“Six million people are under correctional supervision in the U.S.—more than were in Stalin’s gulags,” writes Adam Gopnik in “The Caging of America.” At the same time, Americans’ love of romantic outlaws like Bonnie and Clyde, Jesse James and more recently, the Barefoot Bandit, continues.

Wondering about this seeming paradox, Kat Gregory began “The Virtue of Vice and the Vice of Virtue: The Rhetoric of Criminality” interested in how Colton Harris-Moore, aka the Barefoot Bandit, who had terrorized, or at the very least inconvenienced and annoyed, numerous residents of Camano Island in Washington, became a social media sensation with more than 70,000 Facebook fans. What made the 19-year-old’s stealing from vacation homes to his eventual commandeering of airplanes and boats so attractive to citizens of a country that incarcerates more humans than anywhere, at anytime, in the history of the developed world?

To get to the bottom of this, Gregory analyzed Jason Kersten’s post-arrest representation of the Barefoot Bandit in Rolling Stone Magazine. She argues that Kersten initially romanticizes Harris-Moore by painting him as a poor, resourceful, nonviolent kid whose “hell bent determination to fly . . . captured my imagination,” and, that of his largely young, White, male, adventure-loving audience. But this fascination wasn’t an anomaly. Rather, Gregory’s research revealed that the Barefoot Bandit fits within the longstanding academic conversation about “social bandits/outlaw heroes” like Robin Hood and Jesse James who were believed to be “political symbols” by the poor who supported their challenging the authority of the rich.

However, while Harris-Moore was obviously taking from the rich, Gregory asks whether, and if so, how, the meaning and purpose of the outlaw’s crimes have changed. Finding little evidence of a motivating political ideology, Gregory posits a consumption model instead. And, in so doing, she illuminates the costly effects of glamorizing “bandits” and incarcerating “criminals” to satisfy a taste for vicarious thrills in an age of boredom and ubiquitous Internet access.

—Donna Hunter

Wanted in Every Sense of the Word: Deconstructing the Romanticized Outlaw Hero

Kat Gregory

In an honest service there is thin commons, low wages and hard labor. In [piracy], plenty and satiety, pleasure and ease, liberty and power… No, a merry life and a short one shall be my motto. Damnation to him who ever lived to wear a halter.

—Black Bartholomew Roberts (qtd. in Parker 46)

In the summer of 2010, a serial burglar charged with at least three million dollars of damaged property was apprehended by the authorities and led away in shackles. The thief’s name was Colton Harris-Moore, yet the nineteen year old was better known as the “Barefoot Bandit.” And he certainly was known. As his petty vacation home raids evolved into grand theft of airplanes and high-speed chases in a cross-country journey, the dramatic nature of his crimes and the panache with which he worked left their mark on the public. During the two years he was on the run, residents of his native Camano Island community in Washington begged for his capture and frustrated federal agents were thwarted in their attempts to bring Harris-Moore to justice. At the same time, TIME Magazine dubbed him “America’s Most Wanted Teenage Bandit,” shops sold T-shirts emblazoned with the message, “Fly, Colton, Fly!” and over seventy thousand Facebook fans eagerly lauded his every move.

Harris-Moore and other outlaws disregard their fellow man’s life, liberty, and property in clear violation of the law. Despite this, perhaps because of it, society raises some of them to the status of treasured celebrity. Why? To investigate this fascinating phenomenon, I will first examine current explanations for the popularity of the outlaw figure. Next, I will take a closer look at how media consumerism has
changed this traditional relationship between the bandit and his fans and explore the consequences of this shift for how we justify separating outlaws from everyday criminals. I will then look at how this separation fails to translate perfectly into an ambiguous world when pressing, violent crimes throw our construction of banditry into sharp relief. Ultimately, I hope to shed light upon how the subjective reality of our experiences and expectations influences our judgments about criminals by showing that there is less of a distinction between black and white, right and wrong, good and evil, and truth and fiction, than we might like to believe.

