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## Public support for Vigilantism

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# 3

## The concept of vigilantism

### 3.1 Introduction

In this thesis we set out to reach a better understanding of public support for vigilantism and its determinants. In the previous chapter it became clear that conceptualizations of vigilantism tend to vary greatly in studies on support for vigilantism. Before carrying out our own empirical research, we therefore first need to determine what vigilantism actually entails. To this end, we will present a number of ways in which vigilantism has been conceptualized in the literature. We will subsequently present our own definition of vigilantism and explain the main considerations that are at its base. Importantly, we do not claim to offer an exhaustive definition: it is merely meant to provide a manageable scope for our current study on public support for vigilantism.

In order to test the situation hypothesis, i.e. the idea that situational characteristics affect support for vigilantism, it is essential to first identify what those characteristics are. To this end, we will present a typology of vigilantism in the second part of the chapter. This typology will provide a structure for categorizing various characteristics of the vigilantism act itself, as well as those related to its context. These characteristics can subsequently be systematically varied in empirical research in order to study their influence on support for vigilantism.

### 3.2 Defining vigilantism

In the literature, there exists disagreement on a number of seemingly rudimentary elements of vigilantism, such as the *who*, *what*, *why*, *when*, *how* and *against whom*. Some authors for instance maintain that vigilantes are always private citizens (Johnston, 1996; Little & Sheffield, 1983), while others also envision vigilantism as carried out by state agents (Dumsday, 2009; Huggins, 1991). Most authors agree that vigilantism consists of (threats of) violence (Rosenbaum & Sederberg, 1974), but some also include nonviolent versions like Neighborhood Watches (Hine, 1998). The perceived goal of vigilantes also differs widely, such as defending an established sociopolitical order (Rosenbaum & Sederberg, 1974), imposing law in a lawless setting (Alvarez & Bachman, 2007), putting an end to a an unpleasant situation (e.g. domestic abuse, Ayyildiz, 1995) and the apprehension and punishment of (alleged) criminals (Shotland, 1976; Zimring, 2003). Similarly, some claim that vigilantism is always a premeditated act (Dumsday, 2009; Johnston, 1996), while others also recognize more spontaneous forms (Adinkrah, 2005; Huggins, 1991; Shotland & Goodstein, 1984). Victims of vigilantism also vary widely in the literature, including perpetrators of crime (Brown, 1975), law enforcement officers (Rosenbaum & Sederberg, 1974), minority groups (Sederberg, 1978), whalers (Nagtegaal & Lentini, 2008) and even witches (Adinkrah, 2005).

The broadest approach to vigilantism in the literature is most likely the way Black (1998) portrays it in his discussion of self-help, which is a type of social control and involves “the handling of a grievance by unilateral aggression” (p. xxiv). He suggests that most intentional homicide in modern society is self-help, as well as many other crimes like assault and the destruction of property. Self-help is thus such an over-inclusive

category that it comprises almost all types of crime, at the risk of rendering the term meaningless. Another very broad approach to vigilantism was introduced by Rosenbaum and Sederberg (1974), who identify crime control vigilantism, regime control vigilantism and social control vigilantism. Crime control vigilantism refers to vigilantism against (alleged) perpetrators who are seen to have escaped justice as a result of inefficiency, corruption or leniency on the part of the government (Rosenbaum & Sederberg, 1974). Crime control vigilantism is commonly linked to specific worries about a particular crime problem (Hil & Dawes, 2000). It is the type of vigilantism most frequently associated with vigilantes (Rosenbaum & Sederberg, 1974), and is often portrayed in popular culture, such as in the Death Wish movies starring Charles Bronson (Grayson, 1992). The crime control vigilante can be perceived as having a dual character, embodying both “a law-abiding hero and a law-breaking villain” (Ayyildiz, 1995, p.147). Social control vigilantism concerns violence against groups that are seen as a threat to values in society (Pedahzur & Perliger, 2003; Rosenbaum & Sederberg, 1974). Unlike crime control vigilantism, the victims of social control vigilantism need not have committed a crime. The target groups can be communal (identified by characteristics such as race and religion), economic or political. The early Ku Klux Klan is a case in point, as its members aimed to terrorize Black minorities in order to counter their improving status in American society after the Reconstruction. The San Francisco vigilante committee of 1856 is another example, as it was known for its attacks on Catholics, immigrants and others (Brown, 1975). Regime control vigilantism is directed at the regime itself and is intended to alter it as a result of insurmountable frustrations about its state of affairs (Rosenbaum & Sederberg, 1974). Victims of this type of vigilantism, as well as its perpetrators, tend to be political officials or regime representatives. Examples are political assassinations, coups d’état, and paramilitary groups.

