their computers or imaginations than in reality. (Lawson, 2008, p. 32)

However, such direct demonisation is uncommon and less sensational and essentialising than in the *News of the World*. The *Guardian* tends to describe the *acts* of paedophiles rather than individuals per se as evil and there is no usage of 'evil' as a noun to stand in for paedophiles. There are also no headlines highlighting the discourse of evil. At times, the *Guardian* carries opinion pieces that directly speak out against demonisation. These emphasise the humanity of paedophiles, for example, by stating that they are

> [S]imply men (and mostly men) who have committed criminal acts, often so horrific they seem unforgivable. That does not, however, make them devils or monsters. They are neither essentially different nor utterly evil. (Birkett, 2000, p. 20)

Demonisation is also frequently criticised for being counterproductive because it makes paedophiles more dangerous:

> In short, they [paedophiles] are more likely to re-offend when they are "named and shamed", hounded from pillar to post, demonised, scapegoated and pilloried. [...] [I]f we

want to make children safer and stop others from falling victim to sexual abuse, we need to engage in a mature debate about what is likely to work with this group of offenders and not fall for lurid tabloid headlines, populist cries for castration or unleashed hounds. (Wilson, 2008, p. 27)

In these instances, the *Guardian* juxtaposes itself against tabloid newspapers that whip up public outrage. It portrays itself as the voice of liberalism and rationality, playing down its complicity in demonisation.

Demonisation is also effected through a terminology that equates paedophiles with animals. Words such as 'monster', 'predator/predatory', 'beast', 'lurk', 'den', 'lair', 'prey' or 'pounce' usually refer to animals but have become common language in the discussion of paedophiles. The *News of the World*, for example, justifies its demands for 'Sarah's Law' writing that

[W]e must have Sarah's Law to protect our children from **predatory paedophiles**. [...] These are real people with real fears about **monsters lurking** in their communities. [...] The information needed by worried parents will cover only those paedophiles who repeatedly **prey** on children and pose real danger. (Editorial, 2002, p. 6)

Or it offers extremely sensational headlines such as 'Inside **Beast's Lair**' (Stow, 2009, pp. 20–21), which readers know refer to paedophiles because of the ubiquity of such language. The situation in the *Guardian* is more complex; some terms are acceptable, whereas others are not and contexts of deployment vary. Since 2003, the terms 'predator', 'predatory', 'prey' and 'pervert' have been used. For example, in a news article, the *Guardian* states that

A **predatory** paedophile walked free from court yesterday after admitting a string of sex attacks on children, including an 18-month-old baby. Michael Porter, 38, used his trusted position as a prominent Jehovah's Witness to **prey** on youngsters, many of them children of members of the church. (Morris, 2007, p. 6)

An article in 2003 carried the headline 'The perfect family man who **preyed** on young chatroom girls' (Morris, 2003a, p. 3). However, animal terminology is uncommon and headlines of this nature are extremely rare. Moreover, the *Guardian* uses these terms in the context of a broadsheet style of coverage characterised by matter-of-fact, news-based reporting. There are also many animal terms that are staples of the *News of the World* yet shunned by the *Guardian*, such as 'beast', 'monster', 'lair', 'den' or 'pest'. The overall impact of the *Guardian*'s coverage is not as demonising or sensationalising as the *News of the World*'s, but it nevertheless categorises and objectifies paedophiles as a distinct and sub-human breed and contributes to the legitimation of the discourse of evil.

Perversion and Pathology

Both the *News of the World* and the *Guardian* define paedophiles as adults who are sexually attracted to children. This sexuality is constructed as deviant and abnormal through discourses of perversion and pathology. The discourse of perversion describes paedophiles as sick and perverted through nouns such as 'pervert' or 'perv' and adjectives such as 'sick', 'vile' or 'disgusting'. The *News of the World* frequently displays sensational headlines such as 'What to do if there is a **pervert** on your doorstep' (*News of the World*, 2000b) or 'Schools put on red alert; Fear as **vile** paedophile is released from prison' (Ferry, 2009, p. 6). Perversion is a moralistic and normative discourse that expresses feelings of disgust and repugnance. Moreover, it frames the 'perverted' sexuality as an obsessive, compulsive lust that drives paedophiles to perpetually offend. The *News of the World*'s writes that

> If you think Britain cares about its children ask yourselves why convicted paedophiles are freed by courts to wander among our kids, when even THEY tell us they can't be cured. (Malone, 2008)

Paedophiles are seen as incapable of changing their behaviour and therefore incurable: 'once a paedophile, always a paedophiles' is a popular sound bite which sums up this view. As a consequence of this incurability, paedophiles are a permanent risk, and ordinary penal measures are declared ineffective. The *News of the World* uses these arguments to justify its demands for special legal measures such as public access to the SOR and indeterminate sentences for paedophiles.

Since 2003, the *Guardian* has also produced the discourse of perversion, using linguistic terms such as 'pervert', 'vile', 'sick', 'warped' or 'twisted'. For example, paedophiles are occasionally described as 'warped individuals' (Nightingale, 2007, p. 23), and in 2003, a *Guardian* editorial considered the impact of the Internet on paedophile offending, suggesting that

> Technology has opened up much greater opportunities for **perverts** (however small in number relative to internet users as a whole) but also offers sophisticated technologies to track paedophiles and other sexual offenders down as a recent spate of arrests indicates. […] It is not an easy call. A serious debate is urgently needed. (Editorial, 2003, p. 23)

In many ways, this extract indicates a broadsheet style that is typical of the *Guardian*; for example, the pros and cons of technological developments are considered and the editorial calls for a debate rather than drastic regulatory measures. But suddenly, the term 'pervert' appears, which the newspaper considered unacceptable until 2003. The sober context arguably

lessens the sensational impact of 'pervert'; however, terminological changes over time are remarkable and an indicator of a lack of a truly liberal discourse around paedophiles.

Despite historical changes, the use of the discourse of perversion remains rare in the *Guardian* as the paper mostly understands paedophiles through a pseudo-medical discourse of pathology. This discourse classifies paedophilia as an illness that those afflicted have to be treated for. There is a belief that with medical help, paedophiles may learn to control themselves and stop offending. In this sense, there is potential for them to be rehabilitated. For example, the *Guardian* suggests it is important to 'involve them [paedophiles] in treatment programmes which can control their deviant sexual tendencies' (Travis, 2000, p. 3). The discourse of pathology lacks the sensational terminology and negative expressions of affect, which are central to the discourse of perversion. It is less condemnatory and instead geared towards understanding and help. For example, in an article on Internet paedophiles, the *Guardian* suggests that

> In the case of internet offenders, there is a clear opportunity not only to reduce the demand that fuels actual abuse, but to modify problematic behaviour before it escalates. (…) [S]hifting emphasis from getting caught to getting **help** is in everyone's interests. Those working with viewers find them highly responsive to early intervention. (Brooks, 2008, p. 30)

Nevertheless, the discourse of pathology is normative, classifying paedophilia as abnormal and prescribing 'help' and 'treatment' as effectively retuning paedophiles to the norm, that is, sexual desire focused on adults. There is noticeably little talk of paedophiles being cured or rehabilitated in the *Guardian*. Instead, the discourse of pathology steers the debate towards the possibility of lowering recidivism rates through the *management* of sexual drives by means of medical treatment and social support networks. Both discourses of perversion and pathology frame paedophiles as a permanent risk; the differences are their respective positions on the size, manageability and preventability of this risk. A historical analysis of the *Guardian* over the past 10 years suggests that at the end of this decade, faith in rehabilitation, in the sense of a 'cure', has disappeared and firmly given way to a language of risk management.

Cunning

Unlike other discourses, the discourse of cunning is pervasive in both the *News of the World* and the *Guardian*. It is a complex and multi-faceted

discourse that constructs paedophiles as meticulously and carefully planning their actions, as being very smart, clever, organised, strategic and difficult to catch. The specifics and contexts of stories vary; from reports on paedophiles disguising their true identities to forging official documents, from stories on paedophiles using the latest technologies to facilitate abuse to evading police detection and arrest. Newspapers frequently cover national and global paedophile rings where paedophiles collectively network to share information, pornographic material and organise the sexual abuse of children, as evidenced in headlines such as 'UK children rescued from worldwide sex abuse ring: Two-year inquiry smashes highly sophisticated group' (Dodd, 2008, p. 13). Both individual paedophiles and paedophile rings are portrayed as facilitating sexual abuse through three core strategies. The first strategy concerns frequenting or living near typical children's places, such as parks, playgrounds, funfairs, schools or swimming baths. For example, the *Guardian* writes that Roy Whiting, the paedophile convicted of the murder of Sarah Payne:

> [M]oved into a flat a short walk for the Harbour Park **amusement park**, a **children's playground**, and the shingle **beach**. […] There is no direct evidence Whiting began **hunting** for children but the alibi he gave for his movements on the day of Sarah's murder may be telling. He claimed he sat in two **parks** and went to a **fair**. Detectives believe he came up with these locations because they were the places he did often visit. Two and a half years after leaving prison … Whiting was again to be found **near where children were playing**, apparently **waiting for his chance to pounce**. (Morris, 2001, p. 3)

Paedophiles are presented as frequenting these places to create opportunities for contact with and sexual abuse of children.

The second strategy has become known as 'grooming'. This refers to a process in which paedophiles are said to befriend children or their parents to gain their trust, get close to them and sexually abuse the children (Lumby, 1997). 'Grooming' is often presented as facilitated by 'tools', such as presents for children or offering help to parents. For example, the *News of the World* defines this concept when it writes,

> **Cunning** Shaun Jerome **lured** the 12-year-old [girl] into his evil clutches after he turned up to join her music group. (…) Jerome, 24, **won over the trainee band-members by playing cymbals and sounding "cool" by talking about Harry Potter**. But he **struck a different note with one trusting family who invited him back to their home**. He **groomed their 12-year-old girl with gifts of sweets and even an MP3 player** - before raping and subjecting her to vile sexual abuse. (Herbert, 2008)

The term 'grooming' is used by newspapers to refer to processes of befriending children both online (e.g. via Internet chat rooms) and in the

'real' world. The *Guardian* occasionally puts the term 'groom' in quotation marks and thereby indicates its contested nature. However, the newspaper uses the term and certainly accepts the concept behind it, writing for example,

> Barron, himself a grandfather, went about **befriending** the parents of children he was to abuse through roles at primary schools, youth clubs and cub groups, **persuading** them to allow their children to stay at his house. Oxford crown court heard how he would later **bribe** the children, who were aged between three and 12 years old, not to reveal what he had done to them, by giving them ice lollies and sweets. (Glendinning, 2007, p. 6)

Both newspaper quotes illustrate that the discourse of cunning is not simply about organisation and planning but also involves a dimension of slyness, manipulation and deceit. Paedophiles deceive their employers, parents and victims and manipulate situations to achieve their goals. This dimension is often conveyed through words such as 'lure', 'entice', 'trick', 'trap', 'persuade' or 'bribe'.

The third strategy refers to paedophiles actively seeking out jobs involving children to create opportunities of abuse. The *News of the World* and the *Guardian* both portray paedophiles as engaged in this strategy of employment, but they differ in terms of examples selected. The *Guardian* frequently devotes articles to paedophiles working in the Catholic church, child care homes, child care professions and education, as evidenced in headlines such as,

> Ireland: Thousands raped and abused in Catholic schools: Report details 60 years of terror by priests and nuns: Victims say failure to seek prosecutions is a disgrace. (McDonald, 2009, p. 20)

Newspapers create the impression that these are not one-off incidents but that paedophiles systematically infiltrate certain professions by repeatedly covering numerous cases and using words such as 'endemic' or 'thousands' (McDonald, 2009, p. 20) to describe the extent of the problem. Popular neologisms such as 'paedophile priest' further reinforce this picture by consolidating a detailed concept into a memorable sound bite. The *News of the World* tells the same story as the *Guardian* but focuses on different examples. The tabloid frequently covers incidents of paedophiles obtaining jobs as scout leaders, teachers, babysitters and sports coaches. It writes, for example, that,

> The **boy scout movement**, aware it has long been a **target** for sexual predators, has amassed the most complete list of child sex offenders in Britain. [...] **Five in every 1000 applications** are singled out as having more **sinister intentions** and barred. (*News of the World*, 2000a, p. 5)

The large scale of the problem is emphasised through repeated coverage, and the *News of the World* uses words such as 'target' and 'sinister intentions' to render explicit that paedophiles *deliberately* and *systematically* apply for jobs that involve children with the intention of sexually abusing them.

Dangerousness, Stranger Danger and Child Sexual Abuse

All discourses discussed categorise and Other paedophiles by defining certain characteristics as typical of a social group. But in contrast to Cohen's (1972) folk devil, the paedophile is not portrayed as simply devilish or non-human. The discourse of cunning restores human-ness to the paedophile by being a distinctly rational and cognitive form of behaviour. It is the *mix* of evil and cunning, of devil and human, which makes the paedophile so dangerous: human appearance, behaviour and skills allow the paedophile to think strategically and act deceitfully, to effect evil most efficiently. Through the discourses of evil and cunning, the paedophile is constructed as a gothic monster with a dual identity: appearing normal, human on the outside and malicious devil on the inside (Jancovich, 1992). For example, the *Guardian* wrote about convicted paedophile Ian Huntley:

> Beneath the **respectable façade** that Huntley **presented** to the school interview panel **lurked** a man with a proclivity for very young women and girls and a willingness to use **violence** when denied. (Morris, 2003b, p. 3)

Words such as 'façade' indicate that inner evil is seen as the true identity, which is hidden behind a performance. The 'monster within' or 'invisible monstrosity' makes the paedophile particularly dangerous because it destroys the possibility to visually identify danger. Both the *Guardian* and the *News of the World* construct the paedophile as a dangerous and distinct type of person, but there are differences regarding the kinds of discourses used (e.g. the *News of the World* never uses the discourse of pathology), the pervasiveness of discourses (e.g. the *Guardian* rarely uses discourses of evil and perversion), the extent to which discourses are highlighted through headlines (e.g. the *News of the World* contains a large number of attention-grabbing headlines), the range of opinions that are expressed (e.g. the *Guardian* contains different voices) and the use of sensational language (which is a hallmark of the *News of the World*'s coverage). Simply put, in the *News of the World*, the paedophile emerges as a thoroughly perverted, cunning and evil monster, which needs to be locked up for life, while in the

Guardian, it appears as a cunning, deviant and abnormal person with some, if limited and uncertain, possibilities of control.

Because of their dual identity, paedophiles are not visually identifiable and *anyone* could be a paedophile. The *News of the World* in particular makes these claims, repeatedly warning its readers to 'Be alert to **any adult** who pays an unusual amount of attention to your child … Question why **any adult** is seeking to be alone with your child' (*News of the World*, 2000c, p. 4). Yet at the same time, newspapers create the paedophile as a distinct discursive figure marked by specific characteristics and behaviour patterns (e.g. organised, evil, manipulative, sexually driven, attracted to places and jobs offering easy access to children). These claims are highly contradictory. How can paedophiles be fundamentally different yet universal? How can paedophiles be monsters outside humanity, yet live unidentified in society? Kincaid (1998, p. 74) captures these patterns arguing that 'while we maintain the monstrous and perverse criminality of the act, we also make it universal and inevitable'. Here, it is important that these contradictory claims are at the heart of the dangerousness of the paedophile. Tabloid newspapers in particular construct a highly dangerous type of person, which they then universalise by suggesting that anyone could be this person.

Yet, the media do not actually claim that *anyone* could be a paedophile but that *any stranger* could be a paedophile. Paedophiles are by definition strangers, and the terminological shift from 'child sexual abuse' in the 1980s to 'paedophiles' in the 1990s has entailed a conceptual shift towards dangerous strangers (Kitzinger, 1999). Newspaper reporting of child sexual abuse nearly always revolves around stranger attacks, whether the topic is paedophile rings, paedophiles 'grooming' online and so on. High-profile paedophile stories, from Sarah Payne to Holly Wells and Jessica Chapman, are stories of strangers abusing children. Newspapers routinely identify parents as the protectors of children from paedophiles. For example, the *News of the World* frames its demand for 'Sarah's Law' as a right for parents to protect their children from paedophiles:

> Our findings prove the urgent need for the introduction of Sarah's Law – currently on trial – which would let **families** check if their kids are at risk from predatory paedophiles. (…) But with no full commitment to Sarah's Law, many **parents** will still fear for their children. (Basnett, 2008)

It appears that parents are by definition not paedophiles; the two terms are mutually exclusive. There are few articles in the *News of the World* and the *Guardian* on child sexual abuse cases within the family. This is in line with the finding of Kitzinger and Skidmore's (1995) media review that 96%

of newspaper articles relating to child sexual abuse are concerned with threats from strangers (Kitzinger, 2004). Moreover, in stories about child sexual abuse in the family, offenders are seldom labelled paedophiles. Stranger danger is so fundamental to newspaper discourses on paedophiles that it does not need explicit stating and can simply be assumed (Fairclough, 1989). It underlies all the discourses hitherto discussed. For example, the discourse of the cunning paedophile who employs strategies to seek out children only makes sense if he is a stranger to the children. Or the framing of the paedophile as evil, perverted, pathological Other is incompatible with a well-integrated family father. Research suggests that child sexual abuse is a large-scale social problem and that the vast majority of cases occur in the home while stranger danger is extremely rare (Davidson, 2008). For example, Grubin (1998) calculates that around 80% of child sexual abuse is carried out by family members, relatives and friends, while Cawson et al.'s (2000) study estimates that strangers account for 5% of all child sexual abuse cases. Hence, the figure of the stranger paedophile fundamentally misrepresents the spaces and sources of danger.

REGULATING THE PAEDOPHILE: GOVERNMENT LEGISLATION, LAW ENFORCEMENT AND THE MEDIA

In the United Kingdom, paedophiles are regulated through civil and criminal laws on child sex offenders. Laws are conceived by the government and implemented by law enforcement agencies, most notably the police, the courts, prisons, probation services and multi-agency public protection panels (MAPPPs). The aims are to punish child sex offenders for their crimes, to deter them from committing future crimes and to protect the public. This chapter explores two ways in which media discourses around paedophiles shape the law, namely general legal trends and specific pieces of legislation.