THE SOCIAL BANDIT

The traditional ‘noble robber’ represents an extremely primitive form of social protest, perhaps the most primitive there is. He is an individual who refuses to bend his back, that is all. —Eric Hobsbawm

If the “Barefoot Bandit” was a very real criminal to those directly affected by his thievery, how and why did he become a hero for thousands of distant fans? What separates this romanticized desperado from the hooded villain we dread meeting on the street? The social bandit is an elusive figure who refuses to be contained either by bars or by simple explanations. While glamorized legends from the gallant Robin Hood to the pioneering Jesse James have embellished the pages of history throughout time, scholarly attention only recently turned to the analysis of this ambiguous, lawless figure. Eric Hobsbawm, an influential British Marxist historian, was the first to study banditry’s societal and historical context instead of dismissing it as unpredictable rebellion. His conviction that the bandit could be seen “as a worthwhile subject for understanding society” forms the fundamental premise of all other research in this domain, including my own, because it assumes the common themes of outlaw stories can expose us to truths about our culture and worldview (Kheng qtd. in West 13).

Hobsbawm coined the term “social bandit” in 1959, which refers to “peasant outlaws whom the lord and state regard as criminals, but who remain within the peasant society, and are considered by their people as heroes, as champion, avengers, fighters for justice, perhaps even leaders of liberation, and in any case as men to be admired, helped and supported” (13). These social bandits, Hobsbawm argues, crop up when times of turbulence and stress hit agricultural societies of oppressed peasants. The key feature that distinguishes the anti-hero from a common criminal is that he earns the support of this lower class in a primitive form of proletarian protest.

In Hobsbawm’s model, social banditry is a phenomenon whose existence is limited to the agrarian cultures of the past, a phenomenon that “modern society has killed” because modernization has eliminated the rural peasant (19). However, other scholars and I take issue with Hobbsbawm’s conclusion that lionized outlaws are doomed to be figures of the past because this logic constrains the study of outlaws to a kind of historical extravagance and neglects the critical insight they provide on the state of society today. Although Hobsbawm argues that the modern era hands the police all the tools they need to prevent the bandit’s success, the technological advancements modernization brings to law enforcement do not pose a legitimate handicap because, as sociologist Paul Kooistra suggests, “modern weaponry and massive bureaucratic organization do not seem to be very effective against [the] guerrilla warfare tactics” to which criminals so often resort (220). Indeed, Kooistra argues, the criminal justice system actually seems to lag behind the technological proficiency of criminals because the system is often stuck “reacting to criminal innovations,” trying to catch up with the latest technology instead of leading the way (220). Further, because technology has led to mass media, it has created a niche for sensational stories that secures the continued prominence of bandit stories. Thus, examining the impact of outlaws remains relevant and revelatory.

However, although Hobsbawm defined what a social bandit is, his interpretation fails to explain the disparity between the legend of the social bandit and objective historical events. Why are outlaws, the Billy the Kids, John Dillingers, and Pretty Boy Floyds of our folklore, glorified for stealing from the rich to give to the poor despite the reality that their humanitarian motives are more myth than fact? Kooistra explains that for an outlaw “to emerge from obscurity and become a national figure, large numbers of people must find some symbolic meaning in [the outlaw’s] criminality and identify with him rather that with his victim” (226). Identification from a broad audience elevates this ordinary criminal to hero status by manufacturing the historical details of his story into a legend that fits the social bandit mold.