To contrast with these two broad concepts of self-help, there is the more narrow view of Denkers (1985) who defines vigilantism as “any spontaneous and relatively immediate act of private citizens, without consulting the police or justice department, against suspects/perpetrators of a criminal act of which they are a direct victim or a direct witness as a bystander” (p.15, own translation from Dutch). Although this conceptualization seems more functional than the previous one, it can be criticized for being too constricted instead. It for instance excludes all premeditated acts of vigilantism, as well as vigilantes who are not direct victims or bystanders but who act on behalf of others. In light of these considerations, we aim to define vigilantism in a way that is neither over-inclusive, nor over-cautious. We propose the following definition:

*Vigilantism is a planned criminal act carried out by one or more private citizens in response to (the perceived threat of) a crime committed by one or more private citizens, targeting the (alleged) perpetrator(s) of that crime.*

Below we will discuss the various components of this definition in their order of appearance, and elucidate our main considerations.

*Vigilantism is a planned act*

Planning concerns the extent to which an act of vigilantism is set up beforehand. In agreement with various other authors, we maintain that some level of planning, however minimal, is necessary in order for an act to be categorized as vigilantism (cf. Dumsday, 2009; Johnston, 1996). Johnston (1996) persuasively argues that spontaneous reactions by victims to an attacker do not qualify as vigilantism, because then “any example of reactive interpersonal conflict might be deemed vigilantist: the pub brawl, the playground scuffle, the spontaneous defense act of violence by the victim of domestic abuse, the retaliatory act of violence by the footballer fouled on the field of play by an opponent” (p.222). In other words, vigilantism would become much too broad a concept if it were to also include spontaneous, unplanned acts of violence. We are interested in public support for people who deliberately choose to consort to vigilantism, in spite of legal alternatives. Support for planned vigilantism in our view is potentially more threatening to the criminal justice system than support for people who act violently due to a sudden emotional state. We will thus not study public support for what are commonly known as ‘crimes of passion’, such as violence committed in a jealous rage upon discovering infidelity. In the next paragraph, acts like self-defense are also excluded from our definition.

*Vigilantism is a criminal act*

In the literature there exists no consensus on the legality of vigilantism. Some see it as illegal by definition (e.g. Rutten, 1961), while others recognize legal forms (Grayson, 1992; Johnston, 1996; Little & Sheffield, 1983; Rosenbaum & Sederberg, 1974). Importantly, vigilantism *per se* is not a crime: it is not explicitly prohibited by law. Vigilantes can be prosecuted for committing a particular crime, such as murder, but not for the mere act of taking the law into their own hands. It is the context in which a criminal act occurs which is used to additionally classify it as an act of vigilantism. For current purposes we will focus on criminal forms of vigilantism: we will only examine public support for people who have committed a crime. In addition to excluding crimes of passion (see above), we also refrain from studying support for legitimate behavior, such as ‘appropriate’ violence in cases of self-defense. Below we will further clarify the distinction between vigilantism and such related phenomena.

