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Vigilant citizenship

Legal imaginaries and political subjectivity in Miami

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EPILOGUE

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I want to end the dissertation by returning to how it began: with the six main protagonists of this research project. After spending most of 2015 in Miami, I returned in early 2016 and again in late 2016. I kept in touch with Lux, Olaf, Marcus, and Sarah through social media after at the end of my 2015 stay. Returning to Miami for my final fieldwork period showed that much had changed for them.

The MPD had fired Lux and she spent most of 2016 and 2017 involved in complicated, exhausting lawsuits. In early 2018 she contacted me with good news: she had been hired by the City of Miami. Not as a police officer, but as an analyst in the accounting department. Lux told me that she still missed her police work from time to time, but was extremely happy that she had found a new position with all the same benefits. “The case did turn out in my favor”, she wrote me, supported by a picture of her behind her new desk. The last time we spoke she was living together with her boyfriend in North Miami.

Fenix left Marcus’ barbershop in 2016. I had never heard about any quarrels between the two, but what I heard from Fenix is that he did not like the atmosphere at the shop and felt alienated because of his sexual orientation. He went back to working from his house in Overtown, and advertised himself as a barber on social media. Marcus hired a new employee and went back to school to get a college degree. Unfortunately, I was unable to be there when he graduated.

Sarah managed to find a beautiful, affordable, and completely new apartment on the outskirts of Overtown. It even had a spare room for her son to come over and stay. To be honest, I was actually surprised that she could find the necessary legal assistance to get her out of her previous burned-out place. Before I left, I helped her to buy furniture for the new apartment and joined her on her balcony. She smoked a cigarette and wondered: “Maybe this whole gentrification is a good thing.” She had felt hopeless in her old apartment, where the authorities seemed unable or unwilling to address the illegal practices of her neighbor. Perhaps, Sarah reasoned, gentrification might be the only option to ultimately improve living conditions for many residents like herself.

Darius left the bar at South Beach shortly after I left in 2015. He had been offered a better position as a security guard at the contested construction of the Dakota Access Pipeline. He left Miami for a couple of months, and found

work elsewhere once he returned to his hometown. I tried meeting with him in 2016, but he was extremely busy and his brother was hospitalized for reasons unknown to me. The last time I saw him was on the screen of a phone, when a former colleague at the bar reached him by video call as Darius was driving down to Key West to look for a new job.

Finally, Olaf broke up with several girlfriends after the one who owned the Mini Cooper. He also moved again, from Miami Beach back to the old neighborhood, to a house close to the first place we shared. We keep in touch, and he tells me that Miami is best enjoyed single. He leads several non-profit projects that make it possible for primary school children to learn an instrument and play in a band. Once surprised by my research interest in Overtown, he was in turn surprised that the neighborhood “was not that ghetto after all.” “Well,” he added, “not the whole neighborhood at least.”

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S U M M A R Y

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In his hit song “Miami” (1997), Will Smith mentions several attractive characteristics of the city. Miami’s climate, beach, and nightlife attract Will and many residents and tourists of all ages and from across the world to the South Florida city, and to South Beach in particular. In addition, Miami is renowned for its multicultural status, or as Will puts it, a “salsa merengue melting pot”. In the song, he is welcomed in Spanish, and indeed, the majority of Miamians speak Spanish and many have affiliations with Latin American and Caribbean countries. In particular, Miami has been a place of refuge for Cubans, who chose or were forced to leave their home country. Will and many others, including local residents, musicians, and producers of videogames, see these combined elements as making Miami a unique place – a city that is different than any other in the US, or even in the world. Although over twenty years old, Will Smith’s “Miami” both reflects and reproduces Miami’s reputation as an exceptional space, a reputation that remains dominant in both contemporary popular culture and academic research on Miami.

