



## UvA-DARE (Digital Academic Repository)

### Vigilant citizenship

*Legal imaginaries and political subjectivity in Miami*

Jeursen, T.J.

#### Publication date

2019

#### Document Version

Other version

#### License

Other

[Link to publication](#)

#### Citation for published version (APA):

Jeursen, T. J. (2019). *Vigilant citizenship: Legal imaginaries and political subjectivity in Miami*.

#### General rights

It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

#### Disclaimer/Complaints regulations

If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: <https://uba.uva.nl/en/contact>, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.



Chapter 6  
•  
AMERICAN VALUES?

Figure 6.1. "Trump does not represent American values", October 2016.

## CITIZENSHIP AND LEGAL IMAGINARIES

It was 4am and Rico's uneventful shift was almost over. After confronting the drunken man with the rubber hammer in the park, only a few calls had come in. The MPD police officer parked his police car underneath a tree on a sidewalk in Wynwood, aiming to spend the remaining hours there. It was around the time that most bars closed and people drove home, because few actually lived in the neighborhood. And those who lived nearby tended to feel much safer driving than walking anyway. Hidden in the shadows, Rico had found a perfect spot to catch anyone running the red light on the intersection of NW 3rd Avenue. The engine hummed in the background as Rico talked about his experiences as a patrol officer working in different Miami neighborhoods. According to him, Overtown residents were particularly complicated for police officers to deal with. He explained that these residents "perceive they're targeted by us", and therefore "start talking about their rights whenever they see us, like we're the bad guys." Rico compared Overtown's African-American residents to Latinos in an adjacent neighborhood. In his view, since Latinos were used to violent police practices abroad, "They have respect for law enforcement [in the US], because they have experience with a very corrupt police force [elsewhere]. They learned not to talk back or to resist."

Someone ignored the red traffic light and passed directly in front of us. "Hold on", Rico advised me, as he switched on the police car's siren. He had kept the car's engine running, to keep the air conditioning working, but also to be able to respond immediately to any violations. The officer chased the car down, signaled the driver to pull over to the side of the road, gave her a ticket, and wished her a good and safe night. He returned to the hidden spot underneath the tree. This process repeated itself several times. Rico did not understand why people constantly chose to ignore and break the law. After all, he wondered, "Isn't the law there to keep people from doing stupid shit?"

In this dissertation, I have argued that the law is not objectively "there": Miamians imagine and articulate shared understandings of legality, legitimacy and the role of litigation in everyday life. I have shown how many people, including police officers, think of the law as an objective instrument, a tool capable of providing justice, and the best available mechanism to maintain and restore public order and safety. In the introduction, I discussed how Rico drew on specific legal imaginaries to read the threat of violence and frame his room to maneuver, his agency, in terms of legality. This time, a couple of hours after the encounter in the park, Rico explained the antagonistic relationship between police officers and Overtown residents by referencing different interpretations of legitimacy. His compar-

ison of African-American and Latino residents suggested that he believed both groups saw police officers as violent. In his view, only African-Americans framed this fear of police violence in terms of structural violations of their rights, and contested their presence and practices. Despite these contestations, Rico was proud to be a police officer in the US and considered law enforcement essential for public order and personal safety. According to him, most police officers in the nation followed the law and were not corrupt, with the exception of the occasional "bad apple".

I have argued that legal imaginaries in Miami can result in racialized forms of security provision and differentiated citizenship more broadly. The broadly shared belief that the law provides a neutral, objective mechanism for generating order and justice has made legality a privileged social and ethical framework that often trumps other systems of meaning-making or redress. Confronted with loss, injuries, victimization, and feelings of injustice, many Miamians quickly consider their options to litigate, to sue those they consider to be responsible. Faced with civil and human rights violations, many Miamians seek reparation through financial compensation, a tendency that privileges individual legal accountability as an explanatory framework over more structural causes. Miamians work from such legalistic, individualist understandings as they navigate responsibility and especially legal accountability. This dissertation has shown such social navigation plays out in the context of everyday security provision. In particular I have highlighted a tendency (reflecting the broader US phenomenon of litigiousness) to over-expose *individual* accountability (as discussed in Chapter Four), while factors underlying specific forms of violence, such as police brutality, are made less visible and are depoliticized.