Even though most states claim a monopoly of authority in the maintenance of law and order and the use of force (Abrahams, 2002), there are a few exceptions. In the Netherlands, as in many other jurisdictions, citizens are authorized to use violence to defend themselves, their honor and their property against immediate, unlawful assault (Article 41.1 Sr). Such a situation of self-defense functions as a legal justification of violence, under the condition that inevitability and proportionality criteria are met. When the violence is not proportional, it can nonetheless still be considered justified if the lack of proportionality is deemed to be due to an emotional state as caused by the threat faced (Article 41.2 Sr). Apart from self-defense, citizen’s arrest is another exception to the state’s monopoly on violence. In the Netherlands, any citizen who

catches another citizen in the act of committing a crime is authorized to arrest that person (Article 53 Sv), after which the arrested person needs to be handed over to the authorities as quickly as possible. If force is used to make such an arrest, it needs to be proportional. Citizens in this situation also have the right to confiscate any items carried by the suspect (Article 95 Sv). Aside from the discussed exceptions, citizens are to refrain from using violence in reaction to a criminal act.

In practice it is not always clear whether a violent act qualifies as self-defense, citizen's arrest, vigilantism or something else (cf. Naeyé, 2009). This is at least partially due to the fact that both self-defense and citizen's arrest have the potential to turn into situations of vigilantism. An example of a transition from self-defense to vigilantism for instance took place in 2002 in Tilburg, the Netherlands. A jeweler shot a robber in his store and kicked him in the head after the suspect had already been handcuffed by the police and was laying on the floor ("Tilburgse juwelier schiet op overvallers," 2003). The judiciary ruled that the (fatal) shooting by the jeweler was an act of self-defense. However, he *was* sentenced for kicking the robber, as it was ruled as unjustified physical assault. Similarly, the distinction between self-defense and vigilantism has in the literature been described as follows:

Vigilantism stands in sharp contrast to self-defense. What distinguishes the vigilante from the man who merely defends himself is that the vigilante takes the law into his own hands. He does not merely protect himself, he also uses the occasion to punish the assailant. (Cohen, 1989, p.1272)

Vigilantism also surfaces in situations of citizen's arrest. An example of this occurred in 2002 in Amsterdam, the Netherlands, when two super market employees were prosecuted for the violence that they used against a shoplifter *after* they had already arrested him. One of the employees for instance kicked the robber when he was already handcuffed. The public prosecutor viewed this as unjustified violence because the shoplifter had already surrendered. One of the suspects was acquitted; the other one was given a 600 Euro fine, half of which was conditional.<sup>6</sup>

By restricting our definition to vigilantism that qualifies as a criminal act, we refrain from studying public support for the abovementioned legitimate forms of violence. In our empirical research, we will therefore only include cases of vigilantism that are clearly distinguishable from situations of self-defense and citizen's arrest. Importantly, by not specifying the type of criminal act, nonviolent forms of vigilantism also fit our definition. Vigilantism can for instance consist of the nonviolent but illegitimate confiscation of property in reaction to a criminal act. Another implication of our focus on criminal acts is that we exclude those forms of vigilantism that qualify as breaches of other types of law, such as civil law.

<sup>6</sup> This case became famous in the Netherlands because a member of the royal family, late Prince Bernhard, publicly expressed support for the act of vigilantism. He even ended up paying the fine of the convicted offender ("Bernhard betaalt boete AH-medewerker," 2003).

*Vigilantes are private citizens*

In our definition we choose to focus on vigilantes who are private citizens. Our current scope thus does not extend to public support for state agent vigilantes. We are interested in citizens' opinions on violence committed by fellow citizens; not in public opinion about the abuse of force or power by the authorities.