Legal Trends: Demonisation, Dangerousness and Punishment

Official regulation of child sex offenders has become increasingly punitive since the 1990s, as evidenced in the creation of new offences, longer maximum sentences, preventative sentencing and an extension of control through post-release regulations and surveillance. This approach is based on

a 'community protection model' (Kemshall & McIvor, 2004) that prioritises public protection through punitive measures. Medical treatment pro- grammes exist, such as the sex offender treatment programme, but are considered supplements to punishment rather than solutions in themselves. The ideal of rehabilitation has been replaced by a risk management approach. Many of the laws and measures brought in apply to all sex offenders, that is, those who sexually offend against adults and children alike, but pre-occupation with child sex offenders has often provided the impetus for their inception. It has also become customary in the United Kingdom to use these laws and measures in relation to violent offenders as well as sexual offenders (Rook & Ward, 2004).

The abduction, sexual abuse and murder of Sarah Payne in 2000 and Holly Wells and Jessica Chapman in 2002 are the most high-profile paedophile cases in UK history, triggering intense media coverage, govern- ment attention and public interest. The Criminal Justice Act 2003 came into force shortly after these two cases and introduced two new sentencing provisions for sex offenders: indeterminate sentences and extended sentences. Indeterminate sentences are applicable to all 'dangerous offenders' and can be given to those who have (a) committed a 'serious offence' (defined as offences with a maximum sentence of 10 years or more) and (b) are considered a serious risk to the public (Davidson, 2008). Indeterminate sentences are indefinite custodial sentences where release is not automatic but has to be approved by a parole board. The court sets a minimum term that needs to be served before a case can be considered for parole. Extended sentences are applicable to sexual and violent offenders who are (a) convicted of non-serious offences (defined as offences carrying a maximum sentence between two and 10 years) and (b) who are considered a serious risk to the public. Extended sentences consist of a custodial term and a period of licence, and it is the latter that is extended to protect the public post-release. The maximum extension period is eight years for sexual offenders and five years for violent offenders (Rook & Ward, 2004). This legislation shows that sexual offenders and violent offenders are grouped together under the same laws; sex offenders have by definition become highly dangerous criminals. Indeterminate and extended sentences form part of the trend of selective incapacitation of 'serious' offenders and preventative sentencing of 'high- risk' offenders in the name of public protection (Kemshall & McIvor, 2004). Danger is eliminated by removing child sex offenders from society (Ashenden, 2002). This trend is punitive as the law and its enforcement agencies are given the power to incarcerate and monitor offenders for extended periods well beyond the usual maximum sentence. It is also

noteworthy that the maximum extension period of extended sentences is longer for sexual offenders than violent offenders, suggesting that they are the more dangerous and persistent criminals. Media constructions of paedophiles as extremely dangerous and incurable offenders, driven by 'evil' and 'perverted' desires, both necessitate extended incarceration and surveillance in the name of child protection and legitimise harsher punishment as morally appropriate.

The punitive trend is also evident in the rise of custodial sentences for sex offenders. In 1995, 55% of sex offenders were given immediate custodial sentences, and in 2005, this figure rose to 60% (Davidson, 2008). The average prison sentence for sex offenders has increased from 36.8 months in 1995 to 41.5 months in 2005 (Home Office, 2007b). This increase is not a reflection of a generally punitive approach; only burglars, drug offenders and sex offenders are punished significantly more harshly today than a decade ago. It is also instructive to compare average custodial sentence lengths of serious interpersonal crimes in 2005, which stood at 41.5 months for sex offences, 17.8 months for 'violence against a person' and 35 months for 'robbery' (Home Office, 2007b). Sex offenders are seen as a more dangerous and serious category of offenders than robbers and those committing non-sexual acts of violence against a person. Davidson (2008) argues that this disparity is not entirely logical or proportionate but driven by government desires to reassure the public. The concerns of the public are to some extent driven by media constructions of paedophiles as extremely dangerous, evil and persistent offenders. The category of 'sexual offences' includes sexual offences committed against children and adults as statistics do not differentiate crimes by age of victim. Aggregate figures cannot reveal whether all sex offenders are subject to the punitive trend or whether child sex offenders are the most affected because of public and government concerns.

The 1997 Sex Offenders Act brought in the SOR, which requires all those cautioned or convicted of a sexual offence since 1997 to register their details with the police and notify any changes. Registration periods vary between two years and life. Initially, the details included name, date of birth and address, and those registered had to inform the police within 14 days of conviction or change of circumstances, either in person or in writing. Since 1997, several pieces of legislation, most notably the Criminal Justice and Court Services Act 2000 and the Sexual Offences Act 2003, have significantly tightened the conditions (Thomas, 2005). The SOR now additionally contains photographs and fingerprints; notifications after conviction or of any changes in circumstances have to be made within three days; these

notifications can only be made in person; offenders need to present themselves annually in person, and they have to notify the police of any travel over three days. The maximum punishment for failure to comply has been raised from six months to five years imprisonment. Since the Violent Crime Reduction Act 2006, the police have the power to apply for warrants to enter and search the homes of individuals on the SOR (Thomas, 2008). The SOR is a community risk management tool designed to control sex offenders in the community who are deemed a risk, which needs monitoring but is not 'high' enough to warrant custody (Kemshall & McIvor, 2004). It is not a criminal law and intended as a public protection measure rather than punishment. However, tightening of conditions has enormously increased demands made on those registered by adding new requirements, shortening time frames, increasing punishment for non-compliance and allowing for search warrants. As a consequence, the SOR has arguably become a punishment in its own right (Thomas, 2008).

Community notification, that is, the disclosure of information on the SOR to the public, is widespread in the United States but has been rejected in the United Kingdom as a routine practice. However, the United Kingdom now operates a 'two-way system of disclosure' (Home Office, 2007a). The first system of 'controlled disclosure' has been in place since the 1990s and refers to the police notifying certain institutions or local communities about those they consider to be 'dangerous offenders' (Thomas, 2005). The second system, which has been dubbed 'Sarah's Law Trial', allows parents, carers and guardians to request limited information about individuals in close contact with their children. The police and local authorities make a decision on which, if any, information to disclose and recipients are not allowed to pass on this information (Home Office, 2007a). This system has been running as a one-year pilot scheme in four UK areas since September 2008. It looks likely to be rolled out nationwide given the positive feedback publicly expressed by the government and the police. Hence, the UK government has conceded some ground to a highly popular and populist system, which makes the SOR an even more punitive tool. The SOR and the community notification are specific legal measures that apply to sex offenders only and are rendered acceptable and necessary by media constructions of paedophiles as highly dangerous, evil and perpetually driven to offend by an abnormal sexuality.

The Sexual Offences Act 2003 introduced new civil court orders that give police greater powers to deal with paedophiles who have not yet committed an offence. Sexual offences prevention orders (SOPOs) contain prohibitions on an individual's activities and movements and are designed to protect the

general public or specific individuals (Stevenson, Davies, & Gunn, 2004). SOPOs can be imposed by courts at the time of sentencing or are applied for by the police in relation to individuals who have (a) a history of convictions and (b) have demonstrated so-called trigger activities, which signal 'dangerousness' (e.g. loitering outside schools). SOPOs require individuals to go on the SOR. Failure to comply is a criminal offence punished by imprisonment up to five years. Risk of sexual harm orders (RSHOs) are designed to combat 'grooming' and protect children from harm by specific individuals. The police can apply for RSHOs if they see a potentially dangerous pattern of sexual behaviour developing. Individuals do not need a history of sexual offending or have engaged in 'trigger activities' to become subject to RSHOs. RSHOs contain prohibitions on an individual's activities and movements and can be used to protect specific children. A fine and/or imprisonment of up to six months are the punishment for non-compliance (Stevenson et al., 2004). Both SOPOs and RSHOs demonstrate that child sex offenders are thought of as very dangerous offenders who need to be dealt with through special preventative measures. Various non-criminal behaviours can lead to serious injunctions and punishment, such as being put on the SOR. This trend of extending legal power to non-criminal behaviours to prevent crime is most strongly evidenced in the new offence of 'grooming'.

'Grooming' Laws and Vetting Regulations: Combating the Cunning Paedophile

Media discourses around paedophiles can inform specific laws. The media construct the paedophile as a detailed discursive figure with specific behavioural, social and psychological characteristics. As a consequence, the figure of the paedophile allows for specific ways of knowing and regulating child sex offending, marking out certain persons, spaces, activities and institutions as dangerous and therefore targets of legislative control. This section focuses on two initiatives: the vetting of employees and the law against grooming.

The discourse of cunning constructs paedophiles as organised and manipulative people who employ deliberate strategies to create opportunities for sexual abuse. One major strategy concerns employment; paedophiles are understood to systematically obtain jobs involving children. In response to this, the government has introduced various vetting laws to prevent child sex offenders from working with children. The Criminal Justice and Court Services Act 2000 gave courts the power to legally ban

'unsuitable' people from working with children (Thomas, 2005). At the sentencing stage, a 'disqualification from working with children order' can be imposed on those who are convicted of a sexual offence against children and receive a custodial sentence of 12 or more months. Courts have to provide an explanation if they do *not* issue such an order, meaning that they are expected and instructed to ban convicts (Rook & Ward, 2004). 'Disqualification from working with children' orders last indefinitely, and both employers and employees commit a criminal offence if they breach them.

Legal bans can only be imposed on a small number of child sex offenders, notably those who have been convicted after 2000 and received a significant custodial sentence. But there are also discretionary mechanisms in place to vet *anyone* working with children and prevent a much larger group of people from such employment. Since 2002, employers need to contact the Criminal Record Bureau (CRB) for criminal record checks on prospective employees. Information is passed on to the employer who has the power to make a decision on whether to employ the person. This system leaves existing staff unchecked and the power of decision-making with employers. In response to the Soham murders in 2002, the government developed a much more comprehensive system headed by the Independent Safeguarding Authority (see http://www.isa-gov.org.uk/). This has come into effect in March 2009 and will be rolled out in full over the next two years. It is designed to stop *all* 'unsuitable people' from working with children; this means vetting all existing and new staff working with children, full-time staff as well as those with one-off contact (e.g. people giving talks in schools), and including ancillary support workers in the National Health Service and further education institutions (e.g. caretakers, cleaners and secretaries). The ISA oversees a new computer system holding comprehensive data on child sex offenders including not only hard data (i.e. criminal conviction records) but also 'soft' data such as allegations or suspicions collected through 'evidential documents' such as witness statements, social services records or dismissal and suspension letters. The ISA classifies each individual as either safe or unsafe to work with children. Suitable persons are classed as 'ISA registered' while unsuitable ones are placed on the ISA barred list. The information is shared with potential employers, but importantly, the decision on employment is made by the ISA. Once the scheme is fully in place, only those who are ISA registered will be allowed to apply for and carry out jobs involving children. The introduction of the ISA represents a significant tightening and widening of vetting procedures to stop paedophiles from working with children. It takes account considerable 'soft' information in addition to criminal records, works retrospectively, checks all staff and extends to ancillary roles in some sectors. Moreover, the mechanism is brought under

government control and no longer appears discretionary as the ISA has the power to ban individuals from working with children. While courts can only ban those convicted of child sex offences to custodial sentences of 12 or more months, the ISA does not need criminal convictions to issue bans.

The discourse of cunning also stipulates that paedophiles 'groom' children for sexual abuse, which is defined as befriending children to gain their trust and sexually abuse them. The Sexual Offences Act 2003 adopted the concept and terminology and created a new child sex offence called 'meeting a child following sexual grooming'. The offence is defined by a person (denoted as A) meeting or travelling to meet a child under the age of 16, with whom he has communicated on at least two occasions, with the intention of sexually abusing the minor (Stevenson et al., 2004). 'Grooming' is largely a preventative offence where the crime resides in the intention rather than an act that has been committed. Preventative offences are very rare in UK law, and therefore, 'grooming' requires a high standard of proof. The offence is committed at the point where A is caught meeting B or travelling to meet B. But the prosecution will also have to show that A communicated with B on at least two occasions, a preamble that has been introduced to demonstrate that conduct and intention were persistent and continued (Stevenson et al., 2004). Moreover, prosecutors need to demonstrate a sexual dimension to the intention, by either pointing to the content of conversations or any items found in A's possession when meeting the child (Rook & Ward, 2004). The maximum penalty for this offence is 10 years imprisonment.

Vetting and grooming laws regulate child sex offenders in detailed ways, legally prohibiting particular forms of behaviour such as working with children or 'befriending' children. These intricate regulations are based on and enabled by the figure of the paedophile, which defines these behaviours and thought patterns, which in themselves are not sexual or criminal, as typical of people with a particular sexuality who intend to commit child sex offences. Foucault's (1978) argument that discourses produce knowledge is illustrated here; the discursive figure of the paedophile has facilitated the proliferation of legal activity regarding child sex offences since the 1990s by producing knowledge on who and what to legislate against.

CONCLUDING REMARKS

This chapter has shown how newspapers use language to construct particular discourses around paedophiles and produce the paedophile as a different and dangerous category of person.

Media discourses do not determine but help shape official regulation, for example, by putting paedophiles on top of the government agenda and creating an impetus for legal activity, by encouraging and legitimising punitive legislation and law enforcement and by aiding the conceptualisation of specific laws. Media representations are not 'only' words and images but socially powerful constructions that can materialise in laws and law enforcement. In the case of child sexual abuse, this is a problematic dynamic because of the media's propensity to hype, demonisation, sensationalism, contradictoriness, incoherence and misrepresentation. Today, the media and the government tend to understand child sexual abuse through the figure of the paedophile who is a pathological, abnormal and dangerous stranger. Legal activity proliferates around this type of abuse, as evidenced particularly in grooming laws, vetting laws, SOPOs, RSHOs and disclosure of information on the SOR. Such measures allow for stricter regulation of child sex offenders and can help prevent offences and achieve convictions, but they are questionable as an overall response to the problem of child sexual abuse. As strangers only account for a small amount of all child sex offences, the child protection impact of these measures is necessarily limited. The media, especially tabloids like the *News of the World*, frame themselves as guardians of child protection, but their discourses promote partial measures and success as child sexual abuse in the family is sidelined.

Approaching child sexual abuse through the figure of the paedophile is also problematic because it individualises a serious social problem, shifting the focus onto individual 'pathologies' rather than social contexts that structurally enable sexual offences against children (Kitzinger, 1999). In the process, the widespread scale and nature of child sexual abuse throughout society is denied by locating dangerousness in a few 'abnormal' individuals. Abusers are taken out of the continuum of male violence (Kelly, 1996) and marked as 'different'; this distracts from the 'normality', in the sense of commonness, of this kind of behaviour and reinforces hegemonic masculinity (Cowburn & Dominelli, 2001). Masculinity is a factor shared by the vast majority of child sex offenders; Grubin's (1998) research review, for example, suggests that 95% of offenders are men. But the focus on dangerous strangers allows the media and the government to ignore the role of masculinity when discussing the causes of and responses to child sexual abuse. In fact, hegemonic masculinity, that is, the type of masculinity which is dominant and idealised in contemporary society, is not questioned but reinforced. As paedophiles are represented as abnormal and pathological, 'normal' men continue to be seen as totally unconnected to them and can continue in their roles as protectors of

children (Cowburn & Dominelli, 2001). Media demonisation also creates an 'us vs. them' paradigm, which renders those who sexually abuse children inexplicable and makes obsolete any uncomfortable issues, such as how similar paedophiles are to 'normal' adults or how the sexual abuse of children connects with the wider sexualisation of children in areas such as advertising, children's clothes or feminine beauty ideals. Narrow representations indicate a simplistic and limited understanding of child sexual abuse that generates partial solutions. To effectively combat child sexual abuse, we need to fully understand the social as well as individual factors driving it, and this has to include looking at wider social issues such as power structures within families, gender roles, hegemonic masculinity and the position of the child, to name but a few. Painting individuals who have been convicted of child sex offences as dangerous, monstrous, abnormal strangers does little to protect children, and we should bear this in mind when the media claim the moral high ground as the nation's child protectors.

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FRAMING THE SCENE: PRESENTATIONS OF FORENSICS PROGRAMMING IN THE NEWS

Gregory G. Justis and Steven Chermak

ABSTRACT

Purpose – *The* CSI effect*, as it is referenced in mainstream media, is a purported effect on public perceptions caused by the portrayal of forensics and investigations in popular entertainment programming. Despite the obvious popularity of the programs – a common source of blame for such effects and the focus of limited prior research – impacts on perceptions by way of media content must be viewed as a product of multiple internal and external factors, rather than a result of popularity and viewership alone.*

Methodology – *By examining the portrayal of programming within the context of contemporary news publications, this project focuses on the value and context of presentations of forensics television programming across media genres, highlighting the bidirectional flow of popular media cues through various influential media outlets and outlining the potential for resulting public effects.*

Findings – *The authors find that an increase in the overall media visibility of entertainment images of forensic science, coupled with news media's tendency to tie such images to real-world forensics on the local and national scenes given an absence of alternative sources for news-oriented*

stories, speak to the importance of the holistic examination of the role of
CSI-related programming in influencing popular perceptions.

INTRODUCTION

Media, in its many forms and outlets, can be viewed largely as a vehicle
for cultural commodities. Each genre and component of media as a whole is,
at its core, a *product* to be consumed: from entertainment programming
to news reporting, from television to printed pulp, media content is – like all
commercial goods – generally intended to be marketed and consumed
(Graber, 1980; McManus, 1994; Surette, 1998). As tools for conveying
commercial texts to consumers, this idea holds true for both "escapist"
entertainment media and "informative" news media, despite the apparently
competing goals of each.

Research has shown the tendency of entertainment media to pull from
popular news stories, drawing from current mainstream headlines to form a
"ripped from the headlines" approach to plot construction (Surette, 1998;
Chermak, 2002). A closer look at modern media shows that this tendency
may well prove a kind of "two-way street": rather than a unidirectional pull
from news to entertainment media, thematic images often seem to move
back and forth between news and entertainment outlets. To market content
to the largest-possible audience base, news organizations may pull from
cultural outlets that might otherwise be considered beyond the scope of
standard reporting. Manifesting as images from popular entertainment
programming or literary sources, news articles often reference contemporary
television programs or films to capture recognizable, accessible imagery and
to market stories by injecting dramatic images into reported text. In essence,
just as entertainment media pulls from headline news, news media may
pull from popular programming in an attempt to attract consumers, adding
a new and increasingly complex facet to the popular conception of the
docudrama. As the lines between media genres become increasingly non-
distinct, there has appeared a virtual *merging* of pop culture entertainment
images and news; the exaggerated realities of entertainment programming
have become almost inseparable from the news context in which they
are presented.

