"Criminals, We're Coming": Costumed Crime-Fighter Legal Consciousness and Punishment Philosophies in Movement-Produced New Media

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ABSTRACT

I examine the constructions of costumed crime-fighting reflected in 'Phoenix's Journal,' a blog describing the efforts of a group called the Rain City Superhero Movement (RCSM). The RCSM blog provides a self-produced portrait of the group, allowing for analysis of this critical case of vigilantism within their cultivated domain. The theoretical framework of legal consciousness guides a qualitative and ethnographic content analysis exploring two research questions concerning the punishment philosophies of the RCSM, and how costumed crime-fighters use the law to frame their behavior. The RCSM blog indicates a fundamental tension between the members as vigilantes, incapacitating threats to the public, and their role as participants in a larger phenomenon of community crime prevention. The online presence of the RCSM suggests a disinclination to punish beyond incapacitation, as well as portraying these costumed crime fighters as mainly operating within the constraints of the law.

Introduction

Comics media is no longer relegated to the comic book shop, with blockbusters like *Avengers: Infinity War* (2018), *Black Panther* (2018), and *Incredibles 2* (2018) all grossing more than a billion dollars worldwide in 2018 (Box Office Mojo, 2018). Alongside the influx of comic-book superheroes in popular culture is a burgeoning field of criminological research focused on various instantiations of comic book characters (Kort-Butler, 2012, 2013; Phillips & Strobl, 2013). In the film *Kick-Ass* (2010), the main character Dave Lizewski states, "I always wondered why nobody did it before me. I mean, all those comic books, movies, TV shows, you'd think that one eccentric loner would have made himself a costume. I mean, is everyday life so exciting?" 'Real-life superheroes' (RLSH) are individuals without traditional 'superpowers' who dress in elaborate costumes (or 'uniforms') and rely on a persona while engaging in prosocial behavior (Fishwick & Mak, 2015). RLSH represent an answer to the question posed by *Kick-Ass* (2010), addressing what they see as an apathetic world in need of more colorful (and real) heroes. In this way, RLSH represent a uniquely 'mediated' (Ferrell, 2013) version of community crime prevention, re-imagining and re-producing popular culture images and behaviors while producing their own.

This paper attempts to expand the scope of previous work by analyzing 'new' media (Yar, 2012) produced by a RLSH organization, the Rain City Superhero Movement (RCSM). This paper illustrates how the RCSM presents a critical case for understanding the limits of citizen crime prevention as well as the methodological

advantages and constraints of focusing on a digital cultural artifact. Led by 'Phoenix Jones,' the RCSM patrolled the streets of Seattle, WA in full costumes that masked their identity. Members replaced their legal names with appellations ranging from 'El Caballero,' to 'Omega.' The RCSM began posting website content in June 2010 and continued their crime prevention and community outreach until Phoenix Jones disbanded the group on May 29th, 2014, citing organizational issues (Morrow, 2014). During this time period, the RCSM maintained a website under the title, 'Phoenix's Journal.' This website, which contained various blog posts including textual discussion of recent events, embedded links to *YouTube* videos, pictures of members of the RCSM, and copies of news article coverage, serves as a unique cultural artifact of the RLSH phenomenon.

While the RCSM's particular variation on the cultural practice of community crime prevention is certainly more 'intertextual' (i.e., producing original media that shows evidence of being influenced by a variety of comic and movie depictions of costumed vigilantes) and flamboyant than some of their predecessors, they represent a critical case for furthering understanding of this institution. As Sarat (1990) relied on welfare recipients to illustrate the functioning of the law and citizens' legal consciousness, this paper focuses on a group with a similarly unique relationship with state actors to better understand how citizens relate to government entities. Legal consciousness scholarship (Ewick & Silbey, 1998) examines the ways people understand their relationship to the law and legal actors, as well as their level of comfort or confidence when interacting with legal systems. The RCSM push at the boundaries of the citizen-government relationship, illuminating both the extent of potential cooperation between law enforcement and the public in combating crime problems as well as the legal limits of this cooperation. The academic literature on vigilantes as well as other forms of community crime prevention, media analysis of superheroes, and legal consciousness research all guide this study of the RCSM.

Literature review

Defining and studying variants of community crime prevention

As found in Fishwick and Mak's (2015) research on other RLSH groups, the RCSM explicitly denounced and avoided the label of 'vigilante.' For this reason, the literature review discusses various movements along the continuum of community crime prevention, from relatively indirect efforts like Neighborhood Watch to groups traditionally labeled as vigilantes, such as the South Carolina Regulators. Although research on vigilantism has progressed, one continuing issue is the need for a fully-

fledged conceptualization of what scholars mean by the term 'vigilante.' Various connotations and stigmas float around the term, conjuring up images ranging from the Ku Klux Klan to frontier gunmen. This research relies on Johnston's (1996, p. 232) criminological definition of 'vigilantism':

Vigilantism is a social movement giving rise to premeditated acts of force—or threatened force—by autonomous citizens. It arises as a reaction to the transgression of institutionalized norms by individuals or groups—or to their potential or imputed transgression. Such acts are focused upon crime control and/or social control and aim to offer assurances (or 'guarantees') of security both to participants and to other members of a given established order.

