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The Two Subalterns: Perceived Status and Violent Punitiveness

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Abstract

From the mid-twentieth century, state and public conceptions of deviance and crime control have turned increasingly punitive (Hallett 115; Hutchinson 138). In a Western context, criminal justice has long been retributive, prioritising punishment over rehabilitation (Wenzel et al. 26). Within that context, there has been an increase in punitiveness—understood here as a measure of a punishment’s severity—the intention of which has been to help restore the moral imbalance created by offending while also deterring future crime (Wenzel et al. 26). Entangled with the global spread of neoliberal capitalism, punitiveness has become internationally pervasive to a near-hegemonic degree (Sparks qtd. in Jennings et al. 463; Unnever and Cullen 100).

The punitive turn has troubling characteristics. Punitive policies can be expensive, and increased incarceration stresses the criminal justice system and leads to prison overcrowding (Hutchinson 135). Further, punitiveness is not only applied unequally across categories such as class, race, and age (Unnever and Cullen 105-06; Wacquant 212) but the effectiveness of punitive policy relative to its costs is contested (Bouffard et al. 466, 477; Hutchinson 139). Despite this, evidence suggests public demand is driving punitive policymaking, but that demand is only weakly related to crime rates (Jennings et al. 463).

While discussion of punitiveness in the public sphere often focuses on measures such as boot camps for young offenders, increased incarceration, and longer prison sentences, punitiveness also has a darker side. Our research analysing discussion taking place on a large, regional, crime-focused online forum reveals a startling degree and intensity of violence directed at offenders and related groups. Members of the discussion forum do propose unsurprising measures such as incarceration and boot camps, but also an array of violent alternatives, including beating, shooting, dismemberment, and conversion into animal food. This article draws on our research to explore why discussion of punitiveness can be so intensely violent.

Our research applies thematic analysis to seven discussion threads posted to a large regional online forum focused on crime, made between September and November 2017. One discussion thread per week of the study period was purposively sampled based on relevance to the topic of punitiveness, ultimately yielding 1200 individual comments. Those comments were coded, and the data and codes were reiteratively analysed to produce categories, then basic, organising, and global themes. We intended to uncover themes in group discussion most salient to punitiveness to gain insight into how punitive social interactions unfold and how those who demand punitiveness understand their interactions and experiences of crime. We argue that, in this online forum, the global theme—the most salient concept related to punitiveness—is a “subaltern citizenship”. Here, a clear division emerges from the data, where the group members perceive themselves as “us”—legitimate citizens with all attendant rights—in opposition to an external “them”, a besieging group of diverse, marginalised Others who have illegitimately usurped certain rights and who victimise citizens. Group members often deride the state as too weak and untrustworthy to stop this victimisation. Ironically, the external Others perceived by the group to hold power are themselves genuinely marginalised, though the group does not recognise or see that form of marginalisation as legitimate. In this essay, to preserve the anonymity of the forum and its members, we refer to them only as “the Forum”, located in “the City”, and refrain from direct quotes except for commonly used words or phrases that do not identify individuals.

It is also important to note that the research described here deliberately focused on a specific group in a specific space who were concerned about specific groups of offenders. Findings and discussion, and the views on punitiveness described, cannot be generalised to the broader community. Nor do we suggest these views can be considered representative of all Forum members as we present here only a limited analysis of some violent discourse emerging from our research. Likewise, while our discussion often centres on youth and other marginalised groups in the context of offending, we do not intend to imply that offending is a characteristic of these groups.