This dissertation provides a more nuanced analysis of everyday life in Miami, a city strongly characterized by growing inequality and suspicion, which primarily affects ethnic minorities. The incidental, exciting, and often absurdist character of violence and crime that Miami is known for is much more systemic and racially skewed than popular culture might suggest. My research shows that Miami can best be understood in relation to historical and more recent political developments in the US. Similar to other US cities, Miami was created in a time of racial apartheid and has increasingly been designed, spatially and economically, for individual profit. It is a city in which private gun ownership, gated communities, imaginaries of legality, and state and police violence play an important role in shaping everyday life. In other words, Miami is a typical example of US neoliberalization, in which state agencies privatize public services and assign responsibility to local residents under the guise of “freedom”.

This is particularly visible in the realm of security provision, which (from a European standpoint) has traditionally been seen as a concern of the state. In Miami, commercial security services are increasingly popular, local governments and police departments support active neighborhood watches, and private gun ownership is both legal and widespread. Although supporters of neoliberal policies emphasize the positive side of diminished

state interference, it results in a more violent, uncertain, and more unequal reality in practice, exemplified by the case of George Zimmerman, captain of a local neighborhood watch, who shot and killed Trayvon Martin, an unarmed African-American and seventeen year-old boy in Sanford, Florida in 2012. Zimmerman was acquitted of all charges on the basis of “Stand Your Ground” legislation, which makes self-defense legal.

In this dissertation I explain how we can understand the relationships and interactions that characterize everyday security provision in Miami, emphasizing that feelings of insecurity have to be understood in terms of individual experience, rather than analyzed a priori through the categories of police officer and citizen.

I examine this in terms of citizenship: the experiences and enactments of rights, responsibilities, and political membership. As an analytical and theoretical framework, citizenship can advance our understanding of how people relate and interact with each other in the context of security provision, of the meaning and implications of social and political developments, and of the processes of inclusion and exclusion in an urban environment. The title of the dissertation, “Vigilant Citizenship”, refers to the ideal type of citizenship that is demonstrated within the urban and national context of this research. It is an idealized representation of citizenship in which Miamians are depicted as rational and self-sufficient subjects, capable of using certain assets and avoiding liabilities. In short, a vigilant citizen is a person with a heightened sense of awareness, who accepts her responsibilities to intervene in threatening situations, while still acting in accordance with the law. In this dissertation I provide concrete examples of how this ideal type of citizenship shapes the use of guns, cameras, and secrets.

The most important contribution of my research is found in my analysis of why, but especially how, Miamians experience and enact citizenship in everyday security provision. In this analysis, I develop the concept of “legal imaginaries”, a concept that refers to shared understandings of the law. These imaginaries captures the interpretation of a relationship between legality (actions in accordance with the law), and legitimacy (broader social norms regarding what is and/or *should* be legal). What is legal does not necessarily have to be legitimate and vice versa. In Miami, a particular legal imaginary has developed in which legality has become the dominant frame through which people interpret their agency. This means that Miamians’ sense of morality is expressed primarily through notions of legality, in terms of the law, and to a lesser extent through notions of social legitimacy. As a result, it becomes difficult to think outside this legal

imaginary and to deal with issues such as police violence in ways go beyond litigation. Legal imaginaries are partly based on how local residents interpret and articulate laws in everyday life, including legislation surrounding private gun ownership and the use of firearms.

The legal imaginaries I identified in Miami inform *individual* experiences and enactments of rights and responsibilities. Residents see themselves as responsible for figuring out what is legal and what is not, and for adapting their behavior accordingly. This also illustrates the workings of vigilant citizenship, in which individual responsibility and accountability are key. An example: a police officer asks himself if he can shoot a drunken man who is waving a rubber hammer. He wonders: is this legal? The drunken man is disturbing the public, is brandishing what is in legal terms a weapon, and is not obeying the officer's instructions. The police officer analyzes his own agency through a specific legal imaginary, to assess what he is and is not allowed to do in the given context. His explicit framing of this encounter in terms of legality illustrates the importance of legal imaginaries, in particular in contrast to alternative normative frameworks that emphasize social justice or other ethical concerns.