Importantly, Johnston avoided a legalistic definition of the term and allowed for both legal and extra-legal behavior within the universe of vigilantism. Community crime prevention is a broad concept and includes vigilante movements as well as more indirect neighborhood organizing around the related issues of crime and disorder. This paper focuses on the RSCM, a group that avoided the 'vigilante' label with fervor while skating on the edges of Johnston's definition. The RSCM serves as both a unique and critical case for analysis as members of the group not only attempted to control crime but did so dressed in flamboyant costumes filled with symbolism and popular culture intertextuality. While only one prior empirical study examined this particular group (studying the legal implications of self-defense and vigilante behavior, Moore, 2013), there is a wealth of research on vigilante groups. This research, concerning a variety of movements in a range of international contexts, helps inform this study's examination of the relationship between the perceived effectiveness of the formal criminal justice system and the need for vigilantes.

Empirical research concerning vigilante movements

Little and Sheffield (1983) explored 'extra-legal' movements in England and the United States, focusing mainly on data from the Skircoat Prosecution Society in England, which involved private citizens adjudicating cases of various property crimes. They argued that prosecution societies like the Skircoat were simply 'appendages' to an existing system, not a replacement, as was the case in American frontier justice outlined by Brown (1975). Despite this important distinction, Little and Sheffield concluded, "Both legal adaptations arose from alleged inadequacies in the local social control apparatus. In each case, the remedy took the form of private citizen, self-help organizations" (p. 804). In this way, the literature points to effectiveness gaps, or

perception of such gaps, as an important factor in encouraging various forms of citizen crime prevention (although see Tankebe, 2009).

Brown's (1975) analysis, unlike Little and Sheffield (1983), confined itself to the American colonies and eventually the United States of America from the period of European conquest up until the 1970s. Brown focused not only on describing vigilante movements but also on their relationship to the state, mainly via law enforcement. Brown argued the American Revolution provided a unique impetus to vigilantism: the idea of the "sovereignty of the people" (p. 56). In the 'classic' period of vigilantism, from 1767 to 1909, Brown traced 326 known vigilante movements (p. 58). The South Carolina Regulators of 1767-1769 are acknowledged by Brown as well as Little and Sheffield as the first popular vigilante movement, a prototype for future movements encouraged by particular crime issues as well as the failure of frontier governments to protect citizens and property. Brown discussed 'summary justice' or providing a diluted form of a trial and sentencing followed by killing the purported offenders. This represents the often-conjured association between vigilantism and 'taking the law into their own hands.' If conceptualized in this manner, the RCSM does not represent a vigilante group. However, Johnston's (1999) more encompassing definition includes community crime prevention groups willing to use violence to achieve their ends.

As a clear intellectual successor to Brown (1975), Abrahams (1998) studied vigilantism as a global phenomenon. Abrahams stated the Sungusungu in Tanzania followed the traditional vigilante group model in that they worked to "maintain some sort of order in their world in the face of the state's apparent inability to deal effectively with increased cattle theft and other crime" (p. 3). Like this study, Abrahams relied upon Johnston's (1996) conceptualization of vigilantes to determine which groups and movements to include in his 'universe of cases.' Abrahams' book covered a wide variety of movements on a continuum from non-interventionist groups to groups that not only intervene in crime but also punish offenders, viewing them along a continuum.

Pennell et al. (1989) conducted a mixed-methods case study of the Guardian Angels. While members patrol without weapons, they appear to fit Johnston's (1996) definition as they involve a planned threat of force against criminals to control crime, conducting citizen's arrests, as well as calling the police. The theme of overt vigilante cooperation with the state is infrequently found in fully-fledged vigilante movements, with some notable exceptions including loyalist vigilantes in Northern Ireland (Silke, 1999), lynching movements in certain American states (Brown, 1975), the Sungusungu in Tanzania, as well as regime-control death squads in Latin America and the Philippines

(Abrahams, 1998). Pennell et al. discussed the distinctiveness of their chosen subject: "They are nationally controlled, largely made up of young minorities, do not rely on government funding, maintain independence from local police, and are willing to intervene in crimes" (p. 380). The Guardian Angels' propensity for acting in the face of victimization and their removal from direct police command are aspects that also define the RCSM. The Guardian Angels are led by a single man, Curtis Sliwa, and persisted in their activities for over a decade when studied by the authors (Pennell et al., 1989, p. 379). The RCSM had a similar structure, with founder Benjamin Fodor (aka 'Phoenix Jones') serving as leader during its more than three-year existence. Importantly, this type of crime-fighting extends beyond the typical purview of community crime prevention research, which largely focuses on organizations like Neighborhood Watch that remain in an observational role (Kang, 2015; Pattavina et al., 2006; Skogan, 1989). In addition to empirical studies of real-world crime-fighters and vigilantes, understanding the 'intertextual' aspects of the RCSM requires coverage of research focusing on superhero popular media. As discussed above, this media influences groups like the RCSM, one case from several instantiations of the broader phenomenon of RLSH (Fishwick & Mak, 2015), while they simultaneously produce their own new media.