From a social constructionist perspective, the potential implications
of this blending of reality and informative content are quite significant.
Prior research has highlighted the ability of the media, presented as
providing accurate and real-time images of entities and activities with which

the public has little direct experience (into which the realm of crime and justice surely falls), to influence public perception and general worldviews (Gerbner & Gross, 1976; Graber, 1980; Hawkins & Pingree, 1983; Sacco, 1995; Tuchman, 1978; Shrum, 2002; Romer, Jamieson, & Aday, 2003; Chermak, 2002). This idea of social construction based on images of a specific infrequently experienced social entity creates the potential foundation of the purported "*CSI* effect": as viewers consume images of *CSI* and forensic programming in news reporting, they may well begin to assume a personal knowledge base formed by the implied truth of the relationship between popular programming and the news.

Of course, the effect of a particular media genre, outlet, and content on an audience is truly multidimensional – one cannot point to a singular feature of such programming (e.g., *quantity*) as the source of viewer impact. Thus, research into the role, characteristics, and perception of programs must be similarly multidimensional, focusing on a number of variables, which in combination may ultimately result in a broad audience effect.

Building upon the notion that effective research into the potential socializing effects of any media cue requires an understanding of the ways in which the public is exposed to related images, this project aims to recognize the context and value placed upon images of forensic science in popular media. In this case, a step back from audience perception has been taken in an effort to focus on the foundational role of contextualization of CSI programming images in varying media outlets.

Procedural History

To understand the formulaic roots of today's forensic programming, one must first examine the historical background of the genre, commonly referred to as the *police procedural*. A police procedural is a variation of the classical mystery fiction genre, springing from the writings of authors Edgar Allan Poe, Charles Dickens, Sir Arthur Conan Doyle, and Eugene Vidocq (Dove, 1982; Roberts, 2003). The 20th century was marked by the growth of the police procedural in popular culture, with characters like Dick Tracy (C. Gould) taking up the stylistic reigns. As technologies shifted and evolved, the police procedural genre, with its origins in print media and increasing in focus on law enforcement procedure rather than exceptional individual crime-fighting intuition, made its way into radio and television media as the popularity of each began to increase dramatically. *Dragnet*, a procedural that began as a radio program (1949), was transformed into

a successful NBC television program in 1952, and as the first of its kind in the new media of broadcast television, the program formed a stylistic framework for numerous popular broadcast procedurals to follow (Dove, 1982). The evolution of the procedural continued into the 1970s and 1980s, where the genre itself splintered into an array of variations, with incarnations ranging from the pastels and rock & roll of *Miami Vice* to the seductive brutality of *Red Dragon* (Roberts, 2003). The 1990s saw the birth of the popular *Law and Order* series (1990 to present) and a trend to even further emphasize the procedure of law enforcement – particularly investigations and subsequent prosecution – and to employ ''ripped from the headlines'' frames (Wilson, 1997; Roberts, 2003).

Birth and Growth of CSI

As the 20th century came to a close, the police procedural was enjoying extraordinary levels of popularity in broadcast media. In 2000, a new program hit the television airwaves, a police procedural that shifted focus still further onto the process of law enforcement investigative/forensics technique and procedure, a concept that would ultimately prove both wildly popular and wonderfully imitable – *CSI: Crime Scene Investigation* (CBS, 2000). *CSI*, a procedural focusing almost entirely on the forensics/investigative process, marked its 100th episode with all-time high ratings; the program attracted 31.5 million viewers and an 11.6 rating/28 share in the adults 18–49 demographic, based on Nielsen data. The franchise has maintained its position at the top, consistently ranking in the top 10 in monthly Nielsen rankings, and in addition to the singular reception of the show itself, *CSI* is credited with launching a new wave of TV crime programs (one season pre-*CSI*, only three procedurals remained in the top 40; post-*CSI*, procedurals make up 1/3 of shows in the top 40) (Mendoza, 2005; Nielsen Media Research, 2009). The program launched a string of parallel series (*CSI: Miami*, *CSI: NY*) and has inspired a plethora of additional marketing, including board games, novelizations, computer games, and science lab kits purporting to give users a taste of forensic science. In addition to the popularity of the procedural, *CSI* has also changed the very face of the police procedural, placing increased emphasis on forensic science and crime scene investigation, focusing on the process itself (technology, methods, and techniques), and featuring dramatic storylines driven primarily by high-tech crime analysis (Boyle, 2005).

Nature of Crime News Reporting

It would be useful at this point to shift the discussion of media typology to note the general nature of news reporting in mainstream media. Despite evidence that the newspaper and the news business is in the midst of a dramatic transition, it remains clear that crime pays. The prevalence of crime-related news in contemporary media may be founded in several causal factors, perhaps the most intuitive being the entertainment value of crime news. Just as entertainment media strives to maintain wide viewership and mass public appeal (thereby driving up consumer ratings), so too does news struggle to sell its product to consumers. Crime news contains all the features of popular drama: images of protectors, villains, and victims; non-complex storylines; and immediate, seemingly personal connection to a viewing audience (Sacco, 1995; Tuchman, 1978; Gilliam & Iyengar, 2000; Lipschultz & Hilt, 2002). News organizations have, in fact, adopted formats and storylines similar to that of entertainment programming, further adding to the dramatic nature of reporting; in effect, news content becomes the episodic drama, feeding heavily on an expectation of informational news coverage (Chermak, 2002; Sacco, 2005).

Coupled closely with this dramatic appeal and simplified content is the inclusion of popular cultural themes in news reporting. A prime example of this thematic inclusion in crime news is the referencing of entertainment programming in such stories. As Chermak (2002) notes, the desire to pull from the exaggerated realities of fictional content in news media accounts of real-world incidents is exceptionally strong; such is the case when popular images of crime and law enforcement are pulled into the traditional news structure. For example, many contemporary crime incident stories include references to fictional television and literary images (characters, programs, etc.), further blurring the line between reality and fiction through the marketing device of cultural cues (Altheide, 2002).

Expansion of Crime News Structure

As recognition of a broader scope of criminal justice processes increases, particularly with the broad-based popularity and visibility of increasingly investigations-heavy programming, it would not be surprising to note that this trend of limited-nature reporting may well be in the midst of transition. As the "middle ground" of investigations has been added to the typical simplistic, limited-scope crime news story, forensics use and criminal

investigations continue to become more visible than ever, culminating in the appearance of traditionally ignored processes such as criminal investigations in the news and marking an interesting intersect between entertainment themes and news content. Prior research has shown the tendency of entertainment media outlets to draw themes from popular or celebrated cases into programming, often described as the "ripped from the headlines" approach. Chermak (2002) describes how facts and images from popular news events in the world of criminal justice (Oklahoma City bombing, O. J. Simpson trial, World Trade Center/Pentagon attacks) are drawn into the plot lines of entertainment outlets ranging from cartoon publications to television and film, allowing the viewing audience to revisit the real-life news story. This exploitation by way of the addition of popular themes is, of course, a tool for the marketing of entertainment media outlets (allowing for, as noted earlier, the relationship between the consumer and the product), and ultimately emphasizes common themes and stereotypes that resonate across genres (Chermak, 2002).

Interestingly enough, prior research on the thematic intersect between entertainment in news media tends to maintain a unidirectional focus; often times, entertainment media is emphasized as the thematic borrower, whereas news media is viewed as an independently functioning entity. However, this perspective is limited: as with entertainment media, news media outlets are constantly engaged in an effort to sell their product by often employing the use of images derived from the pop cultural lexicon (McManus, 1994; Surette, 1998; Chermak, 2002; Sacco, 2005). As such, one cannot view the flow of themes as unidirectional – it is a two-way street, with thematic content flowing between entertainment and news media outlets. It appears there may be no exception in the case of criminal investigations and the popularity of *CSI*-style programming: because the commodity of crime news is advertised and sold, journalists must employ narratives that recall the outside forces of popular images and context to provide color and content (Altheide, 1976; Tunnell, 1992; Chermak, 1995).

With this move toward investigations in news media, it appears that *CSI* and its related programming may often be mentioned within the context of news articles that reference criminal investigations and forensic science: cases are referred to as "just like an episode of *CSI*," as "real-life *CSI* stories," or as "cases out of a *CSI* script." The overwhelming popularity and entertainment value of *CSI* and related programming makes the inclusion of forensics and criminal investigations quite desirable as a method of selling the news product; however, as experts such as crime lab technicians are

outside the traditional path of news gathering, the pressure to pull from *CSI* and other programs is heightened.

As much prior research highlights, the news construction process is most heavily marked by its need for efficiency in production and dissemination (Chibnall, 1977; Fishman, 1980; Ericson, Baranek, & Chan, 1989; Chermak, 1995). Emerging from this need are strong, mutually beneficial relationships between source organizations (the primary providers of information regarding crime and justice; typically public social control organizations such as local police or court officials) and news outlets. In crime news, the most common form of source organization is the law enforcement agency; it is this group that controls most of the information regarding a particular case, agency, or initiative (Ericson et al., 1989; Welch, Fenwick, & Roberts, 1998; Chermak, 1995). The problem with the typical source organization, particularly when examining contemporary stories of crime and justice, is that the individual acting as spokesman for the organization is typically a public information officer or a street cop tipster (providing information either anonymously or personally).

Difficulty arises when expertise is required in an area outside that of the beat officer, yet within the realm of law enforcement; such is the case with the current upward trend in the popularity of forensics and criminal investigations. As public interest in investigations and forensics programming increases, the desire to ''sell the story'' by including such themes in news reporting is profound. Of course, difficulty arises when approaching the typical claims-makers and source organizations, as information regarding forensics is typically out of the range of expertise for these sources. As a result, references to *CSI* and similar programs often replace quotes and sound bytes from real-world experts, filling the pop-cultural demand for forensics reference without moving outside the process. In this way, CSI programming and real-world cases involving forensics/ investigations use may become virtually inseparable, as each is allowed to become a reflection of the other. By this equation, real-life crime scenes are ''just like *CSI*,'' and *CSI* is ''reflective of reality.'' Just as entertainment media tends to pull from popular cultural themes, so too may news media draw in the popular image of the criminal investigation (via the thematic two-way street), despite the process' inherent inability to effectively handle such a demand. Images are consumed by a public audience, a population that turns toward news media for social communication, heightening the possibility of effects on viewer perceptions (an effect commonly referred to as the ''*CSI* effect'').

The CSI Effect

The *CSI* effect, which has appeared as a relatively new concept in both criminal justice academia and pop culture, is marked by the idea that popular programming regarding forensic science has an actual effect on viewers, endowing them with unrealistic perceptions and expectations of real-world investigations. These images are hardly based on reality; the public is most often subjected to images of exaggerated or false practices, which are often presented as true-to-life (Willing, 2004). At the most basic level, the effects of this forensic media barrage are quite apparent: numerous university programs, for example, have seen a significant growth in interest regarding programs in forensic science, to the point of driving such studies to the top of the majors lists, with student expectations reflecting an exciting and glamorous vision of crime scene investigations and instructors demanding resources to fight misconceptions about the field of study (Perkins, 2004; Bergslien, 2006; Dutelle, 2006). Perhaps more significantly, beyond the walls of the academic setting, questions have been proposed as to the likelihood that viewers of forensics programming ultimately equate images portrayed through entertainment procedurals with real-world investigations, causing a negative effect on the administration of crime and justice, as well as undue pressure on forensics scientists, investigators, and criminal prosecutors. The presented images, of course, stand in stark opposition to the reality of criminal investigations and crime lab operations. Research from as early as 1975 has highlighted the rarity of effective evidence collection and use, findings that seem to hold true over time and despite technological innovation (Parker & Peterson, 1972; Cordner & Scarborough, 2006). Horvath and Messing (2006, p. 963) found that "most criminal cases do not involve the use of any physical evidence and that such evidence, even when available, is seldom seen by the police detectives as having any intrinsic value." Furthermore, the use of many techniques in criminal investigations proves overtly subjective and untested (Roberts, Mills, & Possley, 2004). Heavy caseloads worked by law enforcement agencies inhibit the ability to involve investigative services and often, the ability of departments to actually employ the use of forensic techniques is rare, due to situational factors related to individual cases themselves (i.e., lack of testable evidence, etc.), backlogs, and the inability to keep up with available technologies (Parker & Peterson, 1972; Lovgren, 2004). Of course, the portrayal of the CSI system is far different within the confines of police procedural programming; forensic science is deemed a "juggernaut" or an "infallible object," above reproach and a harbinger of inevitable conviction for an offender (Boyle, 2005).

CSI*, News Media, and Social Construction*

Despite the clear popularity of the concept, methodological studies of the *CSI* effect and its impact on the public are relatively few. Although many involved in both the criminal justice system and the scholarly community point to the existence of the effect and its impacts, the concept proves primarily anecdotally sound, but poorly supported in an empirical capacity and with limited theoretical foundation for verification. Of course, superficially, the *CSI* effect may appear to be an obvious occurrence, particularly to criminal justice system officials and forensic scientists. Reliance on forensic evidence has grown in recent years, and the demand for use of CSI services has increased substantially (Hickman & Peterson, 2005). But can the blame for such occurrences truly be placed on *CSI* and its related entertainment programming?

The bulk of scholarly research on the *CSI* effect has been aimed at examining the earlier issue, primarily from a theoretical, often speculative, standpoint (Cole & Dioso-Villa, 2009). Research on juror expectations regarding physical evidence in criminal trials – a primary cause for concern with respect to the *CSI* effect – has shown a limited effect of programming on expectations, with one notable study citing a ''tech effect'' (public knowledge of real-world advancements in forensic technology) as a factor rather than an effect of popular programming on altering expectations (Shelton, Kim, & Barak, 2007; Schweitzer & Saks, 2007; Cole & Dioso-Villa, 2009). However, much of this research remains firmly planted in the theoretical realm, often focusing specifically on likelihood of jury acquittal or prosecutorial discretion rather than broader implications of changes in perception, those held by populations ranging from incoming university students to police practitioners and beyond (Tyler, 2006; Stevens, 2008; Cole & Dioso-Villa, 2009). Importantly, prior research tends to neglect to connect general knowledge regarding forensic science with the manner in which information is consumed: because the public experiences criminal investigations primarily through a media window rather than firsthand experience, it is important that scholars examine those outlets providing information, making connections between information and its source, and the nature of the presentation in question. In the case of forensic science, the popular image of the practice (*CSI* and related programming) appears to dominate the public dialogue regarding crime scene investigations, a notion that research – in criminology, communication, and legal studies alike – must not dismiss. If, for example, substantive connections are made between a proposed real-world forensic awareness (a ''tech effect'') and the pervasion of forensics programming into the cultural lexicon, perhaps

there exists a cumulative effect, of bi-directional conceptual reinforcement, with the potential to alter perceptions and expectations of forensic science.

The Present Research

It is the focus of this chapter to examine the presentation of *CSI* in news media and to empirically ground the possible legitimization of forensics programming that may occur as a result of the merging of popular entertainment images and news (the thematic two-way street). This legitimization is based on the blurred relationship between news articles and references to popular television programs; if quantity and substance of *CSI* references in news articles legitimates fictional CSI as reality, prior media effects research dictates a potential for the inherent communicative value of the news to play a significant role in influencing popular perceptions.

This project proposes the following questions: (1) has there been an increase, over time, in references to *CSI* and related programming in news print media? (2) What is the nature of crime news articles that reference forensics and crime scene investigations? (3) What sources are adding CSI programming to stories in the realm of crime news? It is hypothesized that there exists an increase, over time, in the amount of references to CSI and forensics in crime news stories, as the popularity of forensic science and its visibility in pop culture has also increased (while the ''two-way street'' of cultural reference allows the passage of themes from one genre to another, drawing a substantive equation between the two). In addition, as the source of forensic lab technician or expert is beyond the range of the typical news gathering process, it is also hypothesized that an increase in forensic references will also be marked by an increase in references to *CSI* and related programming, using these references as authoritative citations.

METHODOLOGY

To address the questions of quantity and treatment of CSI programming in news media contexts, this project has examined articles published in print media sources over a period of five years (2001–2006), beginning in proximity with the first year of *CSI* broadcast. News print media was used for this project, as it lends itself well to this type of analysis: news print is readily obtainable, and logistics such as layout, article length/size, and the time frame of the project make print media conducive to this type of study. In

addition, news print is particularly desirable for content analysis given that its long journalism format often contains deeper coverage of crime stories.

For this content analysis, the sample was drawn through a regional Lexis-Nexis keyword search (Northeast, Midwest, Southeast, West). To examine all major publications across the nation, regional searches were used, as these allow for the gathering of articles from both large local and regional publications (*Chicago Tribune*, *Indianapolis Star*) as well as large national publications (*New York Times*, *USA Today*, etc.). Isolating the date-range at five years, a Lexis-Nexis search of all text of stories was performed, with established keywords including the terms "CSI," "crime," and "forensics" within all-text of stories, allowing for in-context analysis of the term(s) (Weber, 1990).

From the pool of articles referencing the above three keywords, only crime stories were pulled for analysis. Guidelines for the definition of crime story type as set by Graber (1980) and Chermak (1995) were followed, including incident stories, editorials, profiles, etc., but excluding articles less than three paragraphs in length and letters to the editor. All sections of the publications were searched, and all types of stories were examined (features, editorials, news stories, etc.), as Chermak (1995) notes that crime news may be found in many sections of news print. It is useful to note here that education articles (those highlighting college courses, high school programs, community education classes) were omitted. Entertainment-specific stories (i.e., film/television reviews) were not included.

Keyword-referencing stories focusing on crime and the criminal justice system ("crime stories") were noted through the Lexis-Nexis search and pulled from the overall pool. Crime stories were specific to publications in each region: Northeast contained 136 stories, Midwest contained 110 stories, Southeast contained 188 stories, and West contained 223 stories. From this total (657 stories), a 25% simple random sample was pulled to represent all major US news publications, marking 173 stories for final examination. These 173 stories were used as the basis for the project's content analysis. Within this core pool, 38 (22%) stories were from the Northeast region, 35 (20%) from the Midwest, 54 (31%) from the Southeast, and 46 (27%) in the West. A count of articles from the core pool was used to address the first question (rise in forensics programming reference over time).

To address the second and third questions (nature of CSI programming reference; source of CSI programming reference), detail coding of all programming-referencing crime stories was performed. From the 173-article representative sample, each story was coded by way of two separate datafiles.

Table 1.   Context Variable.