In these pages I write about the stories and experiences of Lux, Sarah, Darius, Olaf, Marcus and Fenix. They are the main protagonists in this ethnography. In this dissertation we follow these protagonists at home, in their neighborhood, during work and in various meetings and interactions that form part of their everyday experiences with security provision. I contextualize and expand these stories with information derived from riding with police officers through the city and joining neighborhood watch patrols. The six main protagonists live in different Miami neighborhoods, have different ethnic and racial backgrounds and work in different institutional settings. Lux, for example, is a police officer, who works in the neighborhood where Marcus and Fenix work in a barbershop and experience the presence of police officers as a burden. Because I was able to build relationships with different residents, and experience and participate in a diversity of situations with them, I am able to demonstrate how Miamians encounter various forms of insecurity even as their interpretations and reactions show many similarities. All six have a firearm license and own one or more guns, use cameras to record violence or intimidation, and value having secrets. Darius, for instance, secretly carried a weapon with him during work even though this was prohibited. Sarah had knowledge of her neighbor's involvement in the local drug trade, but was unable to share this with others without endangering herself. The main part of this dissertation describes and analyzes the actions and experiences of these

protagonists. I show how they deal with legality, and what they feel their own role should be in relation to the ideal type of vigilant citizenship.

In spite of the growing number of examples that illustrate the gap between the law and justice, my research suggests that this does not directly affect a general confidence in the capacity of the law to address complex and systemic violence. In 1991, Los Angeles police officers almost killed Rodney King. Their violence was recorded, but the police officers were acquitted or received a light punishment as a result. Today, it seems as if everyone uses mobile cameras to challenge injustice. This indicates the extent to which visual material is still interpreted as valuable legal evidence, even though there have been many cases of (police) violence that suggest the contrary. Taser, the influential corporation that produced of the "non-lethal" electronic weapon, propagates the use of cameras for both police officers and private security guards. Different police departments in Miami have begun to experiment with body cameras – small cameras that are attached to the chests of the police officers. According to producers and political supporters, this practice will improve security, and assist officers in dealing with false accusations, or at least make justice possible in a court of law. This dissertation, in particular Chapter Four, suggests that cameras do not bring any noteworthy changes to racialized and unequal security provision. Cameras allow us to quite literally zoom in on individual behavior, and in so doing reduce for example police violence, an issue of structural nature, to individual transgressions. A widespread faith in the capacity of technology to visualize and solve injustice gives rise to the legal gaze, through which social and political attention shifts towards which laws have been violated and by whom. How violence and inequality are produced and shaped through larger forces becomes of lesser importance. With this dissertation, I hope to have underlined that forms of neoliberal freedom actually increase uncertainty, duties, and tensions for everyone – an outcome that perpetually increases the need for more "security".

S A M E N V A T T I N G

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In het nummer “*Miami*” (1997) vat Will Smith een aantal aantrekkelijke kenmerken van de gelijknamige stad goed samen. Met name het klimaat, strand en nachtleven trekken Will en vele inwoners en vakantiegangers van alle leeftijden en werelddelen naar de metropool in Zuid-Florida, South Beach in het bijzonder. Daarnaast wordt Miami regelmatig geroemd om haar multiculturele status, een “*salsa merengue melting pot*” zoals Will het zelf noemt. In het nummer wordt hij begroet in het Spaans en inderdaad, de meerderheid in de stad spreekt Spaans en velen hebben een sterke affiniteit met Latijns-Amerikaanse en Caribische landen en steden. Miami is met name voor veel Cubanen geruime tijd een toevluchtsoord – gedwongen of niet – geweest. Volgens Will en anderen, waaronder inwoners, muzikanten en producenten van videogames, maakt dit Miami tot een unieke plek. Een stad die anders is dan alle andere in de VS of zelfs in de hele wereld. Zijn nummer, al is het meer dan twintig jaar geleden, is een weerspiegeling van en tegelijkertijd een bijdrage aan het imago van Miami als een uitzonderlijke plek. Dit imago is tegenwoordig terug te vinden in zowel populaire cultuur als academisch onderzoek, maar overheerste ook tijdens mijn eerste verblijf in de stad in 2015.