Superhero media studies/punishment philosophies

While vigilante groups certainly operate and continue to exist in the physical world, it would be misguided to ignore the wealth of literature on fictional vigilantes in the context of the RCSM. The RCSM represent a unique case, although other comic book-themed crime-fighters certainly exist, including a group called Xtreme Justice League in the San Diego, CA area (Blake, 2014). As a result of the dearth of academic research on groups like the RCSM, the literature concerning other types of vigilantes, as well as comic book media, helps illuminate pertinent research questions. In addition, Fishwick and Mak's (2015) paper focusing on the RLSH phenomenon using in-depth interviews and ethnographic content analysis provided excellent insight into the motivations behind this behavior. Fishwick and Mak (p. 343) found that for their sample:

The desire to help others, or to do the right thing or make a difference in the community, was part of their reason for being, but the reality of working towards this end was very different from the world of their fictional counterparts. It mainly involved community work, charity work, crime prevention and, only on very rare occasions, fighting crime.

My purposive selection of the RCSM, a group which overtly and consistently engaged in fighting street crime through patrol as well as physical incapacitation of criminals, provides a differing perspective on this phenomenon.

Kort-Butler explored superhero cartoon messages concerning extra-legal justice, finding the “criminal justice system as unequipped for the task of crime fighting” while superheroes were often “supporting both rule of law and legitimate forms of punishment” (2013, p. 56). A striking similarity between comic book-media analysis (Bainbridge, 2007; Comerford, 2015; Kort-Butler; Sharp, 2012) and those echoed in the non-comic book vigilante literature is the inadequacy of the state as a primary motivation. Kort-Butler (2013) also focused on punishment philosophies at work among her sampled superhero cartoons. The author found, “Incapacitation via incarceration was clearly the preferred mode of punishment ... [while] rehabilitation was only possible for worthy characters, typically defined by the youth of a character or the character’s personal relationship with the hero” (pp. 61-62).

In contrast to Kort-Butler’s (2013) findings focused on cartoons, Phillips and Strobl (2013), using a sample of physical comic books and graphic novels, located “a retributive tease—a reliance on retributive, get-tough rhetoric” while “the action often falls short of the promise of retribution and instead relies on incapacitation” (Kindle Locations 242-246). Sharp (2012) argued superhero justice is inherently focused on retribution, punishing individuals based on their desert regardless of what the law can prove. While differences are rather stark in terms of these authors’ analyses of the significance of retribution and incapacitation justifications, they do coalesce in their argument for the irrelevance of rehabilitation in comic book media. Indicating a continued interest in this topic, an anthology edited by Thomas Giddens, *Graphic Justice: Intersections of Comics and Law* (2015), included an analysis of the ‘deathworthiness’ of criminals (Phillips & Strobl, 2015), as well as restorative justice (Nurse, 2015). This study builds on prior work by addressing how the RCSM members’ punishment justifications merge as well as disconnect with their fictional counterparts. In meting out punishment, vigilantes of the real and less-than-real varieties exhibit an understanding of their relationship to the law that is beyond traditional limits of citizen’s arrest powers and observe-and-report mantras.

Legal consciousness scholarship

Building on existing research concerning the legal status and function of vigilantes, this study relies on the legal consciousness framework to explore how state representatives and costumed crime-fighters understand the legal status of this

behavior. Vigilante movements remain unexplored with this approach, despite the obvious tensions and ambiguities between vigilantes and the law. According to Patricia Ewick and Susan Silbey (1998), the modern legal consciousness framework represents an outgrowth of both socio-legal and anthropological perspectives on the way law and legal actors become salient in particular dimensions of citizens' social lives. In an earlier formulation of their theoretical perspective, Ewick and Silbey (1992) provided a useful definition of legal consciousness: "The term 'legal consciousness' is used by social scientists to refer to the ways in which people make sense of law and legal institutions, that is, the understandings which give meaning to people's experiences and actions" (p. 734). Legal consciousness scholarship focuses on studying both the appearances of law and legal actors as well as the 'negative space' of their absences. Ewick and Silbey's three-part typology, in descending order of reverence for legal codes and institutions, of 'before the law,' 'with the law,' and 'against the law' influenced studies of legal consciousness in varying domains. These include Nielsen's (2000) exploration of street harassment in the US, Abrego's (2011) study of undocumented Latinos living in the US, Larson's (2004) examination of securities trading in Ghana and Fiji, and Gallagher's (2006) analysis of Chinese legal aid users. This study examines these three forms of legal consciousness in the context of the RCSM blog.