The most fundamental level of this identification is cultural. The legends of these characters are framed, as Brad West points out, to tap into the universal mythological appeal of the trickster archetype, a “weak character who uses their cunning and wit to triumph over the strong” (8). The lives of social bandits possess various structural preconditions that align with this archetype to make them candidates for heroism, and our collective interpretation fills in the gaps to smooth over aspects of what actually happened that are incongruous with the trickster model.
However, it would be premature to decide that “violence would be ignored and swept under the rug simply because bandits are interesting,” so economists such as Nicholas Adam Curott and Alexander Fink assert that outlaw legends must unintentionally provide a net positive gain for the public when the authorities themselves are unjust (9). The centralized cost the bandit inflicts upon the victim, they argue, is offset by advantages dispersed to all the members of society who “derive benefits from seeing the political authority offended by bandits who break the laws it enforces” (17). Thus their trickery is not only intrinsically attractive, but also gains allure for the public because of collective resentment towards the victims or law enforcement. Our cherished bandits of old tended to have agrarian origins and became popular by targeting the alleged oppressors of farmers. It is no coincidence that late 19th century outlaws singled out the monopolistic organizations thought to exploit the lower class, like banks and railroads, while criminals during the Great Depression were nearly all bank robbers. For example, Bonnie and Clyde heartened the Depression-era poor by attacking banks perceived as oppressive.

Thus, under the existing model of thinking, when viewed in light of the 2007 recession, Colton Harris-Moore takes the stage as a metaphor of justice for the masses hard hit by the economic downturn. The “Barefoot Bandit” not only speaks to injustice in our government, he demonstrates that the general public must associate the victims of Harris-Moore’s theft with this exploitative system. Given that Harris-Moore often stole luxury status symbols such as planes and boats, this theory would link supporters’ responses with the same social unrest that spurred the Occupy Movement. When he stole from ordinary enterprises, then, the public still benefited from observing the law thwarted. However, while this makes logical sense in theory, we must be careful not to impose speculation if it does not fit with the evidence. Do the masses really like Harris-Moore because they think of him as a vehicle for justice, or is something else at play?

These current conversations about the social bandit phenomenon focus on how outlaws are presented to the public as political symbols of extra-legal justice during turbulent eras. But this is to ignore how our interactions with these criminals have been influenced by capitalism. While social bandit legends have served a vital function in the past by helping their audience to unify against unjust authority, has modern society’s emphasis on media and commodification affected what they represent to us now? To examine this question, I will explore whether bandits are still seen as political symbols or have come to mean something else.

THE INFLUENCE OF MEDIA CONSUMERISM

[Commodified fantasy] proceeds by depriving the old stories of their intellectual and ethical complexity, turning their action to violence, their actors to dolls, and their truth telling to sentimental platitude. Heroes brandish their swords, lasers, wands, as mechanically as combine harvesters, reaping profits. Profoundly disturbing moral choices are sanitized, made cute, made safe. The passionately conceived ideas of the great story-tellers are copied, stereotyped, reduced to toys, molded in bright coloured plastic, advertised, sold broken, junked, replaceable, interchangeable. —Ursula Le Guin

In modern society, for all but the small percentage who also experience it directly, popular exposure to criminal activity stems from the media; thus it is important to examine how the media chooses to portray the legends that fascinate the public. To do so, we must consider how our emotions can be manipulated by rhetoric. Sympathy is an essential quality of human nature, but it is a limited asset and thus whom we sympathize with is influenced by the way in which the given situation is presented. When we see a news story, it is typically told from the perspective of the victim and law enforcement, so we feel anger and fear. However, when the media hand feeds us the perspective of the outlaw, we root for them over the sheriffs and victims because this perspective portrays these entities with a remoteness that acquits us of moral responsibility for their well-being.

In a fundamental sense, like so many institutions in capitalist culture, the press exists to create a profit – it exists to sell itself. The rise of mass media, particularly the Internet, has created, as Kooistra observes, a “steady need for the production of celebrities” that cements a niche for the manufacture of bandit legends because outlaw adventures sell, and authors are motivated to attempt to reap the profits guaranteed by the previously successful formula (220). However, the media on social bandits is only profitable so long as it successfully predisposes the audience to identify with the criminal over the victim. I wish to argue that this identification now stems not from the ideological resonance previously suggested but from the fact that the trickster is marketed to represent a life of adventure and freedom within a capitalist economy. The media in this case, Jeff Ferrell observes, uses the “manipulation of meaning and the seduction of the image” to “manufacture experiences of imagined