Critical observers have noted that legality and justice do not necessarily coincide: in cases across the nation, accused killers have been acquitted of their charges, especially in cases where the victim was Black. Such cases include George Zimmerman's fatal shooting of Trayvon Martin and several other Black persons, in particular Black men, shot and killed by police officers. Through these acquittals, the US judicial and legislative branches label these actions and the perpetrators as "legal". In spite of, or perhaps precisely because of, the overwhelming evidence of structural inequality, Miamians understand everyday security provision primarily in terms of interpersonal encounters and relationships, in which they need assets for both physical and legal protection. They rely on different forms of materiality, technology, and socio-politically salient knowledge in attempts to provide for their own security and to be able to respond to

potential civil rights violations. I have shown how they use guns, cameras, and secrets for individual protection, and to target or capture others in order to render them liable to prosecution.

The main aim of this dissertation has been to answer the following research question: How do Miamians enact and experience citizenship in the context of everyday security provision? I have argued that legal imaginaries mediate this formation of political subjects, conceptualizing legal imaginaries as a system of meanings in which the law works as a frame through which people understand the world around them, and as an object that they utilize to claim rights and navigate responsibilities. In the context of everyday security provision, legal imaginaries inform how Miamians defend themselves, and how they identify threats and liabilities. Legal imaginaries shape how they interpret and collect legal evidence, how they relate to security providers, and how they define and understand their political subjectivity within different place-based or translocal communities. This means that acts and experiences of citizenship do not only become meaningful through relationships and interactions with state agencies, but rather and especially in relation to shared understandings of the law.

In discussing the work of legal imaginaries in the context of security provision, I have identified a particular ideal type of citizenship in Miami: vigilant citizenship. This concept refers to an idealized and institutionalized normative agenda that frames political subject formation, in which citizens are increasingly imagined and expected to be responsible for claiming and defending their own rights. They can make use of various assets in order to deal with liabilities, all in a highly individualized manner. While this citizenship agenda still considers citizens to be subject to public authority, the law has become a main avenue for keeping state agencies, and other societal actors, at arm's length by delineating individual autonomy.

This dissertation contributes to citizenship studies by introducing an innovative approach to political subject formation. This approach combines the state-centric dimension of citizenship with academic literature on citizenship acts and experiences. This provides an alternative understanding of citizenship in which rights, responsibilities, and political subjectivity are not conceptualized as either inside or outside the rubric of the state, but as becoming meaningful in respect to legal imaginaries – a system of meaning that is only partly connected to the state, but also exists beyond it, in acts and experiences that relate to the daily manifestations and interpretations of lawfulness. I expand on earlier scholarly work which focuses on how legal professionals relate to laws in their work, as well as in what ways they engage

with legal transformation and the public recognition of new laws.

Various reasons might explain why legality and litigation have become such influential factors in Miamians' political subject formation. First, the widespread advertisement and availability of legal services and professionals in and around the city contributes to the perception that Miamians can and should use the law for achieving their own personal interests. I have explained that Overtown residents ironically used the term "winning the ghetto lottery" to refer to cases in which people had successfully litigated against government agencies or companies and received financial compensation. I met one resident who said that he sued on almost a full-time basis. Sooner or later, he expected that the other party would look to settle a deal, or that the outcome of a lawsuit would turn out in his favor, thus allowing him to "win the lottery". Using the law for financial reasons is not, however, exclusive to low-income Miamians. Olaf and his friends also frequently made use of legal services in order to settle their traffic citations; it was cheaper to pay a lawyer to make the ticket disappear than to actually pay the fine, Olaf told me.

Second, national and state laws in combination with the workings of the judicial system encourage individuals to notice and respond to individual rights violations. Laws such as Florida's Stand Your Ground law increase the legal scope for individual interpretations of, and responses to, danger that can ultimately serve as justifications for (lethal) force in court. As the case of George Zimmerman illustrates, this law provides legal cover for broad interpretations of self-defense, or what might be understood as vigilantism. Recall from the introduction that the US legal system follows a common law tradition, which means that judges and juries play an important role in both shaping and applying the law. The characteristics of the common law tradition may contribute to popular understandings that consider ordinary people capable of simultaneously interpreting and articulating the law in everyday life.