Certainly, the legal consciousness concept predates Ewick and Silbey's (1998) formulation, with Merry (1990) and Sarat (1990) examining how the working class and welfare poor understood themselves in position to the written law and legal institutions. However, Ewick and Silbey's book provides the foundation for contemporary legal consciousness research. Ewick and Silbey's tripartite typology of legal consciousness 'schemas' warrants an extensive quotation given its importance to the theoretical framework of this study (p. 28):

People tell three stories. In one story [before the law], law is majestic, operating by known and fixed rules in carefully delimited spheres. The law exists in times and places that put it outside of, rather than in, the midst of everyday life. But people also tell a second story [with the law] where legality is depicted as a game, a terrain for tactical encounters through which people marshal a variety of social resources to achieve strategic goals. In this game, people see themselves and others bound by a set of rules that they may also try to change. Rather than existing outside of daily life, this second story describes legality as operating simultaneously with commonplace events and activities. People also told us a third story of legality [against the law]. In this account, the law is a product of power.

Rather than objective, legality is understood to be arbitrary and capricious. Unwilling to stand before the law and unable to play with the law, people act against the law. In this third story, people talk about the ruses, tricks, and subterfuges they use to appropriate part of law's power.

As Ewick and Silbey focused on qualitative analysis and description of schemas, or "transposable" interpretative frameworks of legal consciousness among their sample, this paper examines the legal consciousness of real-world vigilantes (p. 40).

When examining vigilante media, one is immediately struck by the persistent focus on the ambiguous relationship between vigilantes and government officials. Are vigilantes operating within the confines of the law or outside of them? If they are committing crimes, why does the state permit this behavior? What are the limits of this tacit approval? In this study, Ewick and Silbey's (1998) model of legal consciousness helps expand understanding of the ways costumed crime-fighters and government officials use terms of legality to define the vigilante-state relationship. Building on Fishwick and Mak's (2015) work concerning the phenomenon of RLSH, this study focuses exclusively on a group that engaged in combating street crime. Studying the dynamics between local government officials and costumed vigilantes can expand not only the empirical foci of legal consciousness research but also understanding of how citizens relate to the state via crime-fighting.

Method

The following research questions guided the data collection and analysis:

1. How do costumed vigilantes frame their punishment of criminals?
2. How do costumed vigilantes understand the legal status of their crime-fighting?

The RCSM blog represented the sole source of text in this study. The RCSM blog contained text posts, links to YouTube videos, news articles, as well as other visual media. All of these posts, including outside content copied into the blog, were part of the study data. This digital artifact provided an extensive source of information concerning how the RCSM understood their role and behavior. In this text, the RCSM framed and discussed their activities in myriad ways without outside filtration or editorial oversight. This included original content as well as selections of outside content. While these aspects required critical analysis and transparency, they also served as a unique opportunity.

This project was part of a growing body of research addressing online representations produced and controlled by criminal justice institutions and movements, such as police department Facebook accounts (Lieberman, Koetzle, & Sakiyama, 2013), Twitter (Schneider, 2016), and stand-alone departmental websites (Aiello, 2014; 2020). Unlike news media, television shows, or Hollywood films, these representations deserve analysis *because* they are controlled by and produced by these components of the criminal justice system. As researchers expand understanding of how citizens produce new media to counter popular and government accounts (e.g., Antony & Thomas, 2010), scholarship must continue to explore a variety of different new media producers. I relied on a qualitative content analysis design (Graneheim & Lundman, 2004) of the portrayals of costumed vigilantism in the RCSM website to address the qualitative research questions.

Sampling design and data collection

I collected the entire Rain City Superhero Movement blog, Phoenix's Journal, for this project. Data collection began on February 12th, 2014, and extended until March 5th, 2014, from the beginning of the blog on June 9th, 2010 and ending with an entry on November 9th, 2013. These data remain pertinent as relatively contemporary digital artifacts, cataloging the history of a costumed vigilante group. While news article coverage or outside multimedia content concerning the RCSM may provide different perspectives on the movement, the self-produced blog allowed for a less adulterated understanding of how these social actors framed their behavior and relationship to the formal criminal justice system.

In order to create electronic files for coding and analysis in the qualitative analysis program Atlas.ti Version 12 (2012), I copied each text blog entry or outside media excerpt into a separate electronic file. I also created files for descriptions of any static images and transcriptions of embedded videos in the blog. This was designed both for ease of analysis as well as to preserve data that might disappear if the site were discontinued or removed. As of January 3rd, 2018, no new blog entries have appeared, and the site is currently inactive and unavailable. This illustrates the importance of capturing various new media through text copying, taking screenshots, and transcribing video. Unlike physical media such as a textbook or a Blu-ray disc, new media is subject to deletion or removal. This blog included 19 unique entries, with approximately 56 pages of material, for an average of about three pages per entry. This material provided the 'public transcript' (Scott, 1990) of the RCSM.