1 The purely fictional counterparts of bandits that star in movie and TV adventures, like their flesh and blood cousins in the physical world, are also portrayed to appeal to the public’s desire for entertainment. I choose to focus on the latter class in this essay because they present the opportunity to concretely demonstrate how reality is actively contorted.
indulgence” instead of scenarios of retributive justice (Ferrell 93). By following this “product,” an easy act in this Internet age, consumers feel like they have themselves vicariously gained adventure, rebellion, and freedom. And so, if a criminal has the right attributes at the right time and place and is chosen as a hero, the media capitalize upon his legend and quickly fit him into the adventurous role that the public craves. Thus, it is essential to understand how the media turns miscreants like Harris-Moore into products that individuals conditioned by capitalist values want to “buy into.”

The "Barefoot Bandit" in the Media

The case of the “Barefoot Bandit” was characterized by its widespread coverage on the Internet, and one writer in particular has been accused of glorifying and glamorizing the delinquent through his journalism. Jason Kersten’s account concretely illustrates the construction of the social bandit in the capitalist age. Kersten, who had dramatized an earlier investigation of Harris-Moore’s adventures, penned “The Airplane Thief” in response to his capture the day after it occurred. The fact that his story was published in Rolling Stone Magazine, which calls itself “the pulse of youth culture,” suggests that Kersten’s story caters to white, young, middle class men who expect “bold stories […] delivered with energy, passion, irreverence” instead of impassive news reports and thus exemplify adventure consumers in the Internet age ("Media Kits"). The readers, who likely do not include the aging community on Camano Island that Harris-Moore violated, are predisposed to sympathize with the side that opposes perceived authorities. But is this sympathy rooted in a deep political identification or merely in the entertainment the account provides? As any astute writer does, Kersten crafts his piece to give his audience the story it desires, and thus the way in which he presents Harris-Moore will reveal the main selling points of outlaw stories today.

Kersten casts Harris-Moore as a manifestation of the trickster archetype by first emphasizing his liminal and delicate character and then focusing on his craftiness. Although Harris-Moore’s portrayal does appeal to our fascination with the trickster archetype, the article does not cast him as a political symbol. The words and escapades Kersten focuses on are presented in such a way as to consciously prevent the audience from dwelling on the illicit implications of his various adventures. Furthermore, the moniker “Barefoot Bandit” itself refers to the kid’s cheeky tendency to leave chalk footprints at the stores he looted to goad his pursuers. Accordingly, the audience construes Harris-Moore’s situation as one of a charismatic trickster’s courageous pranks.

Thus, it is essential to understand how the media turns miscreants like Harris-Moore into products that individuals conditioned by capitalist values want to “buy into.”

This unthreatening portrayal is layered with elements of the style of the classic trickster, namely defiance of authorities by means of escapes and disguises. Kersten plays up Harris-Moore’s “plane thefts… boat thefts and foot chases in which he routinely outran police,” and because brute force is contrary to the trickster genre, Harris-Moore’s audacity and cleverness are emphasized over any cruel retribution. Kersten does not associate his subject with any violence and neglects to mention that he was armed when the police finally caught up with him. However, by relating how Harris-Moore stole his first airplane with his only flight experience being “the basics from the Internet,” Kersten highlights his wit, independence and ingenuity. Harris-Moore’s portrayal does appeal to our fascination with the trickster archetype, the article does not cast him as a political symbol. The words and escapades Kersten focuses on are presented in such a way as to consciously prevent the audience from dwelling on the illicit implications of his various adventures. Kersten does not associate his subject with any violence and neglects to mention that downplay the destructive and felonious aspects of his case. He is even equated to Goldilocks, and the reference to the fairy tale reinforces the perception of the young man as a harmless and whimsical entity. But all of these designations fail to acknowledge the fact that Harris-Moore was a criminal. He broke the law and harmed many in the process. While Kersten admits his subject was a “nuisance to many” and speaks casually of “yet more burglaries,” nowhere in his tale is any mention of the “many,” the victims he notoriously terrorized, or of why they deserved this abuse. Aside from a single sentence on how Harris-Moore flippantly left a hundred dollars at a veterinary hospital, there are no implications about a just redistribution of wealth. If Harris-Moore was really being cast as a symbol for extralegal intervention, it would be important for Kersten to demonstrate how those he targeted were corrupt or oppressive, the enemies of his own followers. Instead, he does not actively mention the political nature of the crimes to the point of actively deflecting attention. Rolling Stone readers are likely to have high incomes and aspire to (if not already inhabit) the upper classes, thus too obviously critiquing the elite could reduce Harris-Moore’s entertainment value.