## CITIZENSHIP IN NEOLIBERAL SECURITY PROVISION

Drawing on an ethnographic approach, I have examined Miami's neoliberal security context, studying the actors, arrangements, objects, technologies, and practices employed in addressing the various public and individual safety concerns. Central were the daily lives of six protagonists, who all lived, worked, or spent their spare time in the neighborhoods of Wynwood, Overtown, and South Beach. I analyzed the stories of Lux, Darius, Sarah, Olaf, Marcus, and Fenix in light of my broader experiences and encounters

with police officers, private security guards, and local residents during my fieldwork in the city. This has also been an explicitly urban research project, exploring how Miamians navigate the security landscape of a city that consists of pockets of safety, gated communities, and “ghettos”, but above all, an urban environment characterized by high levels of exclusion and spatial and racial segregation.

Examining forms of neoliberal security provision, this dissertation has sought to contribute to security studies by troubling traditional divisions between public and private security providers; by emphasizing the blurred distinctions between protectors, clients, recipients, and threats; and by including the importance of non-human actors in everyday security provision. In Miami, where police officers work for private businesses, where public agencies hire private security guards, and where local residents live up to ideals of self-defense and participate in neighborhood watch groups, it is often unclear who is protecting or threatening whom. I have examined these relationships and interactions between state and non-state actors, but more importantly, I have emphasized how these roles shift in daily life, and in relation to different non-human entities – analyzing how guns transform ordinary people into first responders. And how mobile cameras make basically everyone capable of collecting legal evidence against one another.

In Chapters Three, Four, and Five, I showed how Miamians are affected by, and reproduce, the ideal type of vigilant citizenship. These chapters provide an account of how the main protagonists dealt with precarity. Marcus and Fenix were concerned with aggressive police officers around the barbershop, Olaf was afraid of violent intruders or burglars, Sarah had a complicated relationship with her neighbor, Lux was uncertain about her future and worried about how others perceived her qualifications as an officer, and Darius was frustrated with the customers, becoming suspicious and taking precautions in his daily work at the bar. Because of classed, raced and professional differences, the manifestations and experiences of precarity varied. The main body of this dissertation, however, suggests that neoliberalism and individualization are factors underlying such varied experiences. All of the protagonists relied on a combination of guns, cameras, and secrets in an attempt to protect themselves, their loved ones, and their belongings.

In Chapter Three, I showed how Olaf and others relied on guns for individual protection. Focusing on the legal framework of private gun ownership, I discussed how self-defense becomes meaningful in everyday security provision. I explain how legal imaginaries materialized around the gun, and how this informed Miamians’ experiences and enactments of

citizenship: they navigate legal liability, deal with the normative framework of what “good citizenship” entails, and reflect upon the ethics of using a lethal weapon against other human beings. My findings further suggest that responsibility becomes increasingly diffuse when gun violence, including police violence, becomes a given.

In Chapter Four, I showed how Marcus and others relied on mobile cameras to capture security encounters in order to record any misconduct and civil rights violations. Miamians use the technology to make visible as a way of collecting legal evidence, but are also subject to the “legal gaze” themselves. I defined this gaze as a visual-legal configuration that depicts a particular way of seeing and interpreting, one that over-exposes individual liability and under-exposes structural causes. Through a socio-legal approach, I showed how using a camera to record security encounters becomes reinterpreted as a citizen responsibility in light of the ideal type of vigilant citizenship.

In the fifth chapter, I discussed how legal imaginaries shaped the ways Darius, Sarah, and Lux experienced and dealt with security-related secrets. Specifically, I argued that it affected their political subjectivity, shaping to what extent they felt part of a larger political community of vigilant citizens and how this interfered with feelings of belonging on a more local level. The ability of state agencies to politicize security-related secrets affected the room of maneuver these protagonists felt they had. In an attempt to look beyond the power dynamics inherent to lateral surveillance, the chapter focused on secrets to understand how Miamians experience and enact their citizenship through notions of legality and legitimacy, and suggested that these experiences and enactments do not necessarily have to be in accordance with the law. While state agencies might want to perpetuate the belief that increased transparency will prevent certain events from occurring, police officers such as Lux also became more aware and perhaps fearful of how their own private lives could jeopardize their reputation and their career.