Data analysis

In line with qualitative and ethnographic content analysis (Altheide, 1987; Graneheim & Lundman, 2004), Atlas.ti Version 12 (2012) allowed for coding manifest as well as latent content to understand how costumed vigilantes use the law to frame their behavior as well as their punishment philosophies. The legal consciousness of *'before the law'* or operating as supportive and reverential towards the law and legal actors, *'with the law'* or savvy use of the law and legal actors, and *'against the law'* or antagonistic or avoidant behavior concerning the law and legal actors were preexisting legal conscious schema (Ewick & Silbey, 1998). In terms of punishment philosophies, open codes of *general deterrence*, the use of punishment to hinder other offenders, *incapacitation*, justifying punishment through social defense, *rehabilitation*, treating a perceived deficiency in the offender, *retribution*, punishment in proportion to the offense, and *restoration*, punishment reintegrating the offender and repairing damage to the victim, served as other preexisting open codes (Mallicoat, 2016).

Following Altheide's ethnographic content analysis approach (ECA), copying, coding, and recoding each text built familiarity. In addition to copying and transcribing the data, reading through text files supported data 'fluency.' Themes concerning structural and personal factors influencing costumed crime-fighters to begin patrolling, RCSM members' opinions of the police, and use of force strategies emerged from the texts. In addition to more grounded codes, the codebook included codes relating to specific punishment philosophies as well as Ewick and Silbey's (1998) three-part typology, expecting to find content indicating different ways of justifying punishment (Phillips & Strobl, 2013) as well as various ways of conceptualizing the legality of costumed crime-fighters' behavior.

As is typically the case with ECA, the analysis process was iterative, returning to earlier data with emergent codes. Codes focused on the behavior and statements of costumed vigilantes, as well as the use of concepts of legality and punishment to frame their actions. The coding unit (Graneheim & Lundman, 2004) included complete statements or behaviors from a particular individual. Memos for each coded blog entry discussed the central and recurring codes present in each entry. Atlas.ti Version 7 (2012) qualitative analysis program maintained an audit trail of the project to build dependability (Guba, 1981). In addition, a graduate student consulted on the project concerning data collection and analysis to support qualitative credibility and confirmability (Guba, 1981), checking analysis, and conceptual development. The non-directed nature of these data is significant as legal consciousness studies typically rely

on qualitative in-depth interviews with citizens (e.g., Harding, 2006; Hertogh, 2009). However, several scholars explored legal consciousness themes in nonreactive data samples, including the Minute Books for the District of Honolulu (Matsuda, 1989) and syndic-court television shows (Podlas, 2005). As a result, the discussion of the findings and implications of the results contextualize the fact that RCSM members framed their organization and activities. These data did not provide an insider-view into the working of the RCSM, but rather a self-authored 'public transcript.' The findings below focus on the two research questions, addressing how RCSM members justified punishment as well as discussed legal consciousness.

Results

The findings discussion centers on addressing the two study research questions. First, how did the RCSM members understand the purpose of punishing criminals? Primarily, the findings concern mission statements and text descriptions of the role of the RCSM, with several behavioral instances as well. Secondly, how did RCSM members present various legal consciousness schemas to frame the relative legality of their behavior as well as their relationship to the formal criminal justice system? Again, RCSM blog entries involving written discussion and video material informed the study conclusions.

RCSM punishment philosophies

As is the case with fictional costumed crime fighters (Kort-Butler, 2013; Phillips & Strobl, 2013), the punishment philosophy of the RCSM was largely incapacitation/social defense (which appeared eight times in the RCSM blog). The RCSM's mission statement repeated as the author tag in all blog posts and explicitly connected the purpose of the RCSM to social defense/incapacitation: "[Our] goal is to document and if necessary, intervene in violent crime to keep the general public safe." This intervention-focused framework connected the RCSM most strongly with the Guardian Angels and social defense-focused real-time intervention (Pennell et al., 1989). In a March 6th, 2011 blog post, Phoenix explained the role of the RCSM vis-à-vis punishment; "Instead of just watching crimes and reporting them we decided to intervene and stop them, to keep the citizens safe." Indeed, several blog posts contained behavioral confirmation of this hypothetical willingness to directly intervene, telling a man involved in a fight to calm down in a February 18th, 2013 post, and pursuing a person who shot a woman in a separate February 18th, 2013 post. The following January 6th, 2011 blog entry involving embedded news video was the most dramatic example of a social defense punishment philosophy:

Witness: And you just start sticking it down, inside between the window here and the rubber strip (gesturing the way a criminal was trying to break into his SUV).

Newscaster: Dan was calling 9-1-1 but help flew in before he finished dialing.

Witness: From the right, this guy comes dashing in ... just wearing this skin-tight (smiling and demonstrating the way the suit clung to Phoenix Jones) ... rubber ... black and golden suit. And starts chasing him away.

In these limited physical engagements, members of the RCSM indicated their willingness to stop ongoing criminal activity personally. In the following excerpt from an August 27th, 2011 blog post containing a podcast recording, Phoenix Jones responded to a question from actor Bryan Cranston.

Bryan Cranston (turning to Phoenix Jones): So, you really fight crime? You, you seek out the, the criminals on, on the street. And you, you stop them from what they're doing?