Legitimate Citizenship

Commonly, citizenship is seen as a conferred status denoting full and equal community membership and the rights and responsibilities dictated by community values and norms (Lister 28-29). Western citizenship norms are informed by neoliberal capitalist values: individual responsibility, an obligation to be in paid employment, participation in economic consumption, the sanctity of ownership, and that the principal role of government is to defend the conditions under which these norms can freely thrive (Walsh 861-62). While norms are shaped by laws and policy frameworks, they are not imposed coercively or always deployed consciously. These norms exist as shared behavioural expectations reproduced through social interaction and embodied as “common sense” (Kotzian 59). As much as Western democracies tend to a universalist representation of one, undifferentiated citizenship, it is clear that gender, race, sexual orientation, religion, ethnicity, and migrant status all exist in different relationships to citizenship as an identity category. Glass ceilings, stolen generations, same-sex marriage debates, and Australian Government proposals to strip citizenship from certain types of criminal offender all demonstrate that the lived experience of norms surrounding citizenship is profoundly unequal for some (Staehele et al. 629-30). An individual’s citizenship status, therefore, more accurately exists on a spectrum between legitimacy—full community membership, possessing all rights and living up to all associated responsibilities—and illegitimacy—diminished membership, with contested rights and questionable fulfilment of associated responsibilities—depending on the extent of their deviation from societal norms.

Discussing punitiveness, Forum members position themselves as “us”, that is, legitimate citizens. Words such as “we” and “us” are used as synonyms for society and for those whose behaviours are “normal” or “acceptable”. Groups associated with offending are described as “they”, “them”, and their behaviours are “not normal”, “disgusting”, “feral”, and merit the removal of “them” from civilisation, usually to “the middle of nowhere” or “the Outback”. Possession of legitimate citizenship is implicit in assuming authority over what is normal and who should be exiled for failing the standard.

Another implicit assumption discernible in the data is that Forum members perceive the “normal we” as good neoliberal citizens. “We” work hard, own homes and cars, and take individual responsibility. There is a strong imputation of welfare dependency among offenders, the poor, and other suspect groups. Offending is presented as something curable by stripping offenders or their parents of welfare payments. Members earn their status as legitimate citizens by adhering to the norms of neoliberal citizenship in opposition to potential offenders to whom the benefits of citizenship are simply doled out.

Forum members also frame their citizenship as legitimate by asserting ownership over community spaces and resources. This can be seen in their talking as if they, their sympathetic audience, and “the City” are the same (for example, declaring that “the City” demands harsher punishments for juvenile offenders). There are also calls to “take back” the streets, the City, and Australia from groups associated with offending. That a space can and should be “taken back” implies a pre-existing state of control interrupted by those who have no right to ownership. At its most extreme, the assertion of ownership extends to a conviction that members have the right to position offenders as enemies of the state and request that the army, the ultimate tool of legitimate state violence, be turned against them if governments and the criminal justice system are too “weak” or “soft” to constrain them.

The Illegitimate Other

Throughout the data, perceived offenders are spoken of with scorn and hatred. “Perceived offenders” may include offenders and their family, youths, Indigenous people, and people of low socioeconomic status, and these marginalised groups are referenced so interchangeably it can be difficult to determine which is being discussed.

Commenting on four “atsi [sic] kids” who assaulted an elderly man, group members asserted “they” should be shot like dogs. The original text gives no antecedents to indicate whether “they” is meant to indicate youths, Indigenous youths, or offenders in general. However, Australia has a colonial history of conflating crime and indigeneity and shooting Indigenous people to preserve white social order (Hill and Dawes 310, 312), a consequence of the tendency of white people to imagine criminals as black (Unnever and Cullen 106). It must be noted that the racial identity of individual Forum members is unknown. This does constitute a limitation in the original study, as identity categories such as race and class intersect and manifest in social interactions in complex ways. However, that does not prevent analysis of the text itself.

In the Forum’s discursive space, “they” is used to denote offenders, Indigenous youths, youths, or the poor interchangeably, as if they were all a homogeneous, mutually synonymous “Other”. Collectively, these groups are represented as so generally hopeless that they are imagined as choosing to offend so they will be sentenced to the comforts of “holiday camp” prisons where they can access luxuries otherwise beyond their reach: freedom from addicted parents, medical care, food, television, and computers. A common argument, that crime is an individual choice, is often based on the idea that prison is a better option for the poor than going home. As a result, offending by marginalised offenders is reconstructed as a rational choice or a failure of individual responsibility rather than a consequence of structural inequality.