## LEGAL INTIMACIES

In the introduction I made brief reference to the possibility of conceptualizing guns, cameras, and secrets in light of everyday security provision, legal imaginaries, and citizenship in relation to intimacy. A conceptualization in terms of legal intimacies. It draws on a theory of affordances and insights theorized in gender studies. First, a theory of affordances allows of an understanding of how agency is formulated through a dialectic relationship between individuals and their environment. Guns, cameras, and secrets

request, demand, allow, encourage, discourage, and refuse individuals in security encounters (Davis and Chouinard, 2017). It is, in other words, about what it offers Miamians in dealing with everyday life. Second, the idea of intimacy as discussed in gender studies captures the entanglements between private and public life (e.g., Attwood et al., 2017). It suggests that acts and experiences of citizenship do not only exist within the public sphere, but increasingly affect personal lives and result in intimate troubles. Plummer (2003: 15) finds it problematic that citizenship “always refers to the social, civic, public world, not to individual, intimate, or private worlds.” Studies of intimacy therefore aim to understand the linkages between bodies, technologies, and personal relationships.

I suggest that legal intimacies, as an analytical framework, can contribute to our understanding of citizenship. Legal intimacies shift our focus towards questions of why and how the legal world enters and shapes the intimate sphere of daily life. In this research project, such a focus on intimacies helps understand how guns, cameras, and secrets affect personal relationships, thoughts, and identities. My discussion of secrets, in Chapter Five, is a case in point, as it illustrates how intimate, personal experiences and relationships are being increasingly politicized, and how security-related secrets have become a legal concern. Miamians, then, experience legality, legitimacy, and the role of litigation on a very intimate level. The chapter shows how previous relationships and memories transform into present lawsuits, how private prejudices result in possible legal consequences and accountability, and how personal livelihoods are translated into narratives of the rights and responsibilities of US citizens.

But it is not only because of secrets that I suggest that we think about legal intimacies. Guns are also highly personal. The numerous types and models available allow people to develop a personalized choice regarding their individual firearm. Alex, the manager of the Wynwood gun store, described his customers’ different preferences to me: he sold pink handguns, very small weapons, and large assault rifles with a chainsaw attached to the barrel. Guns were also stored in the most intimate of places. Olaf was most comfortable with his shotgun under his bed, which he slept in together with his girlfriend. Sarah hid her revolver in the back of her underwear drawer, or sometimes underneath her pillow. Many others indicated that they preferred to place their weapon on the nightstand next to their bed. In popular culture, guns are often loved and projected as the best, if not the only, way for individuals to keep themselves safe. Perhaps this also explains the strong affection towards them in everyday life.

Finally, cameras exemplify the intimate experience of the legal in yet

another way. Mobile phones and personal cameras, generally bought and used to capture special and personal moments, are utilized in security encounters for their legal potentiality. Videos of police officers, private security guards, and aggressive residents are stored on devices that do not differentiate between public and private events, and are shared through social media and communication apps that people use for all kinds of interactions and relationships. Such examples show how the intimate experience of the legal has increasingly become part of lived realities, at least in Miami.

### **VIGILANT CITIZENSHIP AND LEGAL IMAGINARIES BEYOND MIAMI AND BEYOND SECURITY**

It was October 2016 and Trump had just been elected President for the coming four years. After attending a public viewing party where several present had voted for Trump, Alfredo – my good friend and fellow graduate student – and I decided to continue watching at his home. We said our good-byes with a shot of vodka: the night – or the morning after – was not going to get any worse for us anyway. Earlier that day I had travelled to different voting stations and talked to several of my key interlocutors in Wynwood and Overtown. Marcus and Olaf told me that they had voted for Trump and were happy with the outcome. Olaf even went out in Wynwood to celebrate. In 2016, the “swing state” of Florida became a “red state”, although the majority of Miamians had voted for Hillary Clinton. Unlike other metropolises in the US, however, there had been no protest against the outcome of the election in Miami: a highly unequal city where many residents identify as Latino or Haitian-American, but where nobody seemed willing to rally against Trump. I thought of Miami’s reputation for being an apolitical city, where demonstrations and protests are surprisingly non-existent or small compared to other cities with large migrant population groups and such an unequal distribution of wealth.