Phoenix Jones: Yeah. Thirty, 30 or so criminals down. One hundred and fifty pages of police reports, uh, we'll leave you with uh (gesturing to a DVD), we got a little DVD of some cool crime-fighting stuff. We'll leave you with a little DVD.

Phoenix's touting of dozens of criminals stopped, and the resultant police paperwork illustrated the group's focus on crime-fighting followed by reporting events to the police. They mostly avoided punishment of these offenders outside of social defense justifications. While incapacitation was undoubtedly the most recurrent punishment philosophy for these data, past scholarship of real-world vigilante groups emphasized deterrence frameworks (Abrahams, 1998; Brown, 1975; Pennell et al., 1998).

Rosenbaum and Sederberg (1974) stated, "The principal goal of vigilantes is deterrence; their tactics consist of threats and sanctions ... Violent force may not be used on all occasions, but its future utilization is always implied" (p. 568). While violence may be a constant implication, this is insufficient to demonstrate general or even specific deterrence (Stafford & Warr, 1993). As the RCSM blog allowed for cogent discussion of the purpose of the group, the lack of consistent discussion of deterrence was an additional unique aspect of the RCSM, with the framework present in only two instances. In a March 6th, 2011 blog post with an embedded video, Phoenix explained:

This is a group of 11 people who (image of Phoenix and 'Pitch Black' walking through a parking garage) got together, and with the best of their knowledge,

said, "Criminals, we're coming." And when you see my gold and black suit walk down the street, you better know why we're here.

In another section of the blog, Phoenix stated as his reputation grew and he became a recognizable symbol, criminals stopped trying to fight him. In addition to the scarce examples of deterrence justifications, rehabilitative, restorative, and retributive punishment philosophies were noticeably absent in the public transcript of the RCSM. While deterrence was an essential aspect of the overarching punishment philosophy of the RCSM, the blog frequently and consistently emphasized social defense.

Importantly, punishment itself could serve as a distinguisher between those placed beyond the law and those within its confines, as this excerpt from El Caballero's interview with *The Huffington Post* illustrated (Berben, January 2013): "Vigilante is incorrect, not only as a description of our team, but in general when applied to myself. My team and I do not take the law into our own hands, dishing out our own version of punishment." Incapacitation is the least invasive punishment justification, requiring the defense of the public from criminal activity rather than long-term efforts to remake the mind of the offender (Duff, 2003) or to mete out 'just deserts' for criminal behavior and violation of a social contract (von Hirsch, 1993). Simply protecting others may be much more palatable to groups like the RCSM, who wish to intervene in crime and defend others through the use of violence or the threat of violence, but are unwilling to extend the scope of their activity. In addition to understanding the ways these costumed crime-fighters conceptualized their role in the punishment of offenders, it was essential to examine how they used the law to frame their behavior.

Rcsm costumed vigilante legal consciousness

In concert with Ewick and Silbey's (1998) admonishment towards treating legal consciousness as a static concept, labeling individuals as a before the law or against the law vigilante proved inappropriate and limiting. As a result, I discuss each type of legal consciousness and how costumed vigilantes contextualized their behavior using concepts of legality. In keeping with the narrative framework of a blog, 'Phoenix's Journal' provided a relatively myopic perspective on costumed crime-fighting, allowing a curated view into the legal consciousness of RCSM members. Despite the shortcomings of this particular medium for illuminating the perspectives of members of the Seattle, WA formal criminal justice system, the RCSM provided data reflecting each of the legal consciousness schemas.

With the law legal consciousness

In the RSCM blog, with the law legal consciousness only appeared in a single instance. In a November 30th, 2012 blog entry, Phoenix described an incident where he started to confront a potentially armed suspect:

RAINING OUTSIDE. STANDING IN A BUSINESSES DOORWAY PUTTING THE FINAL TOUCHES ON MY UNIFORM. "FUCK YOU IF YOU WANNA BE LIKE THAT, I'LL JUST GO GET MY GUN."

"NO FUCK YOU AND I ALREADY HAVE MINE."

I OVERHEAR THESE WORDS, REACT AND START TO MOVE TOWARD THE SUSPECTS. AS I GET CLOSER I AM OVERPOWERED BY A FUNNY FEELING IN MY STOMACH, SO I STOP. ALWAYS TRUST YOUR GUT ... SAVED MY LIFE MORE THAN ONCE.

I DIP OUT OF SIGHT BEHIND A BUSH, KEEPING MY EYES ON THE SUSPECT.

"911—WHAT IS YOUR EMERGENCY?"

Phoenix's canny invocation of the formal criminal justice system reflected his understanding that this incident was too dangerous for him to handle alone. Unlike fictional costumed vigilantes, who represent a last resort or more effective alternative to the formal criminal justice system, Phoenix and the rest of the RSCM did not present themselves this way. Cooperation typically operated as with any private citizen, through crime reporting and witness testimony. However, an important caveat with the RSCM was their willingness to engage criminals in physical altercations and use force to subdue them for formal criminal justice system processing. This is a distinction connecting the efforts of the RSCM with historical traditions of vigilantism (Brown, 1975; Abrahams, 1989) as well as more contemporary examples such as the Guardian Angels (Pennell et al., 1989).