This emptiness of political meaning clashes with Curott and Fink’s claim that violence would not be ignored unless it had some value to society. If Harris-Moore’s
crimes do not help his fans to work through resentment of the privileged elite, what justifies their fame? The trickster archetype, like its manifestation as the Court Jester, is supposed to entertain, and thus Harris-Moore represents to Kersten's readers not justice, but entertainment. While the article is ostensibly a news summary, it is infused with Kersten's personal reactions, and because we are already disposed to accept and trust the narrator's conversational and frank tone, his passionate expressions of admiration for the brazen thief indicate to the reader that this is the emotion they too should experience. He readily praises what he calls Harris-Moore's "hell bent determination to fly that captured my imagination," and admits that "however reckless that was, it is hard not to be amazed by his ingenuity and determination." In drawing the parallel that "Like Colt, I too was obsessed with airplanes as a kid," Kersten invites us to see our own latent ambitions of grandeur realized in Harris-Moore's triumph. The diction he chooses sensationalizes Harris-Moore's "ambitious spree[s]," his "usual flair," and the thefts that are "nothing if not dramatic." By acknowledging, "I'd be lying if I said there wasn't a part of me that cheered each time he got away," Kersten validates the reader's own inclination to root for the underdog while at the same time helping to construct and perpetuate it. That Kersten's characterization of Harris-Moore as a trickster is calculated to entertain and engage instead of delineate how the lawbreaker distributed justice demonstrates that our identification with an outlaw has become an antidote to the mundanity of our own lives, not to oppression.

This revelation implies low expectations for Kersten's audience because it suggests that they are insensitive to themes of class struggle, that they care only for their own amusement. But in our incredibly superficial world, we do not have to care about more. So much of the time, we are not looking for something deeper. Some might still enjoy a private chuckle over how Harris-Moore stole from the rich, but for the most part, our thought process ends with the "Like" button on his Facebook fan page.

Irony in Commodifying Resistance

Writers like Kersten hook us on the idea that the outlaw is more than a petty criminal and that we should delight in his celebration. Yet, inherent to this phenomenon rests a contradiction that further demonstrates the shallow nature of the motives driving our support of outlaws. Returning to the epigraph that begins this section, Ursula Le Guin argues that commodified fantasy "proceeds by depriving the old stories of their intellectual and ethical complexity" and creates a situation where "profoundly disturbing moral choices are sanitized, made cute, made safe," and nowhere is this more apparent than in media about rebellion (qtd. in Parker 146). By integrating subversive figures into the mainstream, capitalism transforms resistance itself into a conformist commodity. It absorbs urban graffiti into mass-produced clothing lines, ghetto gang culture into hip-hop fads, and Harris-Moore's thefts into magazine sales and an expensive "Fly, Colton, Fly" merchandise line. In doing so, it uses their image to support the very capitalist consumption model from which they are supposedly breaking away. Martin Parker, author of *Alternative Business: Outlaws, Crime and Culture*, points out that "Captain Jack Sparrow would probably raise a camp eyebrow at the" irony of the anti-piracy warnings Disney copied onto its *Pirates of the Caribbean* DVDs, but the masses who purchased the films have failed to notice or at least care about the incongruity (32). Parker notes, "this sort of cultural production is typical of the last century, with all my economic outlaws being exploited in pretty much every cultural medium," which confirms that the commodification that has recently seized upon these subversive legends may be related to capitalism (29). The fact that we are unaware of or deliberately ignore this irony and continue to support anti-authoritarian symbols even as they are sold to us by established, respectable enterprises reflects that the role of bandit legends has shifted from a beneficial way to cope with perceived corruption to a consumerist indulgence—a way to love the adventure an outlaw represents without paying the price of being one.