*Vigilantism is a response to (the perceived threat of) a crime*

We agree with Johnston (1996) that vigilantism can only exist as a reaction to a potential, alleged, or real transgression of norms. In other words, for a crime to be considered an act of vigilantism, it needs to be a response to a previous act (see also Grayson, 1992; Pedahzur & Perliger, 2003). From here onwards we will call this triggering act the *precipitating event*. Importantly, our definition specifically states that the precipitating event needs to be (the perceived threat of) a criminal law transgression. Acts that are committed in response to noncriminal acts are thus not viewed as vigilantism. Even though we recognize that violence aimed at regime or social control can be categorized as vigilantism (cf. Rosenbaum & Sederberg, 1974), we find this approach overly general. Similar to our criticism of Black's (1998) self-help concept, we deem that vigilantism would become too broad a concept if it were to include such acts as political assassinations and attacks against minority groups. Acts that are for instance carried out by organizations like the Ku Klux Klan seem fundamentally different from those committed by private citizens in response to crime. Members of the Ku Klux Klan and similar groups are not necessarily motivated by the occurrence of a crime, so their behavior generally differs too much from our view of vigilantism. We thus limit our definition to vigilantism as a response to a criminal act.

The *perception* element is included in our definition because the vigilante can perceive the (threat of a) crime and act accordingly, while others may not interpret the situation in the same way. An individual can for instance consort to vigilantism in response to an accusation which later proves to be false. Furthermore, by adding the *threat* component, we include vigilantism acts that are aimed at the prevention of crime. Lastly, by not elaborating on what the vigilante aims to achieve, we allow for various goals, including punishment and compensation.

*Vigilantism victims are (alleged) perpetrators of a crime*

As we focus our research on vigilantism in response to crime, it may seem redundant that we further specify the vigilantism act as being directed at the (alleged) perpetrators of that crime. However, citizens can also take the law into their own hands against family members of the perpetrators, or even against complete strangers. In our study we include only acts of vigilantism directed at those who are themselves accused of having committed a precipitating criminal act. We added *alleged* to this phrase because the vigilante's victim may not have actually been involved in a crime. This is in fact one of the criticisms often expressed vis-à-vis vigilantism: it is especially prone to the persecution of innocent people (Tripp, Bies, & Aquino, 2007).

The victimization that is caused by the vigilante can also be indirect, for instance through the damage of property of the (alleged) offender. The victim of vigilantism thus does not need to be harmed directly. An example of this occurred in Hampshire, England, in August of 2006. A so-called ‘phone vigilante’ slashed the tires of over twenty cars and left a note warning the owners that they had been seen using a mobile phone while driving (“Phone vigilante slashes car tyres,” 2006). Similarly, over 160 cars in Hamburg, Germany, were recently spray painted and scratched because they were (partially) parked on the side-walk (“Man neemt ‘wraak’ op auto’s,” 2010). The suspect claimed wanting to re-educate the car drivers.

### 3.3 A typology

Now that we have presented a definition of vigilantism, we turn to the discussion of our vigilantism typology. We developed a typology in order to identify situational characteristics of vigilantism, which can subsequently be varied in an empirical design to test the situation hypothesis. Whether a crime is qualified as an act of vigilantism depends on the context in which it takes place. Moreover, we expect that the circumstances of an act of vigilantism can affect public support for it. In the typology we will therefore specify not only the relevant characteristics of the vigilantism act itself, but also those related to its situational context.

We will first discuss the five main components of the typology: 1) *precipitating event*, 2) *formal response to the precipitating event*, 3) *vigilantism*, 4) *vigilante* and 5) *victim*. The first three together make up the ‘vigilantism event sequence’ (see Figure 3.1).

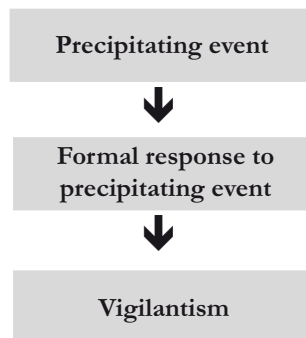


Figure 3.1 *Vigilantism event sequence*

The vigilantism event sequence outlines the main occurrences that commonly make up a vigilantism situation. By our definition, vigilantism is always a reaction to (the threat of) a crime, which we labeled the precipitating event. Without a prior crime to react to, vigilantism cannot be distinguished from other forms of crime. We therefore included the *precipitating event* as the first main event of the vigilantism event sequence.