Illustrative	Luminol was used to find the victim's blood spatter, which many people have seen first-hand on programs like *CSI* and *Crossing Jordan*
Emerging technology	DNA analysis has grown to be the "gold standard" of today's forensic scientist, as seen in *CSI: NY*
Color/dramatic impact	*CSI: Rhode Island*
Comparison	The local sheriff's office detectives worked like *CSI* sleuths for several weeks
Contrast	This homicide, unlike your average *CSI* case, took 15 years to solve
Popularity growth	We're seeing far more applicants for lab technician openings as a result of *CSI*'s popularity.
Consultation	"We try to base the show as much on reality as possible," said Dr. Jane Smith, consultant for television's *CSI: NY*
Cautionary	Our office has seen a trend towards people believing in the reality of *CSI*

The story datafile ($N = 173$) included variables related to the details of the story itself, including such items as length, forensics program(s) mentioned, salience, type of crime(s) noted, etc. These variables speak to the characteristics of the kinds of crime stories that mention *CSI*-style programming. The second datafile ($N = 307$), which identified characteristics of the sources who reference forensics programming within the news media context, included variables related to sources that mention forensics programming, including type of source (reporter, investigator, prosecutor, etc.), context, and tone. For the purposes of this project, context is defined as the substantive theme surrounding the mention of the program. Table 1 describes the context variable in further detail.

Tone is defined as whether the statements sources make regarding programming can be regarded as positive, negative, or neutral (Grey, Kaplan, & Lasswell, 1965). Table 2 describes the tone variable in further detail.

FINDINGS

Question 1: Programming Reference over Time

Addressing the question of programming reference over time, a count of crime stories pulled (those referencing CSI programming) was performed, revealing a steady increase in number of stories. The year 2001 (incomplete year) contained nine stories (5.2%), 2002 contained 18 stories (10.4%), 2003

Table 2.   Tone Variable.

Supporting/equating	Dr. Smith, the head of the state police crime lab, heads Rhode Island's very own version of *CSI*
Refuting/negating	Unlike what the public sees on television shows like *CSI*, the detectives in Little Rock were forced to work with limited resources and personnel
Neutral	"I think there's definitely a *CSI* effect; whether or not that's good or bad remains to be seen," said Mark Smith, an Oakland County public defender

contained 34 stories (19.7%), 2004 contained 35 stories (20.2%), 2005 contained 61 stories (35.3%), and 2006 (incomplete year) contained 16 stories (9.2%). Although stories were only pulled for the first two months of 2006, there were almost as many stories as the entire year of 2002. A clear increase in the use of *CSI* and related programming as a reference point in news media can be seen since *CSI*'s inception.

Question 2: Nature of Programming Reference

Addressing the second substantive research question, core articles were detailed coded with the story itself as the unit of analysis.

Story Variables

The distribution of stories across impact level – local, state or regional, and national – was fairly evenly distributed. Thirty-seven percent ($N = 61$) of stories had a local focus, 32% ($N = 56$) had a state or regional focus, and 30% ($N = 51$) were national in scope. One story had an international focus and one story was undefined. Eighty percent ($N = 35$) of incident stories that referenced forensic programming were local stories, whereas 75% ($N = 21$) of stories in which the main focus related to crime programming or the *CSI* effect in particular had a national impact level. Sixty-three percent ($N = 26$) of organizational stories had a state or regional impact level, whereas 29% ($N = 12$) were of a local nature. About two-thirds ($N = 8$) of policy stories were state or regional compared to four of a national nature. Interestingly, profile stories were distributed quite evenly across impact level with local and state/regional each accounting for 33% of the total ($N = 11$ for each) and 30% ($N = 10$) were determined to be of national interest.

For incident stories the stage of case or investigation was recorded. Eighty-six percent ($N = 38$) of incident stories in which forensic programming was mentioned were either in the investigation ($N = 20$) or in the prosecution stage ($N = 18$). Two cases were stories about the commission of the crime or arrest of the suspect, and another two cases were stories written in the sentencing phase of a trial.

In all but one story, *CSI* was either the only or the first forensic-related program mentioned. In 84% of stories *CSI* was the only show referenced. *Quincy* was the second most frequently cited forensic-related show, referenced in seven stories, but always in addition to *CSI*. The second most frequently cited forensic program in addition to *CSI* was *Forensic Files* ($N = 5$) followed by *Cold Case Files* ($N = 4$) and *Crossing Jordan* and the *New Detectives* ($N = 3$ each).

Prominence was measured by recording the paragraph number in which the first reference to forensic programming occurred. In 36% ($N = 61$) of stories the first or only forensic programming reference came in the first paragraph. *CSI* was referenced in the headline of 33% of stories ($N = 57$). But there was significant variation regarding headline references depending on type of story. Although no policy-related stories ($N = 12$) and 91% ($N = 40$) of incident stories with forensic programming references included a headline reference, 93% of crime show/*CSI* effect stories did ($N = 26$). About 40% ($N = 13$) of profile stories and 27% of organizational stories ($N = 11$) contained headlines that referenced *CSI* specifically.

Question 3: Source of Programming Reference

To address the question of reference source, the articles were detailed coded using a second codebook. This codebook included such variables as type of source, tone, context, etc.

Sources
Almost 65% of all stories included only one source that referenced forensic programming. The number of sources referencing forensic programming ranged from one to nine. The average number of sources for all types of stories was 1.77 with the median and mode for both being one. Table 3 presents the mean number of sources referencing forensic programming by type of story. As expected, crime show/*CSI* effect stories had the greatest mean number of sources referring to forensic programming per story. A one-way ANOVA was significant. The mean number of sources for crime

Table 3. Mean Number of Sources by Type of Story.

Type of Story	*N*	Mean	Standard Deviation
Incident	44	1.1364	1
Organizational	41	1.5610	1
Profile	33	1.7273	1
Shows/CSI effect	28	3.6786	3.5
Other[a]	15	1.2667	1
Policy	12	1.1667	1
Total	173	1.7746	1

[a]Includes editorial stories.

show/*CSI* effect stories was significantly higher than for all other types of stories at $p < .01$. None of the other types of stories showed means with a significant difference.

The author of the story accounted for 38% of the references to forensic programming ($N = 118$) in the sample. Nearly all those authors, 113 total, were reporters, whereas the remaining five were academics or public officials. Fifty-seven percent of the references to forensic programming resulted from an interview performed by the reporter ($N = 176$), whereas the remaining 13 sources of forensic programming reference resulted from the reporter quoting a statement or document that could not be considered an interview. For example, in one story, the reporter quoted a prosecutor's statements to a jury concerning *CSI*.

In this sample, sources that most frequently referenced such programming were crime scene technicians or investigators. In fact, nearly a third ($N = 61$) of the sources in this sample were CSI technicians. Medical examiners accounted for another eight sources, bringing the total percentage of sources with a relation to the field of forensics to nearly 37. The second largest category of sources, 21%, referencing forensic programming was prosecutors ($N = 40$). Law enforcement officers, chiefs, sheriffs, or detectives accounted for 15% ($N = 28$) of sources. Overall, actual forensic professionals, prosecutors, and law enforcement officials accounted for 73% of the total sources in this sample.

Most sources, 52% ($N = 162$) that referenced forensic programming did so with an overall tone that refuted or negated the content of the programming. However, nearly 31% ($N = 95$) of sources referenced forensic programming with a positive tone, such as equating forensic programming with reality. The remaining 16% ($N = 50$) of sources used a neutral tone in their references to forensic programming.

Not surprisingly, there was variation among the type of source and the context and tone of their references to forensic programming. Authors were fairly evenly distributed across positive, negative, and neutral tones. Forty-one percent of authors ($N = 48$) referenced forensic programming in a supporting/equating manner, 32% ($N = 38$) used a refuting/negating tone, and 27% ($N = 32$) referenced such programs in a neutral manner. Seventy-two percent ($N = 50$) of forensic professionals referenced forensic programming with a negative, refuting tone. Eighty-percent of prosecutors ($N = 32$) and all the judicial sources ($N = 3$) referenced such programming with a negative, refuting tone. Law enforcement sources were also overwhelmingly negative in their references to forensic programming (68%). Of the six defense attorney sources in this sample, tone was equally distributed across positive, negative, and neutral. Program affiliates (producers, writers, etc.), not surprisingly, had more positive tone references than any other source type, with 75% of these sources referring to forensic programming in a positive manner ($N = 9$).

In addition to tone, the context of each source's reference was recorded. For example, did the source reference forensic programming in a context that contrasted such programming and reality? Did the source reference forensic programs to caution against their influence such as in a story on the *CSI* effect? Or, did the source reference forensic programming by drawing a comparison or to illustrate a point? The most frequent type of context ($N = 96$) used by sources was a reference to forensic programming that was then contrasted with reality. Sources contrasting forensic programming and reality accounted for 31% of the total. Seventy-one sources, or 23%, referenced forensic programming with cautionary statements. A little over 13% ($N = 41$) or sources compared forensic programming to reality, whereas almost 13% ($N = 39$) made statements that simply referred to the growth in popularity of forensics, and a little over 12% ($N = 38$) made references to forensic programming for color or dramatic impact. Almost all, 97%, of references to forensic programming for color or dramatic impact were attributed to reporters. When reporters used sources that referenced forensic programming, 71% either contrasted forensic programming with reality or made cautionary statements concerning the effect of such programming ($N = 77$ and 58, respectively). About 11% ($N = 21$) drew comparisons, and 10% ($N = 19$) discussed popularity growth.

Source by Story
Almost half of those referencing forensic programming in incident stories, 24 of 50, were reporters. When the sources *used by* reporters (Table 4) who

Table 4. Type of Source by Type of Story.

Type of Story	Frequency	Percent
Incident		
Law enforcement	7	26.9
Prosecution	6	23.1
CSI tech	5	19.2
Victim/victim family	3	11.5
Other	3	11.5
Community members	2	7.7
Total	26	100.0
Organizational		
CSI tech	19	55.8
Law enforcement	6	17.6
Prosecution	5	14.7
Other	4	11.7
Total	34	100.0
Policy		
Prosecution	4	44.4
CSI tech	2	22.2
Law enforcement	1	11.1
Actor	1	11.1
Academic	1	11.1
Total	9	100.0
Profile		
CSI tech	23	65.7
Investigator	3	8.6
Program affiliates	3	8.6
Other	3	8.6
Prosecution	1	2.9
Defense	1	2.9
Academic	1	2.9
Total	35	100.0
Show/CSI effect		
Prosecution	23	30.3
CSI tech	15	19.7
Program affiliates	9	11.8
Law enforcement	8	11.8
Other	5	6.6
Defense	4	5.3
Academic	4	5.3
Judge	3	3.9
Jury/former jury	2	2.6
Public official	1	1.3
Actor	1	1.3
Total	76	100.0

referenced forensic programming in incident stories are considered, nearly 70% of references to forensic programming in incident stories that were not attributable to the reporter were either a law enforcement official, prosecution official, or a forensic professional such as a CSI technician or a medical examiner.

Like incident stories, reporters accounted for slightly less than half of the references to forensic programming for organizational stories overall. However, although the majority of sources used by reporters in incident stories were rather evenly spaced across law enforcement, prosecution, and forensic professionals, 56% ($N = 19$) of the sources used by reporters in organizational stories were forensic professionals. The percentage of forensic science professionals, who referenced forensic programming in profile stories when reporters were excluded, was even higher, at 66%. In *CSI* effect stories, prosecutors had the highest percentage of non-reporter references, whereas forensic professionals were the second most cited.

CONCLUSION

This project examined the thematic framing of forensics and investigations in contemporary news contexts, highlighting the way in which references to CSI programming are used to color articles when no ready access to expertise is available. Indeed, the longitudinal analysis has shown that the use of references have increased quite substantially since the premiere of *CSI*; this was true of each successive year, with the last full year examined (2005) exhibiting over three times as many references to the program as the first available full year (2002). As popularity and cultural visibility have increased, so too has the frequency of reference in news stories.

The analysis has also shown a tendency of local incident stories to reference the program, particularly during the investigation or prosecution stages, and for state or regional stories regarding organizations (labs, law enforcement divisions, etc.) to reference the program. Many regional (particularly state police) crime labs as well as specific lab divisions, such as ballistics specialists and forensic linguists were likened to their television counterparts, whereas local incident stories ranging from homicide to the slaying of local pets and elk poaching reference the shows. As seen here, it is the tendency of the publications to tie in images of *CSI* to local or regional entities, again attempting to create a frame of reference upon which the average member of a community might base his/her own neighboring investigator or organization.

CSI was, by far, the most frequently mentioned program (expected, given both the popularity of the program and the search keywords used for the project), followed by such programs as *Quincy*, *Crossing Jordan*, and *Cold Case Files*. Notably, the visibility/prominence of the references to CSI-related programming was relatively strong: many stories had either a headline or first paragraph that mentioned *CSI*-style programs. Articles with such titles as ''Police to unveil *CSI*-style unit'' and ''*CSI*: Buffalo'' were quite common in the sample. This application of *CSI* to headlines was true of profile and organizational stories in particular; again, the use of such references in these types of stories are used to create immediate, recognizable references for a reader, a basis of comparison or equation between a person or organization and the pop cultural image of CSI. In essence, not only do the references exist within the stories themselves, but readers are also subjected to the *CSI* image *immediately*, even before venturing into a story's text.

As previously noted, personnel such as crime lab technicians and supervisors tend to exist outside of the standard newsmaking process. This concept was reflected in the percentage of outside sources cited in stories, with fewer outside sources used in incident stories and policy stories, both of which are often considered ''news-oriented'' (as opposed to features highlighting local departments or individuals). This was also seen in the percentages of sources referencing *CSI*, particularly in incident stories and organizational stories. Although a large percentage of sources referencing *CSI* or related programs in the analysis were interviews, the percentages were higher for stories such as profiles (as the profile article is essentially a large-scale interview).

In addition to the growth in commonality of references to *CSI*-style programs and the nature of sources cited in news articles, it is important to the theoretical foundation of this project to examine the manner in which such references are made, including traits such as context and tone, which speak to the spin that is placed upon images of the television programs for a given audience. In the examined news articles, tone of reference to *CSI*-style programming was measured and recorded, noting the way in which the source compared or contrasted *CSI* or related programs and reality. It was found that most sources cited in-text referenced forensics programming in a negative or refuting manner, citing the difference(s) between the program and the reality of forensic science and criminal investigations. However, almost 31% of sources referenced such programming with a positive tone, often equating *CSI* with reality. In this case, although the majority of the stories referencing the programs do so in a negative fashion, a fairly

high percentage still use *CSI* references in a positive/equating manner, particularly reporters themselves (who also make up approximately half of the sources referencing the programming in news-oriented stories). Experts did so, often equating their job with the popular television show images, such as when a forensic agronomy expert stated that his expertise is "like *CSI*, only for plants" and reporters added a similar spin when referring to investigative personnel and their "*CSI* moments" of discovery or epiphany.

When context of forensics programming reference was examined, again a majority of references were made in a contrasting fashion. Even still, a substantial percentage of articles contained a comparison context, in which the program was compared with (as similar to) reality. The percentage of comparison context articles was equal to those exhibiting a cautionary context, which was divided between positive and negative tone (typically citing rise in popularity, *CSI* effect, etc.). Of outside sources, the majority referenced *CSI*-type programs in a contrasting fashion, whereas slightly less than a third still drew comparisons between the programs and real-world investigations and forensics. These comparisons often occurred after a description of the show's nature; for example, a 2002 article highlighting a recent employment opening in the Omaha Police Department crime lab, after the program description was outlined, the comparison of the team in Omaha and those that "hoped to be the next Gil Grissom or Catherine Willows" were noted. Again, it is this comparison-oriented context that may prove particularly impacting in the arena of public perception; because news articles are typically viewed as unbiased, straightforward summation of factual information, the reporting of incidents, profiles, or policy stories that contain equations between *CSI* and reality may have particularly strong impacts on an image-consuming public.

As this analysis has shown, the use of references to *CSI* and forensics programming in news print is certainly varied in both content and context. As the longitudinal examination highlights, references to *CSI* and other programs have increased in frequency since the approximate date of opening broadcast of the program itself. After viewing the count of articles for the partial year 2006, this frequency appears to be moving in an upward trend. In addition, when stories of local crime incidents were reported, it was often this image of popular forensics programming that authors chose to invoke, appealing to readers with easily recalled and visualized points of reference. Furthermore, although the majority of sources cited in-text did so in a manner negating the similarity between television programming and reality, a relatively large percentage still referenced *CSI* and other programs as

comparisons or equations with real-life investigations; reporters, who proved to be one of the widest bases of news-oriented CSI reference, did so with a particularly high frequency, creating a strong sub-textual connection between television programming and the "new science" of forensics and CSI. This was particularly apparent in stories describing cases involving forensic science as "unique" from typical investigations and equating the nature of *CSI*-style programming and real-world forensic science.

RECOMMENDATIONS

This analysis provides a foundation for further research regarding the relationship(s) between crime news, the news making process, forensics programming, and potential socializing effects. Although media construction and effects studies are numerous, empirical reviews of the *CSI* effect are limited in number and breadth; this project serves as an introductory analysis of the use of such programming references in popular culture, specifically within the context of news stories. As shown, the rate of forensics programming reference within news media contexts will likely continue to increase; often times, these references are used as equations, binding together the television image of criminal investigations and reality. It is imperative that studies of the *CSI* effect (generally, the impact of television programming on public perceptions) include cross-medium analyses, particularly when considering the nature of social construction and media consumption. As a given population is subjected to the almost unavoidable consumption of multiple media types at any given time, it is only logical that a review of genres *other than* the entertainment programming itself take place. News media is of particular import, as the very manner in which news media is viewed implies an atmosphere of objectivity and truthfulness.

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BEACH CRIME IN POPULAR CULTURE: CONFINING THE CARNIVALESQUE IN SALVADOR DA BAHIA, BRAZIL

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ABSTRACT

Purpose – *Focusing on popular culture as unstructured, emergent talk, rather than encapsulated genre or text, this chapter dramatizes a slice of life riven by constant fear of violent assault.*

Approach – *I access accusatory discourse as the victim of the robbery that precipitates it. The chapter creates an impromptu alternative arena for reflexive ethnographic analysis of crime.*

Findings – *Most Brazilians live in South Atlantic coastal cities where beaches are loci of social and symbolic action carried out in a carnivalesque mode. The beach symbolizes the myth of national identity, or* brasilidade. *Culturally specific, yet transnational, beaches are sexually pleasurable spaces of race and class mixing. Armed robbery is the painful shadow-twin of celebration, as much a part of popular culture as bikinis, drink, and dance, but so, too, are the informal community mechanisms attempting to exclude less desirable carnival propensities from spaces*

marked safe and respectable. A whirlpool of rumor draws on an array of deviant images and acts.