**THE LINE BETWEEN GOOD AND EVIL**

*Audiences know what to expect, and that is all that they are prepared to believe in.* —Tom Stoppard, *Rosencrantz and Guildenstern Are Dead*

*SOMETIMES THE TRUTH ISN'T GOOD ENOUGH, SOMETIMES PEOPLE DESERVE MORE.*

—Batman, *The Dark Knight*

Capitalism perpetuates the thrill of this anti-hero figure but in doing so has changed the mechanism of identification from the ideological one highlighted by Hobsbawm to the hedonistic pleasures of 21st century entertainment. Because the process now involves an intermediary, the media, whose primary motive is profit, it is necessary to question exactly what buying into the outlaw legend now means by investigating the implications and consequences of blind glorification of the criminal.

As the breakdown of logic inherent in the legitimate purchase of symbols that endorse thievery complicates our understanding of media representations, another glaring paradox confronts the attempt to explore how our ideals about outlaws are
translated into the everyday world. Despite our tradition of empathizing with the desperado, despite these countless sagas that glorify defiance, the United States imprisons more of its own population than any other country in the world, indeed in the history of human civilization (Bloom). This estrangement between the romantic idea of crime and its squalid reality suggests a psychological motive behind outlaw legends. Though social bandits are fondly labeled as virtuous, part of their allure stems from the fact that these figures are indeed committing crimes. However, we think of an outlaw as “good” because we mark his crimes as socially acceptable and a villain as “evil” because we deem his crime to be a vile offense. The problem lies in how we distinguish between what is and is not permissible. What might be the consequences of our idealization of a few criminals and our vilification of the rest? Does casting light upon criminal heroes reveal something about their shadowy counterparts?

Outlaw and Criminal as Effigy

Though Dwight Conquergood focuses on the performance element that drives executions in his essay “Lethal Theatre: Performance, Punishment, and the Death Penalty,” many of the ritual features of the death penalty process he discusses can be applied to bandit phenomena to understand how we rationalize treating some criminals as heroes and others as villains. Conquergood, an ethnographer and professor at Northwestern, asserts, “key to the efficacy of rituals is their capacity to embrace paradox, to gloss contradictions, to mediate profound oppositions, tensions, ambivalences, anxieties” (342). Like death penalty situations, our rituals around glorifying the outlaw are riddled with these tensions between opposing forces, for the outlaw is, as Parker suggests, “an impossible object—a character who seems to exist somewhere between fact and fiction, accommodation and resistance, economy and culture, and legal and natural senses of justice” (15). And thus, the theory of effigy, which Conquergood claims is the vehicle that drives execution rituals, also provides a framework for how we reconcile oppositions in bandit legends. An effigy is a crudely constructed distortion of an individual that comes to symbolize only one part of his or her character instead of accurately reflecting the original human being. It gains its “magical power,” according to Conquergood, “from parts, pieces, effluvia, operating on principles of contiguity and synecdoche—the piece, the part that stands for the whole—more than likeness or resemblance,”

2 In the United States, one man out of every eighteen is either in jail or on parole or probation, which translates to over two million physically in prison and an additional five million under correctional control (Bloom).

but is still used to decide the fate of the individual because it replaces the original complexity in the eyes of the audience (353). Primarily, effigies lend insight into how we now justify the dichotomy between the individuals we incarcerate and the stories we celebrate.