Dit proefschrift geeft een realistischer, genuanceerder beeld van de dagelijkse werkelijkheid in Miami, een stad die sterk gekenmerkt wordt door groeiende ongelijkheid en wantrouwen, waar met name etnische minderheden de negatieve gevolgen van ondervinden. Ook het incidentele, absurdistische en spannende karakter van geweld en criminaliteit waar Miami bekend om staat is eerder structureel, institutioneel en selectief van aard. Mijn onderzoek benadrukt dat Miami het beste begrepen kan worden vanuit zowel historische als meer recentelijke politieke ontwikkelingen in de VS. Zoals andere steden in het land is Miami ontstaan in een tijd van apartheid en steeds meer ingericht voor persoonlijk gewin. Het is een stad waar individueel wapenbezit, afgezonderde en ommuurde wijken (*gated communities*), en de verbeelding van wetmatigheid en staats- en politie-geweld een belangrijke stempel drukken op het alledaagse leven. Miami is eigenlijk een typisch voorbeeld van Amerikaans neoliberal beleid, waarin publieke diensten worden uitbesteed en inwoners een grote verantwoordelijkheid wordt toebedeeld onder het mom van vrijheid.

Dit is buitengewoon zichtbaar in de veiligheidsvoorziening, wat vanuit Europees traditioneel en theoretisch oogpunt een taak van de staat is. Zo

kent Miami een groot en groeiend aantal commerciële veiligheidsdiensten, worden actieve buurtwachten gesteund vanuit de overheid en is particulier wapenbezit legaal, toegankelijk en wijdverbreid. Al benadrukken aanhangers van dit ideaal de positieve kant van zulke “vrijheden”, de praktijk is echter gewelddadiger, onzekerder en ongelijker, met als schrikbeeld George Zimmerman, die als kapitein van zijn buurtwacht in 2012 in Sanford, Florida Trayvon Martin, een ongewapende Afro-Amerikaanse jongen van zeventien jaar doodschoot. Zimmerman werd vrijgesproken op grond van wetgeving die het ideaal van persoonlijke verdediging waarborgt.

In dit proefschrift leg ik uit hoe we relaties en interacties kenmerkend voor de alledaagse veiligheidsvoorziening in Miami kunnen begrijpen. In het kader van deze alledaagse werkelijkheid moeten onveiligheidsgevoelens worden begrepen in termen van individuele ervaring, en niet vastgepind aan vastgestelde categorieën, zoals die van politieagent versus burger.

Ik onderzoek dit in termen van burgerschap: de ervaringen en uitoefening van rechten, verantwoordelijkheden en politieke *belonging*. Als analytisch en theoretisch kader biedt burgerschap beter inzicht in het doen en laten in de context van veiligheidsvoorziening, de betekenis van sociaal-politieke ontwikkelingen en verhoudingen, alsmede de processen van in- en uitsluiting in een stedelijke omgeving. De titel van dit proefschrift, “waakzaam burgerschap” (*vigilant citizenship*) is mijn benaming voor het ideaaltype burgerschap dat zich manifesteert in zowel de stedelijke als nationale context van mijn onderzoek. Het is een ideaaltype waarin inwoners van Miami neergezet worden als rationeel denkende en zelfredzame subjecten, die in staat zijn gebruik te maken van bepaalde aanwinsten (*assets*) en tegelijkertijd kwetsbaarheden (*liabilities*) weten te vermijden. Kortom, een waakzame burger is iemand met een verhoogd bewustzijn die de verantwoordelijkheid niet schroomt om zelf in te grijpen in dreigende situaties. In het proefschrift geef ik concrete voorbeelden van hoe dit ideaaltype burgerschap tot uiting komt, met name in het kader van het gebruik van wapens, camera’s en geheimen.