But then it happened only a few days later. Olaf called me, saying that he could not meet that night. Apparently, the I-95 ramp to Downtown Miami had been blocked by protestors. As many had done before them, the protestors used the city’s infrastructure as a stage for expressing their dissatisfaction and enacting civil disobedience. Still on the phone with Olaf and watching the news, I picked up my camera and ordered an Uber to get as close to the protest as I could. The MPD redirected the traffic and protected/surveilled the peaceful protests with helicopters, motorcycles, and SUVs. People carried signs that reflected a nationwide discourse: “Trump is not our president”. I joined a group of people and spoke to several members

of the activist organizations present, including Dream Defenders. Nobody seemed to know how the protest had come together and told me that it had emerged “organically”. One student had begun to voice her frustrations and had gathered support earlier that evening. People had recorded it with their mobile phones and social media had done the rest.

Before the protest ended back in Downtown Miami, I had been walking behind a man who was carrying a sign with the text: “Trump does not represent American Values”. I took a picture of him and his sign (see Figure 6.1). Back home in Amsterdam, I looked at the photo and wondered: to what extent were my findings in Miami shaped by larger national values? And could I generalize my argument to the larger social and political context of the US? I have developed my argument on the basis of a US political and security landscape in which ideals of self-defense, privatization, litigation, lateral surveillance, and more general processes of individualization have become cornerstones of urban governance. In Chapter Two, discussing the alleged uniqueness of Miami in its wider geographical context, I argued that utopian and dystopian spatial imaginaries have created and perpetuated Miami’s exceptional reputation as a paradise or vice city. Looking beyond these representations, however, it is first and foremost a city characterized by racial and spatial segregation and an increasingly unequal distribution of wealth. Memorial Day weekend shows that underneath the popular and superficial representations of Miami, there is visible and structural racism, criminalization, and exclusion. Miami has been shaped by larger historical and global developments, making it much more similar to other places all over the US, and the world, than many would like to believe (Connolly, 2014).

Yet, to apply the theoretical and analytical frames developed in this dissertation to contexts beyond the US, four caveats would have to be taken into account. First, my conceptualization of legal imaginaries is based on a context in which one particular legal system is dominant. In Miami, this is US national and state law. However, the workings of legal imaginaries might be different in contexts of legal pluralism, where multiple legal systems exist within one geographical area. In these cases, rules and social regulations often overlap and contradict one another, and this plurality might affect how legal imaginaries shape acts and experiences of citizenship.

Second, legal imaginaries might shape citizenship differently in places that are less characterized by individualism, and more by collectivism and communitarianism. My research focused on individual and interpersonal relationships with the law and, relatedly, a specific liberal understanding of

political subjectivity. How do legal imaginaries and places less characterized by individualism and (neo)liberalism shape citizenship? And what causality typifies the relationship between individualism and legal imaginaries – does the former produce the latter, or vice versa?

Third, this dissertation has primarily discussed everyday security provision. After many hours with police officers, private security guards, and local residents in different parts of Miami, I developed a more in-depth understanding of security, not so much as a concept, but as an empirical domain. While my findings of this thesis have focused on transformations in this domain of governance, they might also be of use to scholars working on other aspects of urban governance and the privatization of other forms of public service provision, such as healthcare or education. Relatedly, my understanding of legal imaginaries might also find resonance in analyses of professionals other than security providers who deal with the law and legal liability on a daily basis, such as doctors and teachers.

Finally, this research project has examined the specifics of everyday security provision in the US, such as private gun ownership. Yet by examining the underlying premises thereof, my argument can also be applied to security contexts outside the US, including places where citizens are not allowed to purchase firearms. During lectures and presentations that I give on my research topic, I often conclude with a news article about the Netherlands, my home country (NOS, 2015). It talks about the 2015 attack on a Thalys train on its way from Amsterdam to Paris. A man opened fire before being subdued by passengers, including two off-duty members of the US armed forces. In the article, a spokesperson for the Dutch government states that he wants more opportunities and training for civilians to defend themselves in similar scenarios. Advocating for self-defense and vigilantism, he concludes that people also need to have legal insurance in such cases. After all, he reasoned, you will want financial compensation should you become permanently disabled because you decided to intervene! The article highlights the attractiveness of the ideal type of vigilant citizenship, and the widespread belief in the individualized workings of the law in a way that should no longer be seen as US-specific. Doing so would only underestimate the importance of such legal imaginaries in shaping our everyday lives.