Before the law legal consciousness

The RSCM blog heavily emphasized before the law legal consciousness, which appeared 17 times across the 19 entries. The RSCM explicitly framed their behavior as supporting the police within the confines of the law. Not viewing their activities as vigilantism, the RSCM preferred the label 'costumed activist.' El Caballero stated in an interview with Berben (2013):

We follow the laws, rules and regulations of Washington State and the United States of America. We always designate someone on our team to be '911' and call when an incident occurs (we have a medical officer now too), we practice standard de-escalation techniques and partner with law enforcement, who know who we are and have our civilian identities on file. We film our patrols with Go Pro, Contour and live U-Stream so there is no question what happened, and [we] submit video footage as evidence.

In the RCSM blog, the group largely served as an information provider to the police, intervening physically as a last resort rather than a first choice. In this way, the RCSM represented a continuation of some vigilante groups who sought a close and supplementary relationship with the state (Brown, 1975; Little & Sheffield, 1983). In a February 18th, 2013 blog post including an excerpt from a news report, the willingness to personally engage with criminals in the street as well as deference to the formal criminal justice system was apparent:

Video shows Phoenix Jones leading a foot chase through Pioneer Square after the suspected shooter before a Seattle Police Officer told him to stop so they could get back up. 'I'm very sorry that we didn't catch the suspect, but at moments like that we follow orders from the Seattle Police.'—Phoenix Jones

Although they demonstrated a willingness and ability to intervene physically, RCSM were not brethren to punitively violent vigilante groups such as the loyalist vigilantes in Northern Ireland (Silke, 1999) or the first Ku Klux Klan of the 1860s (Abrahams, 1998).

Through the behavioral and verbal instances cited above, RCSM members highlighted before the law legal consciousness. The RCSM mission statement provided a powerful and consistent example of the group's understanding of the law and their role: "[Our] goal is to document and if necessary, intervene in violent crime to keep the general public safe." The discussion of the necessity of intervention, in line with common law citizen's arrest powers, highlighted a limited view of their legal authority. The mission statement, as in most of their other written statements and video posts, indicated a desire to remain within the bounds of the law, and only engage in violent and personal criminal events after exhausting all other options. In this August 27th, 2011 blog post involving a recorded podcast, the following exchange occurred:

Chris Hardwick: Are you, are you the actual guy, the vigilante guy?

Phoenix Jones: Yeah. I prefer superhero to vigilante, it's legal.

As highlighted earlier, the reticence of RCSM members to use the term 'vigilante' seemed to mainly spring from associations with vigilantes as law-breakers and replacements for state authority. In the following excerpt from the same blog post:

Phoenix Jones: Um, you should come out with us.

Chris Hardwick (very excited and loud): What? I, I would love to! Are you kidding me? (unintelligible)

Phoenix Jones: I've got an extra bullet-proof vest, and I got a mask.

Chris Hardwick: Oh, you mean come out with you to fight crime.

Phoenix Jones: Most definitely.

By using terms like 'superhero,' Phoenix attempted to sidestep vigilante connotations, and emphasize the legality of his behavior as 'fighting crime' rather than 'taking the law into his own hands.' Phoenix and Chris then discussed plans for Chris's trip to Seattle, WA, including assisting with bar closures. Even in these back-and-forth, more unstructured conversations, the careful use of language and circumscribed activities emphasized the overwhelming focus on a before the law legal consciousness.

Against the law legal consciousness

Finally, against the law legal consciousness appeared twice in the blog posts. RCSM members never described efforts to run from the police or attempt to punish criminals extra-legally. However, Phoenix Jones, the leader of the RCSM, did provide some ambiguous criticism of the effectiveness and legitimacy of the police and other criminal justice institutions in a March 6th, 2011 blog entry:

At a time when it's harder to trust, uh, trust the governments and trust the police, and trust things, because of, you know, circumstances that have happened (shrugs). You need someone, who (smirks), in, in a weird way, is like you. I mean, I'm just like every other 22 year old. I'm not, you know, I'm not crazy. I have a job, 9-5. I have a, I have a kid (smiles). I, I own my car. I make payments, you know (smiles and shrugs). I'm just like everyone else. The only difference is, I stand up for people. And that empowers everyone to be a superhero.

In the other vague instance of this legal consciousness in the RCSM blog, an against the law statement framed an example of before the law legal consciousness in a November 30th, 2012 entry: *"I have been critical of the Seattle Police Department before but in this situation it was refreshing how much restrain (sic) and composure was shown by the officers. Force was used and submission holds were applied but all of it was necessary and completely justified."* The RCSM's overwhelming before the law legal consciousness, at least in the public transcript of their blog, was apparent as much in their explicit statements of police support as in the absence of focused criticism of the formal criminal justice system.