Further, parents of those in suspect populations are blamed for intergenerational maintenance of criminality. They are described as too drunk or drugged to care, too

unskilled in parenting due to their presumed dreadful upbringing, or too busy enjoying their welfare payments to meet their responsibility to control their children or teach them the values and skills of citizenship. Comments imply parents probably participated in their children's crimes even when no evidence suggests that possibility and that some groups simply cannot be trusted to raise disciplined children owing to their inherent moral and economic dissipation. That is, not just offenders but entire groups are deemed illegitimate, willing to enjoy benefits of citizenship such as welfare payments but unwilling or unable to earn them by engaging with the associated responsibilities. This is a frequent argument for why they deserve severely punitive punishment for deviance.

However, the construction of the Other as illegitimate in Forum discussions reaches far beyond imagining them as lacking normative skills and values. The violence present on the Forum is startling in its intensity. Prevalent within the data is the reduction of people to insulting nicknames. Terms used to describe people range from the sarcastic—“little darlings”—through standard abusive language such as “bastards”, “shits”, “dickheads”, “lowlifes”, to dehumanising epithets such as “maggots”, “scum”, and “subhuman arsewipes”. Individually and collectively, “they” are relentlessly framed as less than human and even less than animals. They are “mongrels” and “vermin”. In groups, they are “packs”, and they deserve to be “hunted” or just shot from helicopters. They are unworthy of life. “Oxygen thieves” is a repeated epithet, as is the idea that they should be dropped out at sea to drown. Other suggestions for punishment include firing squads, lethal injections, and feeding them to animals.

It is difficult to imagine a more definitive denial of legitimacy than discursively stripping individuals and groups of their humanity (their most fundamental status) and their right to existence (their most fundamental right as living beings). The Forum comes perilously close to casting the Other as Agamben's *homo sacer*, humans who live in a “state of exception”, subject to the state's power but excluded from the law's protection and able to be killed without consequence (Lechte and Newman 524). While it would be hyperbole to push this comparison too far—given Agamben had concentration camps in mind—the state of exception as a means of both excluding a group from society and exercising control over its life does resonate here.

Themes Underlying Punitiveness

Our findings indicate the theme most salient to punitive discussion is citizenship, rooted in persistent concerns over who is perceived to have it, who is not, and what should be done about those Others whose deviance renders their citizenship less legitimate. Citizenship norms—real or aspirational—of society's dominant groups constitute the standards by which Forum members judge their experiences of and with crime, perceived offenders, the criminal justice system, and the state. However, Forum members do not claim a straightforward belonging to and sharing in the maintenance of the polity. Analysis of the data suggests Forum members consider their legitimate citizenship tainted by external forces such as politics, untrustworthy authorities and institutions, and the unconstrained excess of the illegitimate Other. That is, they perceive their citizenship to be simultaneously legitimate and undeservedly subaltern.

According to Gramsci, subaltern populations are subordinate to dominant groups in political and civil society, lulled by hegemonic norms to cooperate in their own oppression (Green 2). Civil society supports the authority of political society and, in return, political society uses the law and criminal justice system to safeguard civil society's interests against unruly subalterns (Green 7). Rights and responsibilities of citizenship reside within the mutual relationship between political and civil society. Subalternity, by definition, exists outside this relationship, or with limited access to it.

Forum members position themselves as citizens within civil society. They lay emphatic claim to fulfilling their responsibilities as neoliberal citizens. However, they perceive themselves to be denied the commensurate rights: they cannot rely on the criminal justice system to protect them from the illegitimate Other. The courts are “soft”, and prisons are “camps” with “revolving doors”. Authorities pamper offenders while doing nothing to stop them from hurting their victims. Human rights are viewed as an imposition by the UN or as policy flowing from a political sphere lacking integrity and dominated by “do gooders”. Rights are reserved only for offenders. Legitimate citizens no longer even have the right to defend themselves. The perceived result is a transfer of rights from legitimate to illegitimate, from deserving to undeserving. This process elides from view the actual subalterns of Australian society—here, most particularly Indigenous people and the socioeconomically vulnerable—and reconstructs them as oppressors of the dominant group, who are reframed as legitimate citizens unjustly made subaltern.