Originality/value – *Crime and social control are part of popular culture not merely as engines of re-presentation but as elemental aspects of practical living.*

INTRODUCTION: THE BEACH IN
THE MYTH OF NATIONAL IDENTITY

Myth has the power – in the moment of its telling and in the longue durée – to resolve and inflame conflict. Myth is universally steeped in paradox and potential, its textual components easily unpacked and rearranged for transportation and transfiguration making it adaptable to an infinite set of empirical realities. Indeed, Lévi-Strauss (1967) states that all myths are one myth, re-imagined to synchronize with scene, language, and media; a *bricoláge* of wisdom and happenstance replaying variations of fundamental dilemmas of human existence.

The beach, the subject and scene of this chapter, is a key symbol in Brazil's national myth. *Brasilidade* (brazilianness) inhabits and indentifies with the beach landscape (similar to the way that images of the New York City skyline operates cinematically as a key symbol of American identity). Brazilian Federal Law formally defines the beach as natural patrimony, mediating public interest and popular passion (cf. West-Newman, 2008). Although people might not actually live on or near the beach, most Brazilians live along the urbanized South Atlantic coast and go to the beach regularly. Images of Brazil's beach scene circulate in the world's mythic imagination enticing partiers who flock from overseas to enjoy a taste of life on these shores where picture-perfect bodies move against wavy blue horizons and the labels on cold beer bottles sport the green and yellow colors of the nation's flag. Never more than a glance away, this dynamic – corporeal, celestial, and (trans)national – manifests with greatest intensity during the peak days of carnival (*carnaval*) and less so throughout the full cycle of summer festival, other holidays, and even ordinary weekends. In this way, the carnivalesque bleeds into everyday life, and with it beach crime, the sandy variant of street crime.

The South American continental shelf reaches out farthest to Africa in Bahia and Bahians represent and live the hybrid Afro-Brazilian core of brasilidade. Here, *orixás* and saints, maids, rebels and masters, Indians and

the descendants of monarchical priests engaged in a confrontational mix. Sexualized and racialized hierarchies of complexion and blood enter into this national myth and structure its underlying social tensions. Dancing to drums beating out samba rhythms (or more likely now, to reggaeton blasting from amplified speakers) the embodied image of the mulata, the mixed-race woman, rises phoenix-like from the favelas and walled condominiums. She rises and dances from ancient times across mythic distances, from diaspora into a modern nation with a constitution. She dances from slavery into a democracy where every citizen has human rights. She dances where the waves meet the sand and the dune peaks meet the sky and believers offer fruits and flowers to Yemanjá, the goddess of the sea. Yemanjá appears in sculpted figures all over town, her face often upturned toward a mirror angled to reflect possibility and fertility. The folk paints totems of her sculpted body in mystical metallic, as if emanating from cloud and wave, or earthy shades of brown (Fig. 1). But then again, she can morph into a mermaid from a land of buxom hausfraus who love a hearty soup. Isn't it beautiful, how myth reflects, orientates, composes, and obscures reality, each taking and making what they want of it?

Fig. 1. Offerings to Yemanjá (*Source:* Taken by Author).

Like language, myth's logical structure contains lacunae of controlled chaos and conflict. Storytellers rarely dupe their listeners into believing that protagonists can control chaos and resolve conflict; most people, nevertheless, enjoy thinking about how the varieties of truths, absurdities, actions, and consequences assume mythic shapes. Popular culture – the people's often but not always mass-mediated forms and processes of meaning production – borrows, nay grabs, and runs with myth's symbolic elements, binary oppositions, characters, and plots, mixing and technologically remixing for circulation in global consumer society. Ever-seeking material, popular culture-makers delve into religious rituals, secular folk narrative and musical tradition, histories (oral and written), newspaper and TV accounts, and even into its own archives and repertoires. In this way, popular culture realizes myth, incorporates it into contemporary reality as an affective agent.

TV myth: For an example of how popular culture simultaneously struggles against and feeds off the brasilidade myth, take the hit soap opera Opposite Lives (*Vidas Opostas*), shot on location in Rio de Janeiro. I watch it avidly from a distance in my field site in Salvador in 2006–2007. Director Alexandre Avancini remarks on the story's mission and intent to a Reuters reporter (Khalip, 2007):

> We are showing things as they are in Rio—slums, drug traffickers, corrupt cops, rotten politicians, and common people caught in the middle of all that. … We are glad that we are encouraging this discussion on violence. The Brazilian TV dramaturgy has been very slow in absorbing reality.

The desire to grapple with the reality of urban violence is clear in this statement; they even shoot part of it in a real *favela* (slum). Nevertheless, the narrative inevitably relies on myth. The love story at the center brings a mathematician, son of a wealthy businesswoman, who lives in a mansion together with a young woman college student from a favela. The two meet in a landscape that literally hovers above the urban tensions that wrack the city; she teaches him how to scale a rock peak. The pair as well as their families and neighbors have become simultaneously vulnerable and enriched by this crossing of a class divide that is either insurmountable or undesirable for its millions of viewers. This unfolds weekly as an ongoing struggle with mortal enemies. Violent battles between rival gangs of drug dealers and police catch the lovers and their loved ones in their circumstantial grip.

In the show, the beach is always figured as a space of transaction, where scantily clad young people from different social strata and age groups come together. The connections they make ultimately spread outward, linking the naive, curious, and rebellious middle and upper class youth with age group

peers from a favela who ultimately take them to their dangerous and fascinating home territory racked by gang police collaborations and warfare. My point here is that, in *Opposing Lives*, despite the series-makers' intention to grapple with realities of urban violence, they nevertheless continue to rely on the myth of the beach as an undifferentiated liminal space and zone (for better or worse) of democratic transaction. Soap opera can only grapple with one or two layers of reality at a time. The rest is myth, technique, and cultural criticism.

Indeed, in Salvador, I find the open interaction of beach activities undergirded by elaborately shaded codes of class, race, and origin. Unlike soap opera script writers, ethnographers capture, analyze, and represent multiple layers of social reality simultaneously to reveal and deconstruct the operation of myth in daily life. In my fieldwork experience, while systematic data gathering and solid research design are crucial to establishing a foundation, unanticipated events reveal mythic contradiction and failure most powerfully (Kane, 1992, 2004a, 2004b). This chapter focuses on emerging cracks in the myth of brasilidade in a Bahian beach condominium complex. The cracks open up as a result of a robbery in which I am a protagonist, the victim. The crime reveals the illusory nature of the security that money can buy (a wall, a porter, a negotiated balance of public and private space). The crime radically alters my communicative relationships among the condo dwellers, giving me an entree to the undercurrent of fear and racism papered over by the myth of brasilidade and the pleasures of beach life. The scenes I describe undo the fantasy that beaches are sexually pleasurable spaces of race and class mixing. In it, I frame armed robbery as the painful shadow-twin of celebration, as much a part of popular culture as bikinis, drinking, and dance. There are no effective social control mechanisms capable of containing the less desirable propensities of the carnivalesque. Informal community mechanisms notwithstanding, supposedly safe, respectable spaces are illusory. Conflicts and collaborations among condo dwellers and associates dramatize the social fact that negotiation, argument, and rumor aim at sustaining the illusion or aspiration of safety, not safety itself. The resulting counter-myth stabilizes the carnivalesque so that everyday bourgeois life can proceed. Make no mistake, the middle class also buys into their version of brasilidade, which they enjoy in appropriate company and settings.

An unbounded flow of meaning-making dynamically relates to a specific crime in this transnational mythic context. To rephrase, in myth and in social reality, contestation for social control and cultural meaning over the beach, or more particularly, the subspace of the beach which is a middle-class condominium, dramatically reveals cognitive divisions. So, purity and

danger, pleasure and violence, democracy and race/class stereotyping, as well as local insider and foreign outsider identities, structure the political unconscious (Jameson, 1981). The following description and analysis of fieldwork events traces the emergent outlines of how – in the face of brasilidade and associated celebration of carnivalesque disorder – the uniquely middle-class Bahian structure of feeling (Williams, 1977) is ever-dependent on social exclusion and sacrificial lambs (Young, 1996). Moreover, I argue, crime is an unanticipated discourse trigger of great utility to the ethnographer, not because she gains insight into the seduction of perpetrators (Katz, 1988) but rather because it provokes interactional revelations of the most impolite sort.

THE SETUP

Scene of the crime: I am carrying out a multi-city, two-nation study of water security in port cities. Knowing we would be in Salvador during the peak tourist season (November–March), I researched housing on the web and arranged and paid for what appeared to be a spacious, arty house ''between sea and lake'' well before my husband Jason and I arrived in Salvador. Finding the house completely unsuitable upon arrival, on the second day in town, we find ourselves walking door-to-door, condo complex-to-condo complex, looking for a place to live. This is an unusual way for foreigners to arrange for living quarters. The Dutchman Lars, who owns and rents apartments in what I call here ''Sea View,'' interviews us at the gate and ultimately decides we are a safe bet.[1] In a jam and expecting family visitors, we negotiate a way-too-expensive ground floor, three-bedroom apartment with terrace, nice furniture, washing machine, cable TV, and (sometimes) Internet service. I have never enjoyed a more luxurious field camp. I can even gaze at a few inches square of the Atlantic through the kitchen window. The complex is made up of three white and adobe-painted buildings, four apartments each, with ceramic tile floors, ample windows, and small terraces. The condominium's central public spaces include a pool, a lawn, an underground car park, a porter and guard post at the front gate, and a surrounding wall. Given appearances, we consider ourselves and our equipment secure. We leave our windows open at night for the breeze as the apartment lacks air-conditioning.

Condo cast: Basic social categories and spatial practices become clear to me in the normal course of everyday life. Except for one deceased Italian man,

whose apartment is caught up in probate, residents are either Brazilian or foreign, long term or temporary. These are fuzzy categories. The Brazilians are firmly middle-class people who are in transition, either in the process of saving up for their dream houses or temporarily working in Salvador. Two couples, one with a baby and one with a teenage son who visits regularly, are related by marriage. One husband, a doctor (César), is married to a nurse (Amália); one a dentist (Emilio) whose wife (Alícia) takes care of their baby. The temporary guests are for the most part foreign tourists renting apartments from Lars, or owing their own apartments, like the Italian men who come now and then for holidays and engage in controversial or otherwise inappropriate behavior such as hire prostitutes and hang their wet beach towels over the front landing to dry (laundry should dry out of sight, a custom I also ignore). The "other American couple" is resident retirees. Jason and I are anomalous, in that we are foreigners but not short-term tourists. There is a general friendliness among those who live in the condo; yet, custom has it that only resident owners participate and vote in meetings to discuss finances, projects, maintenance, staff, and rules about using public space. There is a day porter, a night porter, various domestic workers, and maintenance men. Other young black women, who residents label prostitutes and do not introduce, confine their occupation of privatized public condo space to the guard post in the daytime or early evening hours. As my fieldwork takes me hither and yon, I notice these things with vague interest, typing up the events reported here in my fieldnotes.

Events leading up to the robbery: The pool is a sexually contested space. Before we arrive, residents made a rule prohibiting late-night swimming, which the porter enforces by promptly removing the ladder at 9:00 PM every evening. This strikes me as ridiculous and when I challenge it, the American couple explains that the two Brazilian couples hated "prostitutes having sex in the pool after being brought inside [the condo] by young single male tourists." When they share the preposterous notion that the rule will protect residents from AIDS, I object to the epidemiological inadequacy of the explanation, especially considering the medical expertise of the source (doctor, nurse, dentist). Secondarily, the rule aids in keeping down the noise and lewdness, they say. The prohibition is a source of tension because I work late and enjoy an after-hours swim. Moreover, the beach, although five minutes away, is out of the question due to the high risk of assault.

   To be fair, the question of inappropriate and unacceptable behavior is not completely spurious. For example, one morning at 5:00 AM during the Christmas–New Year holiday period, the American Martin, who does not

speak Portuguese, is doing his sit-ups on the floor of his living room with his door open, as is his wont. A prostitute, apparently after having been upstairs with a client, makes a universally obscene gesture (thumb and forefinger making a circle, another finger moving in and out). She: "Do you want any?" He says, "Shush, my wife is in the next room." Later, his wife Sandra catches the woman in the hallway in the act of stealing a pair of her old sneakers and demands them back.

Moreover, although it is the most obvious one, the pool is not the only contested space. Not long after we arrive, two federal officers from IBAMA appear at the gate, show their IDs to the porter, and ask to talk to Lars. IBAMA is the Brazilian Institute for the Environment and Renewable Natural Resources (Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis). Hanging my laundry on the line, I happen to be within hearing distance. Somebody has reported Lars for illegal capture of wild birds. Songbirds hang in cages among the many flowering plants in the front garden between the outer street wall and Lars's apartment. The officers inspect the birds, tell Lars that they understand that he is doing what many Brazilians do, that they are sorry but that since he was reported, they have to fine him. He was furious that his neighbors would attack him again. He links the attack to arguments over the front garden. Everyone, including Lars, agrees that it should be community space. Some residents, however, feel that Lars had marked it as his own by putting a big wooden table there without asking other residents. He is not the only one who, says a Brazilian resident who points out botanical evidence to me, has contributed to planting and caring for the trees, bushes, and flowers there (see Kane, 2004a, pp. 35–40 for analysis of gardens as contested spaces).

Sunday, midday, January 21st: Earlier in the week, the police deliver an ominous little piece of paper indicating the existence of an unspecified charge against Martin. As he does not speak Portuguese, I accompany him to the police station to find out what is going on. Although they had been good friends, he and Lars had an argument over the use of a car that Lars shared but Martin owned. When Martin demanded his keys back, Lars said he would hand them back when he damn well pleased, and furious, Martin replied that if Lars did not return his keys, he would break his neck and back. So Lars went to the police and filed a charge. (Given what I know of these two large, strong, burly, peaceful men, it is unlikely that Lars believed that Martin would ever act on the verbal threat, but he relished getting revenge by initiating what would be a prolonged though minor hassle with the police.)

As we wait in the station's front room, five Brazilians come in. They had been traveling in a public minibus when two thieves got on and stole everyone's money at knifepoint: three passengers, the driver, and the man who collects fares. Then they stole the bus itself and drove away leaving the people on the street. Minutes later, they arrive at the closest police station, the *civil* police station, where the police on duty tell them that if they want help catching the thieves, they need to go to the *military* police station. Of course, this is no help at all. No one jumped up to try to catch the robbers, and no one looked like they were even trying to help the victims get to the right station.

Friday, twilight, January 26th: A beach-shack owner and I witness the assault of a tourist at water's edge a short walk from the condo. When I return upset, Lars and Amando, a Brazilian resident who is Condo President, chat on the ledge inside the gate. Jason had confronted Amando about not letting me swim in the pool after hours, and Amando takes this opportunity to tell me that I can swim whenever I want. Moreover, he is handing over the Presidency to Lars because he cannot take it anymore. I tell them about the assault I just witnessed. They say that even though it is not quite dark out, I cannot walk on the beach at this hour. Amando recounts an incident that happened the other day: his woman and her little girl left the condo about this hour. They were standing at the bus stop in front of the school across the street waiting for friends to pick them up to take them to church when thieves assaulted her at knife point. Lars recounts another incident: A German tourist staying in one of his rentals got assaulted as he arrived at the gate with all the rent money for Lars in his money belt.

Thursday, late afternoon to early evening, February 8th: Things are heating up. Carnival season opens today with the *Lavagem*, a traditional Afro-Brazilian procession along the beach ending with the washing of the Church steps, followed by a street dance party with electric bands. Sandra pops in to tell me that earlier today two Italian tourists, young men, brought two girls into the condo and swam in the pool with their jeans on. (Apparently it is taboo to have on too much or too little. Amazing how a string bikini is the epitome of appropriate dress.) The girls looked to be as young as Martin's daughter, 15 or 16 years, she says, pointedly reminding me that the children whom we accompanied on the procession today held a banner decrying "Child Sexual Tourism is a Crime." Later, at a small poolside gathering, César is furious: "This is Home," he declares. "This is a family place, not a place for single European male tourists to bring underage girls or women to have sex in their rented apartments. This is not a hotel room … It's also (referring to another recent incident) not a place for European female tourists

to take off their bikini tops.'' His declaration attempts to mark the condominium complex as a moral universe distinct from the tourist universe. This is a difficult if not impossible desire, I suggest, given that Salvador is in – and depends on – the global sexual tourist network. Like Belize and Thailand, Brazil, and Salvador specifically, is celebrated for the delicacies and accessibility of young darker hued flesh (girls and boys). Airlines fly them in, hotel staffs pamper them and feed them the young like ripe mangos. So how do we manage to live peacefully in the context of the tense moral standoff?

For middle-class condo residents, this is a moral question that they attempt to adjudicate by agreeing to written rules that proscribe behavior in shared micro-spaces (the pool has rules, but not the garage). So if, like today, someone is swimming in cut-off dungarees instead of a bathing suit, any resident can remind, or more likely, inform, the "host-guest" and his companion, what the bathing attire rule is. Chances are the temporary guests are not interested or well-informed about the limits of transgressive behavior desired by permanent residents. The question is does Lars, or whoever else owns apartments rented for temporary stays, have a responsibility to have a short conversation about community norms? Given that the carnivalesque brings their bread and butter, such limits are antithetical to good business. Indeed, as a practitioner of Dutch tolerance, Lars feels no compunction to comply, or urge his guests to comply with the middle-class Brazilians' morality principles. He never informed us about any pool rules or the signifying order of swimming fashions (cf. Berger, 1980, pp. 31–40; Barthes, 1983). The standoff is beginning to interest me as an aspect of larger processes of embodiment related to the transnational occupation of national myth and territory.

> Carnival is concerned with bodies, not with the bodies of individuals, but with the "body principle," the materiality of life that underlies and precedes individuality, spirituality, ideology, and society. It is a representation of the social at the level of materiality on which all are equal, which suspends hierarchical rank and privilege that normally grants some classes power over others. The degradation of carnival is literally a bringing down of all to the equality of the body principle. (John Fiske, 1989, p. 83; cf. Bakhtin, 1968, pp. 6–7; from "Offensive Bodies and Carnival Pleasures")

The standoff is a symptom of a difficult problem with roots in the economic geography of Salvador's beach neighborhoods. On the one hand, it is a contemporary version of the same old thing. The (neo)colonizer in the shape of a male adventurer/tourist, lured by glossy photos and promises of African beats, comes and exploits the poor and is disrespectful to the local elites/middle class. On the other hand, if people cannot be "free" during carnival season in Salvador, then there may be no globalized public space that allows for temporary crossover into liminality.