Another typical feature that emerges in vigilantism situations is the reaction of the authorities to the precipitating crime, or lack thereof. Vigilantes often claim to take the law into their own hands because they are dissatisfied with how the legal authorities deal with the precipitating crime. The literature review in Chapter 2 also provides examples of people who pointed at a failing criminal justice system as a justification of vigilantism. We thus added the *formal response to the precipitating event* as the second step of the vigilantism event sequence. Importantly, the fact that it is part of the chain of events does not imply that there is always a formal response. Rather, it is an important contextual feature that needs to be further specified in a given situation. The final event in the sequence is the act of *vigilantism* itself. In Figure 3.2 the typology of the vigilantism context and its five main components are illustrated.

The three events of the vigilantism event sequence (Figure 3.1) make up the first three components of the vigilantism typology (Figure 3.2). In addition to these, the typology also contains two person-related components: the *vigilante* and the *victim* of vigilantism.



Figure 3.2 Typology of the vigilantism context

These components allow for a description of the person who takes the law into his own hands, as well as of the person who becomes the victim of vigilantism. Research on punishment preferences shows that characteristics of the victim and offender can play an important role in shaping public opinion about crime and punishment (e.g. Rossi et al., 1985).

Characteristics related to all five components of the typology are expected to affect public support for a specific act of vigilantism. For this reason, each of these characteristics is discussed in detail below.

### 3.3.1 Precipitating event

#### *Type*

The type of precipitating event refers to the specific criminal act (or threat thereof) that provokes an act of vigilantism. It can be specified using the formal criminal code qualification, and can for instance consist of intimidation, property damage, an act of violence or rape. The precipitating event can also consist of a combination of acts.

#### *Violence*

This characteristic specifies whether violence is used in the precipitating event, and if so, what type and amount. We follow Black (1998) in his definition of violence as “the use of force, such as the infliction of personal injury, the attempt to inflict personal injury, or the threat of personal injury” (p.xiv).

#### *Temporal pattern*

The temporal pattern indicates whether the precipitating event is a one-time event or a repeated occurrence. A shop owner can for instance consort to vigilantism the very first time he is robbed, or after he has been the victim of several robberies.

#### *Consequences*

The consequences concern the outcome of a precipitating event, including the type and severity, for both offenders and victims. Physical consequences can for instance range from a simple scratch to death as the most serious consequence. Psychological consequences can for example vary from a temporary stressful situation to a long-term trauma. Economic consequences, such as property damage, can be expressed as a monetary value.

### 3.3.2 Formal response to precipitating event

This component concerns the reaction of the criminal justice system agencies to the precipitating event. This formal response can range from no action at all, to for instance police arrest or a judge’s verdict. We did not further identify possible characteristics of this component, as its operationalization is rather straight-forward.

### 3.3.3 Vigilantism

#### *Type*

The type of vigilantism is the kind of criminal act that is committed by the vigilante. It is identical to the type category pertaining to the precipitating event. Thus, the differentiation between intimidation, property damage and so on applies here too.

#### *Violence*

Within this category, the use of violence by a vigilante can be specified. Although many authors claim that (the threat of) violence is a necessary element of vigilantism (e.g. Burrows, 1976; Johnston, 1996), others identify nonviolent vigilantism acts such as the confiscation of property without the use of force (Black, 1998; Hine, 1998).

#### *Temporal pattern*

The temporal pattern of vigilantism concerns its time characteristic: is it a onetime act or part of a series? An example of the latter is a group of neighbors that repeatedly attacks teenagers who are suspected to have committed public order offenses in the neighborhood.

#### *Consequences*

Just like the precipitating event, an act of vigilantism can have physical, psychological, and economic consequences for both the offender and his victim. With regards to the psychological effects of vigilantism, it has been argued in the literature that being a victim of vigilantism can create a stigma (Hine, 1998). People may assume that he or she must have done something to deserve his fate.<sup>7</sup>

### 3.3.4 Vigilante

#### *Number*

Within this characteristic it can be denoted whether the vigilantism act is committed by one or more persons. Some authors maintain that vigilantism is always carried out by groups (Abrahams, 2008; Baker, 2001; Marx & Archer, 1976), while others also recognize individual vigilantes (e.g. Johnston, 1996).