The Violence in Punitiveness

On the Forum, as in the broader world, a sense of “white victimisation”—the view, unsupported by history or evidence, that whites are an oppressed people within a structure systematically doling out advantage to minorities (King 89)—is a recurrent legitimising argument for punitiveness and vigilantism. Amid the shrinking social safety nets and employment precarity of neoliberal capitalism, competitiveness increases, and white identity forms around perceived threats to power and status incurred by “losing out” to minorities (Sacks and Lindholm 131). One 2011 study finds a majority of white US citizens believe themselves subject to more racism than black people (King 89). However, these assumptions of whiteness tend to be spared critical examination because, in white-dominated societies, whiteness is the common-sense norm in opposition to which other racial categories are defined (Petray and Collin 2). When whiteness is made the focus of critical questioning, white identities gain salience and imaginings of the “dark other” and besieged white virtues intensify (Bonilla-Silva et al. 232).

With respect to feelings of punitiveness, Unnever and Cullen (118-19) find that the social cause for punitiveness in the United States is hostility towards other races, that harsh punishments, including the death penalty, are demanded and accepted by the dominant group because they are perceived to mostly injure “people they do not like” (Unnever and Cullen 119). Moreover, perception that a racial group is inherently criminal amplifies more generalised prejudices against them and diminishes the capacity of the dominant group to feel empathy for suffering inflicted upon them by the criminal justice system (Unnever and Cullen 120).

While our analysis of the Forum supports these findings where they touch on crimes committed by Indigenous people, they invite a question. Why, where race is not a factor, do youths and the socioeconomically disadvantaged also inspire intensely violent punitiveness as described above? We argue that the answer relates to status. From this perspective, race becomes one of several categories of differentiation from legitimate citizenship through an ascription of low status.

Wenzel, Okimoto, and Cameron (29) contend punitiveness, with respect to specific offences, varies according to the symbolic meaning the offence holds for the observer. Crimes understood as a transgression against status or power inspire a need for “revenge, punishment, and stigmatisation” (Wenzel et al. 41) and justify an increase in the punitiveness required (Wenzel et al. 29, 34). This is particularly true where an offence is deemed to make someone unfit for community membership, such that severe punishment serves as a symbolic marker of exile and a reaffirmation for the community of the violated values and norms (Wenzel et al. 41). Indeed, as noted, Forum posts regularly call for offenders to be removed from society, exiled to the outback, or shipped beyond Australia's territorial waters.

Further, Forum members' perception of subaltern citizenship, with its assumption of legitimate citizenship as being threatened by undeserving Others, makes them view crime as implicitly a matter of status transgression. This is intensified by perception that the political sphere and criminal justice system are failing legitimate citizens, refusing even to let them defend themselves. Virulent name-calling and comparisons to animals can be understood as attempts by the group to symbolically curtail the undeservedly higher status granted to offenders by weak governments and courts. More violent demands for punishment symbolically remove offenders from citizenship, reaffirm citizen values, and vent anger at a political and criminal justice system deemed complicit, through weakness, in reducing legitimate citizens to subaltern citizens.

Conclusions

In this essay, we highlight the extreme violence we found in our analysis of an extensive online crime forum in a regional Australian city. We explore some explanations for violent public punitiveness, highlighting how members identify themselves as subaltern citizens in a battle against undeserving Others, with no support from a weak state. This analysis centres community norms and a problematic conception of citizenship as drivers of both public punitiveness and dissatisfaction with crime control policy and the criminal justice system. We highlight a real dissonance between community needs and public policy that may undermine effective policymaking. That is, evidence-based crime control policies, successful crime prevention initiatives, and falling crime rates may not increase public satisfaction with how crime is dealt with if policymakers pursue those measures without regard for how citizens experience the process.

While studies such as that by Wenzel, Okimoto, and Cameron identify differences in status between legitimate citizens and offenders as amplifiers of punitiveness, we suggest the amplification may be mediated by the status relationship between legitimate citizens and authority figures within legitimate society. The offender and their crime may not contribute as much to the public's outrage as commonly assumed. Instead, public punitiveness may predominantly arise from the perception that the political sphere, media, and criminal justice system respond to citizens' experience of crime in ways that devalue the status of legitimate citizens. At least in the context of this regional city, this points to something other than successful crime control being integral to building more effective and satisfactory crime control policy: in this case, the need to rebuild trust between citizens and authority groups.

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