De belangrijkste bijdrage van mijn onderzoek is mijn analyse van waarom, maar vooral hoe ervaringen en articulaties van burgerschap tot uiting komen in alledaagse veiligheidsvoorziening. Hiervoor ontwikkel ik het concept “juridische verbeelding” (*legal imaginaries*) dat verwijst naar breed gedeelde verbeeldingen van de wet. Deze verbeeldingen omvatten deels legaliteit, datgene wat daadwerkelijk in overeenstemming is met de wet, maar ook legitimiteit, de bredere interpretaties van wat legaal is of zou moeten zijn in een gegeven situatie. Wat legaal is hoeft niet noodzakelijk legitiem te zijn en andersom. In Miami heeft zich een bepaalde verbeelding

ontwikkeld waarin legaliteit het belangrijkste kader is voor de handelingsvrijheid in veiligheidsvoorziening. Dit betekent dat inwoners sociale normen en ethiek primair interpreteren aan de hand van de wet, van wat legaal is, en in mindere mate van wat legitiem is. Mijn concept is deels gebaseerd op de manier waarop inwoners bepaalde wetten interpreteren en toepassen in de praktijk, zoals bijvoorbeeld de wetten rondom wapenbezit en het gebruik van geweld.

Belangrijker is echter dat de juridische verbeelding invulling geeft aan de *individuele* ervaring en uitoefening van verantwoordelijkheden en rechten. Zo suggereert het ook dat inwoners zelf verantwoordelijk zijn om uit te zoeken wat de wet precies inhoudt in verschillende situaties en daarop hun gedrag aan te passen. Dit laat ook de invloed van waakzaam burgerschap zien, waar individuele verantwoordelijkheid en aansprakelijkheid centraal staan. Een voorbeeld. Een politieagent denkt na of hij een dronken man die met een rubberen hamer zwaait mag neerschieten. Hij vraagt zich af: is schieten in dit geval legaal? De dronken man zorgt voor overlast, heeft wellicht juridisch gezien een wapen in zijn handen en luistert niet naar de aanwijzingen van de agent. De politieagent onderzoekt zijn eigen handelingsvrijheid in het kader van de juridische verbeelding, wat wel en niet mag van de wet. Dit expliciete denken en handelen in relatie tot legaliteit geeft het belang van de juridische verbeelding goed weer, met name in vergelijking tot alternatieven die bijvoorbeeld sociale en ethische wenselijkheid van wapengebruik benadrukken.

In deze pagina's schrijf ik over de verhalen en gebeurtenissen van Lux, Sarah, Darius, Olaf, Marcus en Fenix. Zij zijn mijn zes belangrijkste hoofdrolspelers in deze etnografie. In dit proefschrift volgen we deze personages thuis, in hun buurt, tijdens werk en tijdens verschillende bijeenkomsten en interacties in de context van veiligheidsvoorziening. Mijn analyse van hun ervaringen vulde ik verder aan door onder andere veelvuldig mee te gaan met politiepatrouilles door de stad, met buurtwachten rond te rijden, bij verschillende winkels en uitgaansgelegenheden te werken met particuliere veiligheidsagenten. De zes hoofdpersonages wonen in verschillende buurten, hebben verschillende etnische achtergronden en huidskleur en hebben verschillende professionele posities. Zo is Lux bijvoorbeeld een politieagente en werkt zij in de wijk waar Marcus en Fenix werken als kapper en juist last ondervinden van de aanwezigheid van de lokale politie. Doordat ik voor mijn onderzoek in heel diverse situaties heb verkeer, met inwoners van verschillende achtergronden en klasse, kan ik laten zien hoe ze allemaal te maken krijgen met vormen van onveiligheid en dat hun reacties en interpretaties hiervan sterke overeenkomsten kennen.

Alle zes inwoners hebben een wapenvergunning en bezitten een of meerdere wapens, maken gebruik van camera's om geweld en intimidatie vast te leggen en hechten waarde aan het hebben van geheimen. Darius had bijvoorbeeld een verborgen wapen bij zich tijdens zijn werk als particuliere beveiligingsterwijl dit verboden was. Sarah had kennis van de drugshandel van haar buurman, maar kon dit niet delen met anderen zonder dat zij gevaar liep. Het grootste gedeelte van het proefschrift beschrijft en analyseert de handelingen en ervaringen van deze hoofdrolspelers. Ik laat zien hoe zij worstelen met legaliteit en legitimiteit, omtrent wat hun eigen rol is of zou moeten zijn in vergelijking tot het ideaalbeeld van waakzaam burgerschap.