The emergent discourse of race, nationality, and class difference that unfolds in the condo is important to understand not only because it reveals confrontations between Brazilian bourgeois lifestyle and the transnational carnivalesque. The negotiation of race and class difference in the sexualized space of the pool also reveals an internal, intra-Brazilian struggle to maintain social hierarchy. The ongoing argument about pool and prostitutes arises one day as a group of residents are gathered poolside enjoying drinks and conversation. The occasion is the return of a French couple, long-time temporary visitors who apparently meet universal approval. I do not remember what triggers her confidence, but at one point, Amália lowers her voice conspiratorially to tell me that Irene, the woman who lives with Lars, is "a woman with a program." You mean a prostitute, I ask? Yes. Later, Martin tells me that Lars told him that he pays Irene a monthly stipend to live with him. Unlike the other Brazilian condo residents who are not native Bahians, Irene comes from the interior of Bahia and has a darker shade of complexion than they.

THE ROBBERY (OR, TOO MUCH PARTICIPANT OBSERVATION: GET ME OUT OF HERE!)

Monday, 12th February, Animus and the Barefoot Prostitute

7 AM: I am down with a viral infection; my neighbors, medical professionals, suspect Measles, Rubella, Dengue Fever? I get up to get a glass of water and observe that the front door is not completely shut. How odd.

8:30 AM: I rise again, entering the bedroom that serves as my office. Wires and flash drive set on the wooden table, but no laptop. Digital camera, cell phone, and a pillow case are missing from the living room. One of two plastic chairs from the terrace is propped up under the kitchen window (Fig. 2). (I always insist on having it open for cross-ventilation.) We were robbed right under the nose of the porter.

Now I feel stupid. I succumbed to the illusion that we are safe from all the assaults surrounding us because of a wall (too short), a gate (too flimsy), a porter (asleep? involved?), a lack of understanding about past history (other robberies in the condo), and most of all, because we are paying almost US$2,000/month for this supposedly secure, quiet, comfortable ground floor apartment. Soon after, accusations start flying. I start transcribing more detailed translations of Portuguese and English conversations into fieldnotes.

Fig. 2.   The Chair (*Source:* Photo by C. Jason Dotson, Reprinted with Permission).

9:00 AM: César's wife, Amália, and the day porter walk across the grassy open space between our apartments to my terrace. She talks on the cell phone with her sister Alícia. Alícia was up with the baby between 4:00 and 4:30 AM when she saw a barefoot woman (a presumed prostitute) looking into my kitchen window. The baby made a noise, startling the woman who then wandered over to the low wall by the pool, eventually (Alícia guesses) going back upstairs to the Italians.

Hanging up, Amália explains: The two Italians are single men, an uncle and his nephew, who each own an apartment. They come for three-week periods several times a year and are in the habit of bringing in prostitutes and using the pool. This has been the source of controversy. Moreover, the Italians do not want to take time away from having fun to attend condo resident meetings, which is the principle arena in which to negotiate problems.

About 9:30 AM–noon: Meanwhile, everyone is coming over to our place to talk and work out probable scenarios. We reconstruct the time frame: Jason went to bed about 3:00 AM and did not fall asleep right away. Alícia reported her sighting between 4:00 and 4:30 AM. Martin came out of his

apartment across the yard 15 minutes earlier than usual at 5:00 AM and might have surprised the thief or thieves. He smelled a lot of bleach; apparently, the porter cleaned the pool deck in the night (very unusual timing but something the residents had discussed). He did not notice the chair sitting under our kitchen window at 5:00 AM, but did notice when he came out again at 5:15 AM (Fig. 2).

Lars suspects the veracity of the sisters' story because they are always looking for ways to justify antagonism toward the prostitutes, blaming them for everything. And if Alícia saw someone doing this in the middle of the night, why not tell the porter, or us? Jason agrees. Warming to and expanding his theme, Lars continues, "The Brazilians" are always trying to blame the prostitutes for everything. The thief is more likely Amália's own son who is a "drug addict" and lives across town in a very bad neighborhood. Why, he asks, did she kick out her own son and why did she and her sister put bars on all their windows? (Lars now abandons pragmatic Dutch tolerance for victimless crimes such as drug use. People throw the term "drug addict" around quite loosely among condo residents, making no distinction between kinds of drug use. I hear them flatly condemning marijuana use, which is illegal. In contrast, drinking alcohol is not only accepted but encouraged as a family.) Angry that Lars never mentioned the fact that leaving ground floor windows open around here is unwise (even though we should have figured out the risk ourselves), I confront him.

Midday: I am sitting with the American couple by the pool after the trek to report the robbery to the civil police. (This is for insurance purposes. We do not expect more than rudimentary paperwork.) Amália comes out to say, boy is she glad that it could not have been either of her two sons because, "of course," one had left for southern Brazil a couple of days before and the other had been working all night. Why, she had even phoned the latter the day before to invite him over whereupon he said, "No, I can't Mom, I'm putting up *camarotes* (secured dance areas) for Carnaval." Indeed, he worked all night and did not get home until after dawn today. If you want to know what I think: it must have been one of Irene's two sons. You did know that she had three sons? The third son, her granddaughter's father, was found dead sometime ago. The word is he too was involved in drugs and violence. The son I suspect recently stole from her, his own mother, to get money to buy drugs. Why, he even stole the dog!

Late afternoon: I join Lars and his Dutch friend at the controversial table in the front garden. Lars again accuses Amália's son of being a drug addict. For example, he says, the son went up to one of the night porters and asked him to hold on to a joint for him so that he could smoke it later that night.

The porter refused, suggesting that the youth smoke it on the beach where no one can see him, then reported the conversation to Lars (and perhaps others). I say, well that makes him into a not very smart young man who likes smoking marijuana, but not a thief! And Lars says, yea, well, he is the one who broke into the doorway of his parent's house. And although Amália kicked him out and took his apartment key, Lars has seen him punch in the numbers of the gate code and come inside the condo walls.

I say, "Lars, you should be careful about making such accusations because they provoke other accusations." For example, Amália is saying that it was probably Irene's son who committed the robbery last night because they know he stole stuff (and a dog) from her before. Lars explodes. That was two years ago! And I took a decision that he was no longer allowed to enter the condo. It almost ruined the relationship with my "wife." (Interestingly, once before, soon after our arrival, I referred to Irene as his wife and Lars corrected me, saying she was not his wife. Martin thinks that no one would be surprised if the exiled son reappears inside as soon as Lars goes back for his regular stay in the Netherlands.) Amália's accusation reminds him of the recent attack on his songbird ownership. He says that when he tried calling IBAMA, the agency informed him that no such officers worked there. The whole thing had been a setup, he tells me now, designed purely to upset him. Not only that. Someone opened the door to the cage of his most expensive bird, letting it fly away. He believes that Amália's son did it and is really quite bitter.

Not long after this exchange, Martin returns from talking over the events with his friend Gilles, the French owner of a beach restaurant-bar with 20 years experience dealing with Brazilian thieves. Gilles thinks the robbery is an inside job probably involving the porter, a thief who entered the apartment, and a driver waiting in a car. Jason and I agree. If we could only get a hold of the porter's cell phone, Gilles bets that we would find a tip off call to the thieves between 3:30 AM and 5 AM. Ha!

Evening, 7:00 PM: I relay Gilles's theory implicating the porter without revealing its origin. Lars demands to know who told this story. As it is not a secret, I say. This annoys him. He acts like he is never heard of Gilles. (His annoyance arises from his dispute with Martin. One evening when they were still friends, we all went to Gilles's for music and drinks so he is obviously dissimulating). Lars thinks the porter would not risk losing his job for something like this because he has a family to support.

When he gets home from work, Alícia's husband Emilio interrupts the conversation with Lars to report that alas, he has not been able to contact the friend or relative who knows the local chief of police yet (and indeed, nothing ever results from his attempts at personal networking). When Emilio departs,

Lars adds that he finds it exceedingly strange that Alícia came up to him and told her story about seeing the barefoot prostitute because she never talks to him. Indeed, she will ignore his greetings and even turn her face away when he walks by. (Any time Lars happens to move into our field of vision while we are talking, Alícia's sister Amália never fails to mention how much she hates Lars.) Again, Lars tells me that Alícia's story must be an utter fiction meant to deflect attention from her nephew. Lars believes that not only did the nephew break into their apartment through the sliding glass doors once, but when they were away, he kicked in the kitchen window bars to gain entry. Lars says, this shows not only how silly and fragile the bars are as a means of protection, but also how the sisters always cover for the sons. They dismissed the cleaning woman for laxness in securing the bars, showing, Lars says, how middle-class Brazilians are always blaming the servants.

I still have a bone to pick with Lars: he never suggested to us that we not leave our window open or give any indication to us that there could be a security problem. I ask him to relay the incident in which he was held hostage in his apartment. (The Americans must have told me of this event because Lars certainly had not volunteered it.) His account is as follows:

> Lars put an ad in the newspaper advertising a laptop for sale. People came into the complex and up to his apartment with the pretense of being interested in the laptop. They held a gun to his head. They not only wanted the laptop, but cash, his watch, and whatever other valuables he had. Moreover, they wanted to humiliate him. They wanted him to cry and beg them for his life, to piss in his pants. He did none of this. Instead, he told them off in his excellent Brazilian Portuguese saying that they should work for their money. The thieves knew that if someone called the police shortly after their arrival, they had at least 20 minutes before the police arrived. After 20 minutes, they left, locking Lars in the apartment from the outside.
>
> In the meantime, a noise or something alerts Irene that something is amiss in her apartment upstairs and she runs to the neighbors for help. They all shut their doors and windows and stay inside. She runs about a kilometer to the police station. The porter, who has neither phone nor numbers to call for emergencies, follows her. Not only do the neighbors not help as the crime is being committed but no one will even mention it to him afterwards. Everyone just ignores it! For Lars's part, this is the basis for the bad blood between them.

Lars says that he still sleeps with his windows open (it is hard not to with no air-conditioning), but he keeps a gun by his pillow.

After about 8 PM: Alícia arrives with her husband to reenact the barefoot prostitute scene. I ask, so why didn't you say something? They say, we were so preoccupied with the fussing baby, and it did not occur to us something serious was about to happen. It is too bad because we could have gone inside our kitchen and watched the thief climb in and even taken a photo.

9:30 PM: César says, you know, there is a suspect coming into our apartment excited by the barefoot prostitute story. We listen politely. Then he adds, a prostitute swimming in the pool one day told Amália – who mind you, had said absolutely nothing – that she would sue her for discrimination. Do we realize, he wanted to know, that in Salvador, black people bring and win discrimination suits on no or on the flimsiest of evidence? Isn't it funny how people can tell the cruelest blonde jokes (why shouldn't you leave your laptop in the bathroom? Your blond girlfriend will use it as a scale) and everyone laughs. But if you merely indicate a black person's skin with a brush of a hand, one can be taken to court. This is no mystery, I say. After all, blonds are a valued category in popular culture, so when you insult them, it is a symbolic inversion, while blacks have suffered a history of oppression and there is nothing funny about perpetuating it. He ostensibly accepts this.

I relay the theory involving the porter and say that it seems equally as plausible as the barefoot prostitute theory. Given the famous brutality of Brazilian police, I would hate to be responsible for pointing a finger at someone about whom we were not sure, wouldn't you? He says, you know, this is the fourth theft here. True to form, he omits Lars's gun-to-head incident. Compared to the lucrative theft of my equipment, none were very serious. César mixes fact and conjecture while assuming an indignant tone.

One Day Later, February 13th: The Outburst

First thing next morning, Alícia approaches me to say that the Italians had shown her photos of the two girls they were with the night before and neither is the one she saw. Although, she adds, the girl looks like the type they like: well dressed in cute Bermuda shorts and a little top.

César and Lars face-off: My illness peaks. Lars sees me cross the grass to show César the spreading rash and to tell him that the photo exonerated the Italians' girls. Lars joins us to say that the porter told him that one of the girls had left the complex well before any theft might have taken place. So then I told Lars about the photo. In the meantime, César's anxiety grows. Although he sees that fingering the Italians' girls is no longer an option, he still wants to press on with his argument. He projects his fear and anger onto European sex tourists who bring low class whores and other untrustworthy strangers within the condo's protective walls. This threatens the welfare of the good families, that is, the middle-class Brazilian families with professional qualifications who would never consider paying for sex and

who only allow trustworthy visitors in. His solution: ask temporary European visitors to take any person with whom they exchange money for sex to a hotel. He said he personally will ask the Italians. In the face of the social fact that my husband, black, and I, white, are an acceptably married biracial couple, race becomes a neutral signifier. Nevertheless, the underlying referents of César's ire are foreign white men with money hiring black girls and women from the ''popular'' classes. Racial meaning thus functions like a shadow, lurking beneath the surface of conversation as it lingers beneath the egalitarian myth of brasilidade.

Lars keeps challenging César's vision of social re-ordering. He says, there is, after all, no way to know who the prostitutes are. Moreover, you cannot tell people what they can and cannot do with their apartments. As prostitution is legal in Brazil, you would have to change the law to do what you want. Frustration rising, Lars slips into more dangerous personal terrain: It is not just strangers coming in who might put us at risk. We both know that there are people in our own families who might cause such problems. Now César explodes: I know you have been saying things about my stepson. As you know, he is not my favorite person, but he does not do drugs and he does not steal. I know you have been saying he does drugs. He does not! Now César shifts into direct accusation: You know that Irene's son *is* a problem. He has stolen from you and from us. But not my son, my son is a good boy! The back and forth continues. They are yelling at each other. César keeps circling back to his tirade about ''whores.''

The outburst is the coda. Condo residents speculate no more about the robbery.

14th February: Nurse Amália kindly insists on driving me to the local public clinic for a blood test. Returning to the condo, she points the garage opener at the door but does not turn the car to face it. She leaves the car facing forward toward the water. Why? I ask. One should never turn the car toward the door before opening it, she instructs. If you see someone coming to assault you and the car faces the road, you can still drive away. There have been many assaults of people stuck facing the garage. I learn of a case later from the American couple: A man in a car tried to drive into the complex when an assaulter jumped in and held a gun to his head. And thus in a state of anxious anticipation, residents attempt to control fear by modifying routines.

February 16th: Four days after the robbery, in a special meeting to discuss security, residents decide that the porter should not be allowed to work here anymore because they could never be absolutely sure of his involvement.

Postscript: In the days to come, I would hear further personal experience narratives of assaults involving residents and their social networks. Together with the heinous incidents that shake even the mass media, fear is palpable. On March 2nd, Amália's son and the porter witnessed three young men with a gun jump out of a nice car and assault a couple in front of the condo. On March 3rd, my last weekend in Salvador, I watch a lunar eclipse with Amália from the grass between our terraces. She asks me if I will miss being here (i.e., will I have *saudades*). I think not, except for a few people, I say, which merges into a conversation about insecurity (a fresh crime victim story) and risk reduction (she sleeps with her bedroom door locked when César is not there). Why has not the porter been fired? I would like to know. She explains, on the night of the crime, the porter might have been one of three things: involved, threatened, or asleep. No matter, if they fire him, he might wreak revenge, knowing as much as he does about this place. I understand that residents conjuring some form of justice (whatever that might be) in response to my victimhood is impractical. As a temporary resident, I am easily sacrificed on the altar of risk management. I have no problem with that. I had insurance and we should have kept the damn kitchen window closed in any event, never mind the heat. Truly, I am greatly relieved to fly away. Although, paradoxically, that is not to say I am without saudades for Salvador.

CRIME *IS* POPULAR CULTURE

Scholars of popular culture tend to analyze crime as representation, acts re-enacted in textual form; most scholars of crime tend to frame it in more authoritative realms than popular culture. But crime – and anticipatory responses of fear and suspicion that crime produces – precede selective reenactments of images and plots. As such, crime is mundane popular culture, an elemental aspect of habitus (Bourdieu, 1985).

Robbery, in particular, triggers layered social discourse, manifesting and releasing social tensions in the popular as well as a diversity of expectation and spatialization in the carnivalesque. The events I analyze here have the virtue of having happened to me, collapsing my fieldwork into my albeit temporary, personal life with others in a way that reveals, beneath the pleasures and politeness, all the dynamic nastiness that fear produces in violent times and places. The ethnography emerges fresh (indeed, quite raw) to illuminate the way that robbery is an *un*popular practice (cf. Redhead, 1995) carried out by people divided. As local actors enact the plot that robbery triggers, they differentiate themselves on multiple scales of guilt and

risk, prejudicially associating one or another with class, race, sex and geo-cultural origin. In so doing, they demonstrate that although scholars like to focus on the unbounded rule-breaking *jouissance* of carnival and the carnivalesque, in practice, people struggle mightily to contain and sustain it. They move the party off the beach because night portends danger; they want secure spaces in which to party. Only then will they let down their guard and relax into the myth of brasilidade. And so, fact entwines with fiction, and reality tentatively approaches myth.

NOTE

1. Except for Salvador, the city, all names of condo residents and places are pseudonyms.

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HERE BE DRAGONS: LOMBROSO, THE GOTHIC, AND SOCIAL CONTROL

Nicole Rafter and Per Ystehede

ABSTRACT

Purpose – *To propose a radically new way to understand the science of Cesare Lombroso, the first scientific criminologist, and thus to broaden understanding of the origins of criminology.*

Approach – *Using both comparative and analytical methods, we locate Lombroso's science of criminal anthropology in the context of late nineteenth-century Gothicism.*

Findings – *Lombroso's born criminals were Gothic creations, holdovers (like the crumbling castles of Gothic novels) from an earlier, less civilized period, human gargoyles (like the characters of Gothic romances) redolent of death and the uncanny. Moreover, Lombroso's Gothic science, with its depictions of physically and psychologically abnormal criminals, contributed to a transformation in social control by scientifically legitimating the social exclusion and intensified control of those perceived as morally monstrous.*

Originality and value – *This study creates a new framework for understanding Lombroso's contributions to criminological science and social control. Moreover, in a way that is almost unique in criminology,*

it combines historical research in literature and art with the history of science.

Research implications – *To a degree not usually recognized, a science and its social control ramifications can be shaped by the artistic sensibilities and cultural traditions of the period in which it develops.*

The count [Dracula] is a criminal and of criminal type. Nordau and Lombroso would so classify him.