In the mind of the public, the villain and the outlaw must be irreconcilably separated. Conquergood describes how with criminals, “the fundamental task of the prosecutor is to turn the accused into an effigy composed of his or her worst parts and bad deeds,” thus assuaging public guilt about sentencing a fellow human, a fellow individual, to die (354). The same process rationalizes the condemnation of other miscreants to long sentences in dehumanizing prisons instead of opting for rehabilitation. By sacrificing this effigy, they symbolically condemn not the person on trial but “all the anti-social forces of evil that threaten law and order” (354). We have seen through the distorted media constructions of Harris-Moore that the public is less concerned about the individual criminal himself than with the legend that rises up around him. Cannot this legend too be thought of as an effigy? If the villain is turned into an effigy of all that is wrong with crime, then the outlaw can be seen as a glorification of all that can be good about it.

What can be good about crime? An outlaw stands unbound by rules or laws, and this freedom is exalted as a relief from the rigidity of what Parker calls our “culture of organization” (159). Escape from the endless monotony of corporate jobs and cubicle farms seems thrilling, full of endless possibility. We admire how the bandit refuses to submit to the powerful and so reveals the limitations of their influence —how he dares to imagine a different reality. Crime connotes an independence from responsibility as well as a sense of danger, risk, and adventure, and the media sensationalizes these utopian aspects of breaking the rules while suppressing the brutality and destruction that accompanies them.

Ritual Purification

The evacuation of complexity that reduces outlaws and villains both to symbols highlights the political implications of the imposed separation between them. The romantic legends of social banditry allow citizens to vicariously experience the attractive aspects of rebellion without ever actually breaking the law. When felons in our society break the mold of our ideal outlaw, when they remind us of the nastier parts of crime, these “criminals either actual or imaginary,” as Kenneth Burke argued, “may . . . serve as [curative] scapegoats in a society that ‘purifies itself’ by ‘moral
TENSION AND AMBIVALENCE

Me? I’m dishonest, and a dishonest man you can always trust to be dishonest.
Honesty. —Jack Sparrow, Pirates of the Caribbean: The Curse of the Black Pearl

When the romantic rhetoric that surrounds the idea of the social bandit is disrupted by features that are decidedly at odds with the same portrayal, the tension between our archetype and the less rosy world in which it exists comes to light. As a case study, I will examine how our romantic folklore about beloved pirates like Jack Sparrow can impede our ability to think about the crimes of the modern Somali pirates. While the media coverage of their attacks often casts these marauders as effigies of evil, our love of tricksters predisposes us to see them as effigies of good. Although Harris-Moore evoked a similar confusion, the example of piracy offers a more complex opportunity for examination.

Pirates have captured imaginations for well over four hundred years. During the Golden Age of piracy in the 17th and 18th centuries, despite the efforts of European states and merchant companies to criminalize them, pirates were often seen by the public as revolutionaries within utopian communities. Piracy has been sensationalized in the press from the 1724 publication of the General History of the

indignation’ in condemning them” (406). The classic outlaws who populate our cultural repertoire themselves do not make desirable moral examples for the public because they so often remain defiant, and thus victorious even in capture, even in death. However, as a control tactic on the part of the state, these outlaw figures may allow for the consequence-free venting of rebellious energy, while the trials and incarcerations of everyday criminals remind the public of the ultimate power of the state that provides the protection necessary for citizens to vicariously indulge in these fantasies without corporeal risk. It is beneficial to capitalist culture for citizens to buy representations of outlaw resistance instead of performing it themselves because the nature of outlaw crimes subverts the capitalist economic system.

In this way, we construct effigies around the outlaw and the common criminal, simplifying them to black and white caricatures devoid of complexity. This is often easy to accomplish when we deal solely with legends, both in news reports and in fiction, because they represent primarily idealized myths and theoretical concepts of alternative justice even when based on historical figures. But the world is full of inconvenient yet stubborn facts that sometimes complicate our attempts at this simplification. How do we cope when we are stuck with grey?