Mijn onderzoek toont aan dat ondanks het groeiend aantal voorbeelden van de scheiding tussen legaliteit en gerechtigheid, dit het vertrouwen in de wet om complexe en systematische geweldspleging aan te pakken niet aantast. Rodney King werd in 1991 doodgeslagen door politieagenten in Los Angeles. Het werd gefilmd, maar de agenten werden vrijgesproken of kregen een lichte straf met rellen als gevolg. Tegenwoordig lijkt iedereen een mobiele camera te gebruiken om vergelijkbaar onrecht tegen te gaan. Dit geeft aan dat beeldmateriaal nog steeds onlosmakelijk gekoppeld aan het idee dat het een bewijs zou zijn ten tijde van rechtspraak, terwijl het tegendeel vaak genoeg bewezen is. Als invloedrijk bedrijf propageert Taser, ook bekend van het "niet-dodelijke" stroomwapen, het gebruik van camera's voor politieagenten en particuliere beveiligers. Verschillende politiedepartementen in Miami zijn begonnen met experimenten met *body cameras* – kleine camera's die op de borst van de agent zijn bevestigd. Dit gebruik zou veiligheid bevorderen, agenten helpen met vervelende en onjuiste beschuldigingen of in ieder geval gerechtigheid mogelijk maken. Dit proefschrift, met name hoofdstuk vier, laat zien dat camera's geen noemenswaardige verandering lijken te brengen wat betreft racistische en ongelijke veiligheidsvoorziening. Wel wordt er steeds meer ingezoomd op individueel handelen en reduceert het gebruik van camera's bijvoorbeeld politiegeweld, een probleem van structurele aard, tot individueel wangedrag. Het geloof dat camera's een technologie zijn om onrecht zichtbaar te maken heeft bijgedragen aan een bepaalde blik (*legal gaze*) die onze aandacht richt op welke wetten er overtreden zijn en door wie. Vraagstukken van hoe geweld en ongelijkheid eigenlijk ontstaan en vorm krijgen, lijken daardoor minder van belang.

De wereld is groter dan Nederland en steden en landen zijn steeds vaker en sterker met elkaar verbonden. Dit betekent dat sociaalpolitieke en culturele ontwikkelingen in de VS ook invloed hebben op denkbeelden en problematiek in Nederland. Daarnaast heerst in Nederland vaak de

veronderstelling dat de VS fundamenteel anders is dan onze pragmatische ingestelde bevolking. De “Nederlander” is niet zo gek en hoeft geen wapen onder zijn bed. Daarnaast verwachten “wij” veel meer van de staat: in het geval van onveiligheid, in welke vorm dan ook, moet de regering ingrijpen, niet de burger. Natuurlijk zijn dit soort verschillen belangrijk en bepalend voor een heel andere ervaring van de verantwoordelijkheden en rechten als burger. Waar je in de VS misschien net als een politieagent kunt optreden met een wapen, is dat in Nederland gelukkig nog ongewenst en vaak strafbaar. Als we echter kijken naar onderliggende ervaringen en uitvoeringen van burgerschap, waardoor we dit soort handelen beter kunnen begrijpen, zien we ook een verschuiving die meer “vrijheden” mogelijk maakt. Dit betekent niet dat wapenbezit legaal wordt, maar wel dat door middel van sociaalpolitieke ontwikkelingen individuele handelingsvrijheid meer ruimte krijgt. Dit gaat mogelijk gepaard met een staat die zich meer richt op straffen dan verzorgen. Met dit proefschrift hoop ik aangetoond te hebben dat dit soort illusies van vrijheid juist meer onzekerheid, plichten en spanningen als gevolg hebben voor iedereen – wat de vraag naar meer “veiligheid” weer versterkt.