– Bram Stoker, *Dracula*

INTRODUCTION

Cesare Lombroso occupies an ambiguous and indeed paradoxical place in intellectual history. His book *L'uomo delinquente* (1876) constituted the world's first effort to create a science of criminology and thus, by definition, made him the founder of the field. In addition, his 1893 book *La donna delinquente* (*Criminal Woman*) constituted the first freestanding study of female criminality (Lombroso & Ferrero, 1893). Lombroso's place is ambiguous because to many, it is unclear that he was someone worth honoring: His science was weak even by the standards of his own day, and although he was a liberal reformer, his biological theory of the born criminal fed into the eugenics movement and Nazi doctrine. Lombroso's place in history is paradoxical because over time attitudes toward his work have oscillated widely, from the awed to the censorious, from the respectful to the dismissive, passing over middle ground where the contradictions might be reconciled. Moreover, while Lombroso's significance to criminological history remains unsettled and a matter of ongoing debate, his contribution to the theory and practice of social control has barely even been considered, much less debated (but see Gibson, 2002).

In this chapter, we propose a new way of thinking about Lombroso's work – and criminological history – by examining his science in the context of late nineteenth-century Gothicism. We argue that his born criminals – throwbacks to an earlier evolutionary era, malevolent beings twisted in body and mind (''lubricious and ferocious orangutans with human faces,'' as one of Lombroso's correspondents described them; H. Taine as quoted in Pick, 1989, p. 109) – were Gothic creations, redolent of death and the uncanny. To escape damage from these ubiquitous, irrational monsters, Lombroso reasoned, society must intensify social control: develop scientific means to identify born criminals and immobilize them for life.

A great deal has been written about Gothicism in the fields of literature and the visual arts but almost nothing about how it affected science (but see Picart & Greek, 2003; Valier, 2002). To be sure, literary critics such as Fred Botting (1996) and Kelly and Hurley (1996) have examined how, in the late nineteenth-century, Gothicism came to include then-current scientific preoccupations such as atavism, brain operations, heredity, homosexuality, hypnotism, and venereal disease. Working from the other end of the equation, we argue that Lombroso's science of criminal anthropology incorporated many of the trappings of literary and visual Gothicism – that it in fact *was* a Gothic science and that Gothicism was essential to its nature. Without claiming that Gothicism was the *only* aspect of Lombroso's work, we show that it coexisted with positivism, constituting a grim counterpart to the modernist elements of his science, and without trying to settle the matter, we suggest how two such contradictory approaches to science could coexist in the writings of a single author.

We begin by locating our argument in the context of other approaches to Lombroso's work. Next, we outline the evolution of the Gothic sensibility, showing that it began as part of the Romantic reaction to Enlightenment rationalism and that by the end of the nineteenth century it had added themes and figures from contemporary sciences to its repertoires of the ghoulish and perverse. The next section identifies Gothic elements in Lombroso's work and argues that his oeuvre constituted a Gothic criminology. Then, the following section discusses the implications of Lombroso's Gothicism for systems of social control, while the next section summarizes our argument and points to criminal anthropology as an example of how thoroughly a science can be shaped by the sociocultural context in which it developed, without contemporaries or later historians even noticing the influences.

FRAMING LOMBROSO

There are at least four ways to think about Lombroso's role in the development of criminology and social control: as a pioneering scientist, an unscientific and even malevolent scientist, a man of his times, and a Gothic scientist. The frames are not mutually exclusive, and our argument about Lombroso's Gothicism actually complements the other views. It also broadens historical understanding of the origins of criminology and helps account for the richness and persistent magnetism of Lombroso's thought. Finally, our perspective suggests that, to a degree not usually recognized,

a science can be shaped by the artistic sensibilities and cultural traditions of the period in which it develops.

The Pioneering Scientist

The earliest framework for understanding Lombroso's role was the one he promulgated himself: that of a pioneering and patriotic scientist whose research would help establish the government of newly unified Italy on a scientific basis. Lombroso had served as an army doctor during Italy's wars of independence, fighting bravely under fire, and he had high hopes for his country's future. Carrying the torch of science, he aimed at spreading enlightenment through the impoverished and politically fragmented land, demonstrating ways to solve its social problems scientifically (Pick, 1989; Kurella, 1911) (Illustration 1).

When criticism made Lombroso defensive, he pictured himself as a beleaguered pioneer, an explorer or hunter struggling bravely onward in search of truth. In the preface to *Criminal Woman*, for instance, he wrote that,

> Our work has elicited criticism because from the very start, its results flew in the face of received wisdom … (F)ortunately we stayed the course … If the method of gathering [the facts] was at first uncertain and uninspired, as though we were groping in darkness, at the end the goal appeared bright and lucid. We tasted the bitter pleasure of the hunter who, after chasing his prey uphill and down, experiences the joy of success … .
> (Lombroso & Ferrero, 2004, p. 35)

In his final, posthumous book, *After Death – What?* Lombroso presents himself as a cartographer, scientifically mapping unknown areas of the human soul. Defending both his belief in life after death and his scientific reputation, he writes of the scientist's duty to investigate even an unpopular theory, one resembling "a continent incompletely submerged by the ocean, in which are visible in the distance [only] broad islands raised above the general level." The visionary geographer perceives that the islands form "one immense and compact body of land," even while "the shallow mob laughs at [his] seemingly audacious hypothesis" (Lombroso, 1909, pp. vi–vii) (Illustration 2).

In this view, Lombroso ventured into uncharted regions beyond which others thought it too hazardous to travel – into the blank spaces of maps on which medieval and Renaissance cartographers had drawn dragons or scrolled the warning "Here Be Monsters." Undaunted by the unknown,

Illustration 1.   Il Pensiero – The Thinker – by the Italian Sculptor Leonardo Bistolfi. This Statue, in Verona, Italy, Lombroso's Birthplace, Depicts the Criminal Anthropologist in Scholar's Robes, Resting One Hand on a Skull – the Source of His Inspiration – and the Other on the Book Pages that the Inspiration Led to. From the Pamphlet *Le Solenni Onoranze a Cesare Lombroso* Issued at the Statue's Unveiling in 1921.

he ventured forth to discover those monsters, measure their dimensions, and find ways to contain them.

Admirers throughout Europe and the United States shared Lombroso's heroic view of his work. While he did not lack critics, he was respected as the founder of the new science of criminal anthropology and as a groundbreaking positivist (Rafter, 1992). Americans imitated his work and built on it, as did criminal anthropologists in England, France, and other European countries (Becker & Wetzell, 2006). A newly discovered cache of letters from American correspondents shows that from coast to coast he was famed as a socialist, a foe of wrongful conviction, and man of the highest principles.

Illustration 2.   Spirit Photograph (on right) of a Woman Buried Behind the Walls of Civita Vecchia in Western Italy. Lombroso Believed that the Substance of Spirits, though ''Invisible to the Eye,'' was ''Self-Luminous'' and Therefore Could be ''Reflect[ed] on Photographic Plates'' (p. 261). From Cesare Lombroso (1909), *After Death – What?*

People from many stations of life valued his opinion, seeking him out to write articles, attend conferences, illuminate the issues of the day, and advise them in their troubles (Rafter, 2010). In the view of these and other followers, Lombroso was an innovative scientist and man dedicated to human betterment.

The Unscientific or Malevolent Scientist

These positive opinions faded as the flaws in criminal anthropology became obvious. In *The Diseases of Society*, the American physician G. Frank

Lydston, who himself wrote in the criminal-anthropological vein, explained that,

> The work of some of our celebrated authorities in the field of Criminal Anthropology is sadly marred by unessentials and absurdities. The statement of the admittedly great Lombroso, that the conservative tendency of women in questions of social order 'is to be sought in the relative immobility of the ovule as compared with the zoösperm,' should excite the risibilities of the Sphinx. (Lydston, 1904, p. 27)

Similarly, Charles Goring, the leading British criminologist of the generation following Lombroso's, insisted,

> upon the total lack of the scientific spirit in the mind and methods of Lombroso himself. Nothing is more remarkable than the array of incompatibles [in Lombroso's work], of false and true notions, cheek by jowl, what there is of truth dangerously marred by exaggeration and fallacy–nothing is more startling than the organised confusion masquerading … under the scientific name of criminology. (Goring, 1913, pp. 12–13)

By the 1920s, such negative assessments were widely shared. While Lombroso still had acolytes, most criminologists now thought of his teachings as embarrassing relics of an unscientific past.

That view darkened in the 1970s and 1980s, when the discourse of radical criminologists turned Lombroso into a symbol of all that was wrong with traditional, positivist criminology. He was accused of sexism (Klein, 1973), of biological positivism, of promulgating a genetic theory of crime, and of promoting a malevolent science that preyed on the subproletariat (Taylor, Walton, & Young, 1973). Lombroso, the radical criminologists complained, blamed individuals for social ills; his science, by encouraging false labeling of lower class people, increased arrests and incarceration of the poor.

A Man of His Times

After decades in the criminological doghouse, Lombroso's ideas were reevaluated by late twentieth-century historians seeking to locate them in the sociocultural, intellectual, and scientific contexts in which they had developed. In the revisionist view, Lombroso emerges as a complex figure, scientifically careless, to be sure, but innovative in the questions he posed and in his approaches to finding answers. "In recent years," write the translators of a new edition of *Criminal Woman*,

> as more has become known about the intellectual context in which Lombroso worked, it has become clear that he built on concepts widely held by nineteenth-century scientists and that in many ways he was a liberal and even progressive thinker. In addition, recent

work on the history of science and the relation of science to society has erased the formerly easy distinction between 'science' and 'pseudoscience.' Instead of dismissing criminal anthropology as a naive or aberrant science, scholars are beginning to locate it in the context of the production of scientific knowledge in the late nineteenth century. (Rafter & Gibson, 2004, p. 6)

Lombroso, it has become clear, was "one of the most prominent intellectuals in late nineteenth-century Italy" (Gibson, 2002, p. 21). Moreover, the revisionists argue, it is ahistorical to hold Lombroso responsible for later perversions of his work by eugenicists and Nazis who, while they did indeed draw on criminal anthropology, were themselves responsible for their doctrines. Lombroso would have been appalled by their programs of sterilization and genocide, most of which were formulated well after he had stopped producing criminal anthropology.

A Gothic Scientist

One aspect of late nineteenth-century culture that the revisionists have overlooked but which nonetheless profoundly influenced Lombroso is the Gothic. Lombroso created a Gothic criminology, set (like the crumbling castles of Gothic novels) in an earlier, wilder period and populated (like them) by human gargoyles whose distorted features warned of death and the uncanny. Like the mad scientist Dr. Frankenstein (himself a Gothic creation, Shelley, 1818), Lombroso conjured up mentally warped and physically hideous figures; to tame these monsters, he called for new, more drastic forms of social control.

THE GOTHIC TRADITION

While several literary historians have taken passing note of Lombroso's participation in the Gothic (e.g., Botting, 1996; Seitler, 2008), few scholars have attempted to document and interpret Gothicism's influence on the criminal sciences. Yet, Gothicism provides a powerful analytical tool, certainly in case of Lombroso and probably also in that of other late nineteenth-century scientists such as Richard von Krafft-Ebing, the great encyclopedist of sexual perversions (also see Hurley, 1996).

The Gothic began as a style in medieval art, associated most prominently with architecture, where it was characterized by the pointed arches, soaring vaults, and elaborate ornamentation that can still be seen in churches such

as Notre Dame in Paris. This architectural tradition flourished between the twelfth and sixteenth centuries, but thereafter, it went out of style, rejected by Renaissance and later artists until the late eighteenth-century, the era of the Gothic Revival. The fortunes of Gothicism at that time were closely tied up with the advent of Romanticism, the intellectual movement that broke with the classicism and rationalism of the Enlightenment (Stromberg, 1994).

The Romantics, stimulated by the French Revolution and its demonstration that one could cast off the fetters of tradition, rejected the Enlightenment values of restraint, order, and reason, instead embracing emotion, adventure, the imagination, and irrationality. Restraint, order, and reason: these were the values that had undergirded the Enlightenment work of Cesare Beccaria and Jeremy Bentham, whose proposals for reducing crime and improving social control assumed the possibility of human and social rationality. The Romantics, in contrast, stressed untrammeled freedom and exploration; looking to nature for inspiration, they reached for a sense of the sublime, the shudder of horror, and other powerful feelings. One of Romanticism's stock images was that of the lonely, tormented artist, searching for truth. And Romantics recognized nobility in even simple folk arts that bore no traces of classical idealism.

While Lombroso's work is full of specifically Gothic elements (we examine these in the next section), it is also suffused more generally with Romantic notions. He pictured himself as a lonely, struggling genius, misunderstood by others but heroically soldiering on, as in passages quoted earlier. His fascination with prisoners' art – the paintings on their water jugs and cell walls, their bread sculptures, their tattoos – reflected Romantic interest in populist artistic creations (see, especially, Lombroso, 1894). Moreover, his interest in criminals' jargon, hieroglyphics, and other signs and symbols reflected the Romantic idea that language grows out of the soul or essence of a group of people or "folk." Most Romantically of all, Lombroso turned to nature for his truths, studying neither legislation nor political science (as Beccaria and Bentham had done) but physical man himself to unlock the secrets of crime. It is impossible to understand Lombroso's scientific project without recognizing its fundamentally Romantic character.

From the start, Gothicism formed a strong current within the Romantic movement. It emphasized danger, nightmarishness, and transgression. "Gothic shows the dark side," writes literary scholar Mark Edmundson (1997, p. 4), "the world of cruelty, lust, perversion and crime, that many of us at least half believe, is hidden beneath established conventions." Gothic writers such as Horace Walpole (1764/1996) (whose 1764 classic *The Castle*

of Otranto is considered the first Gothic novel), Mary Shelley, and Edgar Allen Poe stressed horror, the strange and exotic, sexual vulnerabilities and abnormalities, the ubiquity of the supernatural, monomanias, and the dark taints of corruption. They developed a stock of Gothic imagery – graveyards, creaking doors, madmen, tarns, thunderstorms, and unconscious maidens in diaphanous white gowns. Gothicism persisted into Lombroso's period with novels such as *The Strange Case of Dr. Jekyll and Mr. Hyde* (Stevenson, 1886/2007), *The Picture of Dorian Gray* (Wilde, 1891/2007), *The Turn of The Screw* (James, 1898), *Dracula* (Stoker, 1897/1993), and the short stories of Ambrose Bierce, and it barreled right on through the twentieth century with, for instance, German Expressionist cinema and novels by Daphne Du Maurier, William Faulkner, and Flannery O'Conner. The Gothic lives on today in the novels of Stephen King and Toni Morrison, horror movies such as *Rosemary's Baby*, and slasher films such as *Friday the 13th* (Botting, 1996). Gothicism, then, began as a branch of late eighteenth- and early nineteenth-century Romanticism but broke off to become independent, a vigorous and adaptive style that remains vital into the present.

One of the few scholars to have analyzed Gothic influences on criminology is the historian Karen Halttunen (1998), whose *Murder Most Foul: The Killer and the American Gothic Imagination* traces a radical change in American thinking about the perpetrators of homicide. Printed execution sermons of the seventeenth and eighteenth centuries, Halttunen explains, concerned themselves with salvation of the sinner's soul. ''The execution sermon was a sacred narrative which focused not on the bloody deed … but on the spiritual condition of the condemned criminals'' (Halttunen, 1998, p. 2). As these ''salvation histories'' lost cultural resonance in the late eighteenth century, they were replaced by more secular, Gothic narratives stressing the unspeakability of the crime of homicide, its mystery, and horror. Unlike execution sermons, which addressed killers as sinners but still members of the human fold, the new Gothic discourses deplored the utter otherness of the murderer. They reconstructed the criminal

> from common sinner with whom the larger community of sinners were urged to identify in the service of their own salvation, into moral monster from whom readers were instructed to shrink, with a sense of *horror* that confirmed their own 'normalcy' in the face of the morally alien, and with a sense of *mystery* that testified to their own inability to even conceive of such an aberrant act. (Halttunen, 1998, pp. 4–5, emphases in original)

The Gothic and the arch-criminal converged.

During the period 1876–1897 in which Lombroso launched and consolidated criminal anthropology, the Gothic underwent a resurgence in popularity while at the same time it was transformed by the physical sciences (Botting, 1996; Hurley, 1996). Evolution, degeneration, heredity, medicine, psychiatry, sexual deviance – inquiry in these and related areas forced a rethinking of traditional ideas about humans' bodies and their relationships with other forms of life (Seitler, 2008). The new ideas brought changes to Gothic iconography. "The Darwinian narrative of the evolution of species," writes literary historian Kelly Hurley (1996, p. 6), "was a narrative within which any combination of morphic traits, any transfiguration of bodily form, was possible; species integrity was undone." Worse yet, "besides positing a too intimate continuity between humans and the 'lower' species, Darwinism described the natural order as a disorder, within which species identity was characterized by admixture and flux rather than integrity and fixity" (Hurley, 1996, p. 10). Evolutionism encouraged Gothic authors like Lombroso to elaborate explanatory schemes involving atavisms and quasi-humans such as the born criminal. "Natural selection," Hurley (1996, p. 60) concludes, "authenticated the fantastic."

Degeneration theory had an equally powerful impact on the Gothic repertoire. In the nineteenth century, degenerationism – the notion that individuals can not only evolve but also devolve or go backward down the evolutionary scale – was *the* way of explaining evolution and trait inheritance, not to mention nature–nurture relationships and the origins of social problems (Pick, 1989; Rafter, 2008). Decades passed before Darwin's theory of natural selection replaced degenerationist explanations. In the degenerationist view, humans are susceptible to a vast number of forces – mental, moral, and physical – that can induce degenerative processes, destroying individuals, their descendants, and entire nations. Degenerationist images, including those of decay and mutation into grotesque physical or mental conditions, revitalized late nineteenth-century Gothic discourses. To some extent, they also changed the "location" of the monstrous: Whereas in early Gothic literature, horrors tended to be external to the human form – phantoms and evil monks who threatened the protagonists from outside – the horrors now became internal, manias, and perversions that menaced Gothic figures from inside their own degenerating minds (Botting, 1996). So powerful was degeneration theory as an explanatory framework that in 1884, in the third edition of *Criminal Man*, Lombroso adopted it to supplement his original explanation of the born criminal in terms of atavism.