Discussion

While this paper provides a unique perspective on the phenomenon of vigilantism, studying decentralized media (Ferrell, 2013) depicting vigilante activity, data collection and analysis focus on the 'public transcript' (Scott, 1990) of the RCSM website. This cultural artifact is a valuable source of data concerning the phenomenon of costumed crime-fighting and RLSH movements. The RCSM blog illustrates the boundaries of community crime prevention, with these individuals directly intervening in crime as with the Guardian Angels (Pennell et al., 1989) while stating a preference for reporting crimes to the formal criminal justice system. Unlike Fishwick and Mak's (2015) sample, which largely involved patrol with "very rare occasions" of direct bystander intervention in ongoing crime, this group's approach combines indirect and direct intervention (p. 343). How do individuals engaged in this variant of community crime prevention filter their experiences and create an impression of their relationship to the formal criminal justice system? How do they choose to speak and write about their work and role? Future work should explore ethnographic data collection and analyses of this phenomenon to more fully understand both the media production and 'lived experiences' of vigilantes.

Studying a variety of vigilante groups with diverse relationships with the police and other state actors will further scholarly understanding of this enduring institution. Costumed vigilantes provide an extreme and potentially warped outgrowth of the cooperative philosophy underpinning trends in policing, towards community-oriented and problem-oriented approaches (Cordner, 1999; Reisig, 2011). Importantly, while groups like the RCSM mostly limit their punishment of criminals to incapacitation justifications, the use of citizen's arrest erodes the view that the state is the exclusive author of safety and crime prevention. While the RCSM tends to skirt along the edges of the law and safely reveal the boundaries of state-permitted action, historically, this

type of vigilantism has not represented the American tradition. Brown's (1975) historical analysis indicated replacement in the context of effectiveness gaps in Eastern vigilantism, with horse-thief societies and 'regulator' groups cropping up to deal with specific crime issues from the 1760s to the 1860s. However, more complex and intertwined vigilante movements in Western vigilantism, typified by the San Francisco Vigilance Committee of 1856, focused on political change over crime prevention. Groups like the RCSM occupy a middle-space, neither functioning as radical political or social change groups nor as overt replacements for ineffective government institutions.

'With the law' and 'before the law' conceptualizations of the function of the law in society, specifically, the vigilante's relationship to the police and courts, encourage the restricted and cooperative view of citizen crime prevention. While these types of vigilantes differ considerably from Neighborhood Watch members urged to exclusively observe and report (Kang, 2015; Pattavina et al., 2006; Skogan, 1989), both forms of community crime prevention buttress the formal criminal justice system. Little and Sheffield's (1983) analysis of the English Skircoat Prosecution Society more closely matches the RCSM. In their self-curated texts, the RCSM largely represent an 'appendage' or volunteer wing of the formal criminal justice system. Their public transcript provides a faint challenge to the authority of state actors and institutions. The RCSM are a vibrant instantiation of the 'history of violence' Brown (1975) discussed as originating from concepts of public sovereignty and revolutionary attitudes. While the inspiring heroes may be more akin to Bruce Wayne than Benjamin Franklin, clearly some Americans remain unwilling to fully relinquish their criminal justice authority.

Conclusion

This study locates a predominately incapacitation-focused punishment philosophy among the members of the RCSM. A mere two examples in the RCSM blog involve deterrence justifications. In addition, retribution, rehabilitation, and restoration are completely absent. This indicates a limited role for the RCSM in the lives of fellow citizens, largely concerned with social defense and threat management than more invasive punishment justifications. This group, long-lived when compared to most vigilante groups (Brown, 1975), existed for over three years without the formal criminal justice system engaging in large-scale arrests or indictments of RCSM members. Likely, the public transcript of incapacitation contributed to the group's relative longevity. In this environment, the RCSM's punishment philosophies typically

reflect a limited scope of action, preferring to stop criminals with necessary force rather than making an effort to rehabilitate or reintegrate them through public shaming.

In the digital artifact of the RSCM blog, costumed crime fighters remain within legal constraints and seek to support the police and other state actors. The RSCM understand the law and formal social control authorities as deserving of admiration and cooperation. As with punishment justifications, the practical restraints of operating with the tacit approval of the Seattle, WA criminal justice system for an extended period of time seem only to permit consistently harmonizing and supplementary roles for the RSCM costumed crime fighters. As a result, the RSCM blog typically reflects a before the law legal consciousness, rooted in a deferential relationship to the formal criminal justice system. The infrequency of with the law and against the law legal consciousness schemas indicates (at least in their public website), the RSCM did not see their work as skilled navigation of legal requirements or as adversarial. The vague criticism leveled by Phoenix Jones against the Seattle, WA Police Department and other governmental entities belies the overwhelming statements of trust and respect for the local criminal justice system. Studying these types of organizations can provide compelling case studies for understanding the tensions in the front-stage performances (Goffman, 1979) of criminal justice system actors, both those formally sanctioned by the law as well as those occupying the edges of acceptable citizen cooperation.

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