#### *Characteristics*

In this dimension, demographic attributes can be specified such as age, gender, educational level, and ethnicity. Personality traits can also be described, as well as attitudes and personal history such as a criminal record.

#### *Relation to victim*

This characteristic identifies how the vigilante is related to his victim. In the 'classic' case of vigilantism, the vigilante is the direct victim of a precipitating act, who takes the law into his own hands against the perpetrator of that same act. In other words, the roles of

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<sup>7</sup> We will elaborate on this type of response in Chapter 6, in our discussion of just-world theory.

the involved parties are reversed: the victim becomes an offender (the vigilante) and the offender becomes a victim (of vigilantism) (cf. Black, 1998). Another possibility is that the vigilante consorts to vigilantism on behalf of a victim of a precipitating crime (such as a parent acting in the name of a victimized child). The vigilante and his victim can also be strangers to each other prior to the act of vigilantism. One example is that of collective liability, where someone is attacked because of what someone else did (Black, 1998). A vigilante can for instance victimize a person who belongs to a certain group (e.g. an ethnic minority) to even the score with another group member.

#### *Motivation*

The vigilante's motivation is what triggers him to consort to vigilantism. He can respond to any type of precipitating event, and can have one or several goals in mind when taking the law into his own hands, including retribution, deterrence and compensation. The vigilante's reason to consort to vigilantism is often said to be related to the (lack of) a criminal justice response to the precipitating event.

### **3.3.5 Victim**

#### *Number*

In this characteristic the number of victims is specified. Is it one individual who is victimized by the vigilante, or is it a group of people? Most of the examples in the literature tend to involve single victims, but vigilante acts against groups do occur (e.g. Rodgers, 2007).

#### *Characteristics*

Vigilantes can be described by the same characteristics that are used for identifying the vigilante, including demographics and personality attributes. Although the direct target of vigilantism is generally a person, it can also be an object, such as someone's property. In the latter case, people are the indirect victims of the vigilantism act.

#### *Defensibility*

The defensibility of the victim relates to the power balance between him and the vigilante. When a child is assaulted by an adult vigilante, the victim's defensibility is for instance much lower than would generally be the case with an adult victim. The same is true for the use of weapons: a unilateral use of weapons by the vigilante decreases the victim's defensibility. Legal defensibility can also be specified in this context: the extent to which the legal system is equally (perceived to be) available to the parties involved.

## **3.4 Conclusion**

As of yet, scholars have not reached consensus on what vigilantism constitutes. There is disagreement on whether it is legal or not, who it is committed by, against whom, and so on. In order to conduct meaningful research on *support for vigilantism*, it is essential

to limit ourselves to a specific conceptualization of vigilantism. In this chapter we therefore formulated the following definition:

*Vigilantism is a planned criminal act carried out by one or more private citizens in response to (the perceived threat of) a crime committed by one or more private citizens, targeting the (alleged) perpetrator(s) of that crime.*

This definition thus provides the starting point for our empirical analysis of support for vigilantism. Additionally, we constructed a comprehensive typology of vigilantism and its context. This typology provides a structure for identifying situational characteristics that are related to the precipitating event, the formal response to the precipitating event, the act of vigilantism itself, the vigilante and the victim of vigilantism. In the empirical studies to follow, some of these characteristics will be varied systematically in order to examine whether and to what extent they influence public support for vigilantism.

In this thesis we aim to study 1) situational characteristics and 2) confidence in the criminal justice system as possible determinants of support for vigilantism. Now that we have defined vigilantism and identified its characteristics, the next step is to take a closer look at confidence. In Chapter 4 we will present theoretical and methodological insights on confidence in the criminal justice system, and subsequently use them to develop a tool to measure confidence. This will complete the foundation for our first explorative study on support for vigilantism, which will be presented in Chapter 5.