The late nineteenth-century life sciences raised profound questions about human identity (Hurley, 1996). Man, it became unpleasantly clear, was far

from a unique being, fashioned in the image of God; rather, he was one beast among many, closer to a monkey than a deity. Identity anxieties surfaced in Gothic imagery of bestiality, sexual polymorphisms, and animals and plants with human characteristics (as in Lombroso's carnivorous plants and rapacious bees). Doublings, too, expressed identity anxieties: Criminal Woman is twinned with the Normal Woman, Dr. Jekyll with Mr. Hyde, and the changelessly beautiful Dorian Gray with the decaying image in his portrait. Uniqueness had been lost, such doublings and pairings indicated, and at any moment, one identity might transmogrify into its opposite. Identity uncertainties further manifested themselves in melodramatic questions about secret identities: In late nineteenth-century Gothic literature, apparently ordinary people turn out to be vampires, and the seemingly loving spouse conceals a vial of poison. Ernst Haeckel, the embryologist who argued that in its development, each creature bears traces of earlier evolutionary stages, inspired Lombroso's idea that children, far from being innocents, start life as little savages, miniature born criminals (Haeckel, 1898 [orig. 1868]).

THE GOTHIC AND LOMBROSO

Skulls and brains, anatomical and psychological anomalies, cruelty and savagery, deviant sexuality, insane criminals, epileptic criminals, hysterical criminals, and other Gothic elements abound in Lombroso's work. In loving detail, he describes freaks of nature, tainted families, moral insanity, and unnatural acts. ''The murderers and thieves of the Cornu family,'' we read in one of dozens of Gothic anecdotes that spill through the pages of *Criminal Man* and *Criminal Woman*,

> were raised by criminal relatives. Among the five siblings, only the youngest girl resisted a life of crime. But her relatives initiated her regardless, forcing her to carry the head of one of their victims for six miles in her apron. She completely lost any sense of remorse and became the fiercest of the entire gang, gleefully subjecting her victims to the cruelest tortures. (Lombroso, 2006, p. 131)

One of Lombroso's favorite examples of a born criminal was the soldier Misdea who, on an April day in 1884,

> returned to the barracks after having consumed several drinks … He was so well known in his regiment for violent and threatening behavior that his captain … had relieved him of his duties as the regiment's barber … Going to his bed, he fetched his cartridges and those of his companions.

> There was silence. Some soldiers returned to chatting. Suddenly there was an explosion, and three soldiers were severely wounded, while another three sought refuge in the latrines. Misdea followed them, firing against the latrine door and wounding several companions. But the massacre was not yet over. He chased those who had gotten away, shooting them one by one, firing a total of fifty-two shots, wounding thirteen and killing seven.

> Once imprisoned in a cell, he continued to call for revenge, saying that he wanted to kill people, burn them alive, and eat their livers. He then slept so soundly that it was difficult to wake him, and thereafter he ate little for three days …

> Descended from a family of madmen, epileptics, sexual deviants, and criminals, Misdea … had thick hair on his head and limbs; scars from fights on his arms, face, and head; protuberances on his skull, which was flattened on the upper forehead; indentations like those of microcephalics on his lower forehead … His … desire for revenge to the point of cannibalism likened him to the born criminal and the madman. That these characteristics were aggravated by epilepsy was clear even to the medical experts for the prosecution … We only have to stretch the definition of epilepsy a bit to draw a comparison between the psychological state of an epileptic during a fit and of the born criminal during his entire life. (Lombroso, 2006, pp. 257–259)

To illustrate such tales of horror and madness, Lombroso filled his books with yet other Gothic images – line drawings of a trococephalic rapist and a "homosexual arsonist nicknamed 'The Woman'"; prisoners' depictions of their forthcoming executions and suicides; and a diagram of child murderers' brains. By the fifth edition (Lombroso, 1896–1897), *Criminal Man* had become so engrossed with illustrations that Lombroso had to create a separate volume, the *Atlas*, to include them all. *Criminal Woman* includes pictures of Abyssinian women with immense breasts and grotesquely enlarged buttocks; it also includes images of "Gothic female genitalia" (Hurley, 1996, p. 137) – anomalies of the vulva in Hottentot women, and fringed, sieved, pendulated, and split hymens. Illustrations authenticated the written stories, and they no doubt attracted readers as the unillustrated works of other criminologists did not (Rafter, 2006). Going a step further, Lombroso established a criminological museum to display his Gothic artifacts: colored wax death masks with inset beady eyes, manacles, skeletons, prisoner art, even his own severed head, preserved, like the other items, in the name of science.

Most Gothic of all, of course, was Lombroso's born criminal. "At the sight of that skull," he writes in his story of the origins of criminal anthropology,

> I seemed to see all of a sudden, lighted up as a vast plain under a flaming sky, the problem of the nature of the criminal–an atavistic being who reproduces in his person the ferocious instincts of primitive humanity and the inferior animals. Thus were

explained anatomically the enormous jaws, high cheekbones, prominent superciliary arches, solitary lines in the palms, extreme size of the orbits, handle-shaped ears found in criminals, savages and apes, insensibility to pain, extremely acute sight, tattooing, excessive idleness, love of orgies, the irresponsible craving for evil for its own sake, the desire not only to extinguish life in the victim, but to mutilate the corpse, tear its flesh and to drink its blood. (Lombroso-Ferrero, 1911, pp. xxiv–xxv)

This paragraph could easily have been ripped from the pages of a gothic romance. But although it is quoted ad nauseam, few if any commentators have noted that the final image in this famous passage is that of a vampire, feasting on the blood of a corpse (Ystehede, 2008).

The narratives of criminal anthropology, like those of Darwin and the degenerationists, destabilized accepted boundaries and categories, disturbing traditional notions of human identity and sexuality. Lombroso's science catalogued the ways in which the human form might be violated. Like other Gothic discourses, criminal anthropology raised imaginative, even fantastical questions about humanity's natural constitution, true form, and limitations. And like Gothic narrators, Lombroso explored what lay beyond Enlightenment values, venturing into unexplored territory to question long-accepted attitudes toward reason, identity, superstition, sexuality, crime, punishment, the law, nationhood, and even death. He created a meta-narrative in which he, the anthropologist–physician–psychiatrist, conducted scientific experiments on madmen and human monsters, reported the results in Gothic detail, and interpreted the mysteries of criminal nature.

Criminal anthropology rewrote what was earlier seen as familiar and secure into scientific taxonomies of horror and mystery, and it legitimized belief in the uncanny. It is not just that Lombroso's books were Gothic in their trappings, characters, and anecdotes. His entire oeuvre was Gothic, including *After Death – What?*, the very chapter titles of which – "Phantasm and Apparitions of the Dead," "Doubles," and "Haunted Houses" – read like a shopping list of Gothic tropes. Equally Gothic was his vocation as a scientist specializing in mental disease, criminality, and the morbid (Illustration 3).

Criminal anthropology was a Gothic science. In it, Gothic anxieties become scientific concerns. And yet, for all his Gothicism, Lombroso preached positivism and insisted on the scientific method. For every anecdote about a severed head, we can find a paragraph of bone-dry data, such as this from the first edition of *Criminal Man*:

As shown in table 1, measurement of cranial circumference found very few criminal skulls that were particularly large (one of 580 mm [millimeters], two of 560 mm, one of 550 mm, two of 540 mm) or even normal in size (eight of 530 mm, thirteen of 520 mm),

Illustration 3. A Photograph from *After Death – What?*, Lombroso's Book on Spiritism, Showing the Imprint of Spirit Fingers. According to Lombroso, This Photo Could be Made due to the Soul's Radioactive Qualities.

but a high incidence of craniums that were microcefalic or abnormally small: thirty-nine out of sixty-five. (Lombroso, 2006, p. 45)

Paradoxically, Lombroso was scientific and Gothic at the same time. How are we to explain this paradox? Perhaps, it can be understood by thinking of the Gothic as not the antithesis of Enlightenment rationality, but its double, its flipside, its dark underbelly (Castle, 1995; Monleon, 1990). In this view, the scientific and Gothic could easily coexist, for they were but two sides of the same coin. Or perhaps, the tension between the scientific and the Gothic in Lombroso's work flowed from his impulse to destabilize boundaries: between animal and human, women and men, normal and abnormal, sane and insane, and epileptic and seizure-free. For someone to whom category blurring came easily, it would have been equally easy to ignore the lines that others saw between science and culture, positivism and the Gothic.

In sum, when Lombroso set out to create a new science, to navigate unfamiliar and threatening expanses of the human psyche, he was *both*

scientific and Gothic. Romantically adventuresome and idealistic, he was like early voyagers who ignored the signs warning ''Here Be Dragons.'' The human psyche did indeed prove to be populated by dragons, but instead of slaying them, Lombroso naturalized the monsters, turned them into objects of scientific scrutiny, measured and weighed them, catalogued their anomalies, sorted them into genus and species, explained their origins, and traced their family trees. Gothic criminology was simultaneously a science and the creation of a full-blown, Romantic imagination.

Lombroso was not the only overtly Gothic criminologist; there were at least two others, both British: the psychiatrist Henry Maudsley and the Scottish prison physician J. Bruce Thomson. Maudsley (1874/1898, p. 31), who viewed the criminal class as ''a degenerate or morbid variety of mankind,'' wrote of the mentally diseased criminal that,

> The affective life of the individual is profoundly deranged, and his derangement shows itself in what he feels, desires, and does. He has no capacity of true moral feeling; all his impulses and desires, to which he yields without check, are egoistic; his conduct appears to be governed by immoral motives, which are cherished and obeyed without any evident desire to resist them. There is an amazing moral insensibility. The intelligence is often acute enough … [but] the reason has lost control over the passions and actions. (Maudsley, 1874/1898, pp. 184–185)

Thomson, on the basis of familiarity with thousands of prisoners, concluded that,

> Criminals form a variety of the human family quite distinct from civil and social men … The physical organization of criminals is marked by a singularly stupid and insensate look. The expression in the countenance is … stupid, sullen, and diabolical … The heads and outlines are harsh, angular, clumsy. The women are positively ugly in features, form, and action … We are speaking of the *habitués* born in crime, born into crime, and whose vocation is crime, by a physical and psychical proclivity in general quite irresistible. (Thomson, 1870, in Rafter, 2009, pp. 96–97).

In both cases, however, their criminological writings were limited: Maudsley concentrated mainly on psychiatric, not criminal, matters, and Thomson published only two influential articles. No one else elaborated a Gothic figure equivalent to Lombroso's born criminal.

Even Lombroso's born criminal soon lost its power to inspire fear of the monstrous. Although criminal anthropology attracted supporters till the end of the century, its Gothic elements diminished in potency. Some French criminologists had scorned the Gothic side of Lombroso's work from the start, and by 1900, criminologists who were more sociologically inclined, such as W. E. B. DuBois and Frances Kellor, were sweeping biological analyses of crime aside. The maturing of scientific modernism, with its

distaste for hysterical claims, its more careful methodologies, and its technocratic mood hastened the demise of scientific Gothicism.[1] Lombroso's influence persisted, especially on analyses of female criminality (Rafter & Gibson, 2004), but by the end of the century, scientific Gothicism had migrated into psychoanalysis and popular culture.[2]

LOMBROSO, THE GOTHIC, AND SOCIAL CONTROL

Lombroso's theory of social control – the *social defense* position, he called it – held that punishments should fit not the crime but the offender. Protection of society was its central principle. While Lombroso did advocate some severe, conservative social control measures (of which more in a moment), he also argued vigorously for a wide range of liberal reforms in social control. Some aimed at reducing crime and thus lessening the need for punishment altogether. These included laws to make divorce easier (and thus lessen adultery and certain sex crimes); alcohol taxes to reduce drunkenness and the offenses it encouraged; taxes on the rich and other measures that, by improving economic equality, would reduce crimes by the poor; extensions of public education; and decriminalization of abortion and infanticide. He also endorsed liberal reforms aimed at keeping as many offenders as possible out of prison, applauding proposals by his disciple Enrico Ferri for *penal substitutes* (what we today would call alternatives to incarceration) to be used with offender types such as the occasional criminal and criminal by passion (Lombroso, 2006).

When it came to the born criminal, however, Lombroso used the florid imagery of horror to argue that social defense required draconian responses:

> Born criminals, programmed to do harm, are atavistic reproductions of not only savage men but also the most ferocious carnivores and rodents. This discovery should not make us more compassionate toward born criminals (as some claim), but rather should shield us from pity, for these beings are members of not our species but the species of bloodthirsty beasts. (Lombroso, 2006, p. 348)

Detection should begin early, well before these "bloodthirsty beasts" start committing crimes:

> Advances in criminal anthropology have now made possible the preventive isolation of criminals–the most important measure of social defense. Teachers are now able to identify in children the incurable signs of inborn criminality and to use these signs to distinguish between innate criminality and the temporary criminality of all youth. These signs include physiological and craniological anomalies in children, coupled with tendencies toward wrongdoing. (Lombroso, 2006, p. 335)

Punishment, Lombroso taught, has no effect whatsoever on that 35–40 percent of all offenders who are born criminals: "(T)he most horrendous and inhuman crimes have a biological, atavistic origin in those animalistic instincts that … resurface instantly under given circumstances … (T)he concept of atavism helps us understand the inefficacy of punishment" (Lombroso, 2006, p. 91). Thus the only way to defend society against born criminals was to establish prisons where these incorrigibles could be held for life. "(C)riminal anthropology, while not blaming the born criminal for his behavior, nevertheless prescribes for him a life sentence. We believe that those individuals least responsible for their behavior are most to be feared. Only sequestration can neutralize their innate, atavistic urge to crime" (Lombroso, 2006, pp. 336–337). In the very worst cases, society must bring the death penalty into play: "When criminals repeat bloodthirsty crimes for the third or fourth time–despite being punished by incarceration, deportation, and forced labor–there is no choice but to resort to that extreme form of natural selection, death" (Lombroso, 2006, p. 348).[3]

Gothicism, with its depictions of monstrous criminals, radically transformed the very fabric of social control (Halttunen, 1998). It contributed to creation of a culture that not only legitimized but actually encouraged the social exclusion and control of those perceived as morally monstrous: "The Gothic narrative of the crime of murder played a primary role in shaping the modern response to criminal transgression, both mandating the social quarantining of criminals in penitentiaries and mental hospitals, and reinforcing the radical otherness of the criminal deviant on which that quarantining rested" (Halttunen, 1998, p. 248). That radical otherness gained a clear identity – a body, psychology, classification, and label – in Lombroso's figure of the born criminal.

When Lombroso proposed ways to dispose of born criminals, he was proposing ways to restore stability to the human form. By banishing born criminals forever from the company of civilized men and women, he would restore identity to the human species, ridding society of the misshapen and pathological, and saving it from the flux of Darwinism and degenerationism. This promise of restoration was no doubt part of Lombroso's appeal. Although he created a Gothic nightmare by showing that vampires lurked in society's midst, he also showed how to escape from the Gothic darkness of crime and insanity, leading men and women back into the light.

Lombroso's most important contribution to social control lay in the simple fact that he founded a science of the criminal. Lombroso persuaded people that crimes and criminals are natural phenomena, unfortunate but knowable aspects of daily life that we can study just as we study plant life or

astronomy. Along with the science came the assumption that we *need* to study criminals, calculate their cranial capacity and other attributes, categorize them, photograph them, and put their artifacts in scientific museums. The science brought into being a new class system: controllers on the one hand and the controlled on the other. It created a new type of authority – the criminologist, the specialist who knew how to make decisions about crimes and criminals.

CHARTING THE UNKNOWN

Although the late eighteenth century is known as the age of Enlightenment – classical in its architecture, rational in its proposals for criminal justice reform, and logical in its social-contract arguments for self-government – the same decades saw the emergence of Romanticism, a search to understand and even experience the irrational aspects of the human psyche. At one extreme of Romanticism developed the Gothic sensibility, fixated on the bizarre, uncanny, and monstrous. To explore the uncharted regions of men's minds, Gothic artists and their heroes set off in quest for the dragons in the human mind, those that lay, like submerged continents, just under the calm surface of Enlightenment rationality.

Whereas early Gothicizing art tended to locate the monstrous outside the human body, in ghosts and ghouls, the arts of late nineteenth-century Gothicism were more likely to depict horrors as internal forces, emanating from within the human form (Botting, 1996). It was during the latter period that Lombroso invented his criminological counterpart to literary and visual Gothicism: the born criminal. He was not the only thinker to sail into the unmapped seas of the criminal mind, but Lombroso went furthest in deconstructing the ancient tropes of moral evil, using science to identify a vast number of ways in which evil could infest the human condition and with it the body social. His science argued that, at least in the case of the born criminal, the reasoning self could not master brutal instincts. By "romancing" crime, Lombroso contributed to the distinctly modern notion that crime and the criminal are natural, physically knowable aspects of everyday life. His research legitimated development of a specific science devoted to the study of crime and the criminal. After Lombroso began to publish, scientists no longer quarreled about whether born criminals existed. Rather, they now argued about the natural laws governing these monsters' behavior.

Criminal anthropology did not merely borrow Gothic conventions from other fields but was itself Gothic in its near-total absorption with transgression, cruelty, corruption, mutilation, horror, and death. Unlike other criminological discourses, before and after, criminal anthropology turned the criminal into a creature utterly different from normal man: a vampire, an atavism, a degenerate, closer to apes and savages and rodents than to law-abiding citizens. Lombroso's science demonstrates how completely a science can absorb coloration from its social context. It shows that, to a degree not usually recognized, a science can be shaped by the artistic sensibilities and traditions of the times in which it develops.

NOTES

1. In one sense, Lombroso was the first modernist criminologist: He was the first to attempt to systematically apply positivist principles to the study of criminality.

2. The invocation of monsters to promote scientific truths – a powerful way of pushing political agendas – is not limited to the positivist, biologist, and psychiatric traditions in criminology. The Gothic is also found in social control studies, as, for example, in Stanley Cohen's short story "The Last Seminar," which, although it is a work of fiction, was published in an academic journal (Cohen, 1988). In Cohen's story, it is not the criminals who are to be feared but academia and the discipline of criminology itself, which he pictures as a cross between a hydra and a haunted tower of Babel whose residents are visited by "private guilt trips, psychic visits from those whom we had written about, research, studied," and who are now "entering our heads to remind us of their corporeal existence, of the fact that our careers had been constructed out of their presence" (Cohen, 1988, p. 301).

3. Lombroso also contributed to social control through his advocacy of scientific policing, single-cell prisons, and other measures, but we omit them from this discussion because they do not relate to the Gothic.

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