Yet the swashbuckling ways of Jack Sparrow are conspicuously absent from the mounting epidemic of piracy along the Somali coast. In 2010 alone, a thousand hostages were seized in 445 recorded attacks. And compared to dashing young men engaged in buccaneering swordplay, “Somali teenagers in speedboats, brandishing AK-47’s, don’t have the same mystique” (Simon). The violence that emerges in stories about these pirates breaks the trickster archetype. What happened to the romance? The Jolly Roger? The mascara? Where is Johnny Depp? These pirates are terrorists, and yet, despite the brutality of their acts, the public has shown mixed emotions toward them because of a lingering fondness for the outlaw figure they represent and for the very real oppression Somalis face now that their fisheries have been devastated by overfishing.

Stephanie Simon interviewed Mark Summers, a pirate enthusiast and cofounder of Talk Like a Pirate Day, for a Wall Street Journal piece titled, “Real Pirates Have Taken the ‘Ho Ho’ Out of ‘Yo Ho Ho’ for Cap’n Slappy—It’s No Fun Playing Dress up, When Thugs Are at Large on High Seas.” His confusion epitomizes the clash between ideology and real life. Summers loyally defends what he calls “true” piracy, commending how it symbolizes “the romance of the open sea, self-reliance, defiance and loads of jolly good fun with a barrel (or two) of rum” (Simon). He goes as far as to contend, with a touch of resentment, “There ought to be a different word for pirates in their current incarnation.” This is ironic on multiple levels: not only do Somali raiders indeed fit the United Nations Convention on the Law of the Sea’s quintessential definition of a pirate,3 but the “true” pirate legacy itself is also brutal.
and unromantic. Though pirates across the ages could, as a University of Pittsburgh historian puts it, “come up with some pretty gruesome things to do with people they didn’t like,” we tend to focus on the folk heroes that stress their codes of honor and the democratic elements of life on a ship (Rediker, qtd. in Simon). Though Jack Sparrow and his fictional comrades may be pirates, Disney stresses that they live with an ethics of sorts, a sense of integrity and camaraderie of a “pirate’s code” that allows us to forget that plundering is not exactly honest (Pirates of the Caribbean).

A fan’s explanation that “people think of pirates the way they think of vampires”—they’re fun because they’re fictional” illustrates that we have a hard time reconciling this fantastical representation when they stop being fictional and stop being fun (Ossian, qtd. in Simon).

Others, like the British journalist Johann Hari, seek to resolve this tension by uncovering a noble outlaw motif within the present day attacks. Hari does so by returning to the perspective of the pirates, identifying that like Hobsbawm’s social bandit, these men are endorsed by the local population. By highlighting how Europeans dump nuclear waste off the Somali coast and loot the waters for the seafood the struggling country depends on, these journalists attempt to explain why locals “strongly supported the piracy as a form of national defense of the country’s territorial waters” by casting the pirates as modern day Robin Hoods (Hari). Even President Obama has found it difficult to isolate the situation off Somali from the rich presence of pirate lore in history, and joked around at a DNC event in Boston: “So we’ve been pretty busy the last couple years. (Laughter.) Along the way, we dealt with H1N1 and an oil spill and pirates. (Laughter.) Do you remember pirates? (Laughter.) Golly. (Laughter.) Thomas Jefferson had to deal with pirates. I thought we were past that. (Laughter.)” (Obama). As Simon suggests, the tension that underlies discriminating between the outlaw and the criminal elements of the Somali pirates demonstrates that “from Errol Flynn to Capt. Hook to the rakish Jack Sparrow, pirates have a deep hold on popular culture. And they’re not letting go, even as the International Maritime Bureau reports that actual piracy has soared to record levels.” That these pirates can coexist as both vile aggressors and noble vigilantes in reality depending on how they are presented, even if they’re fun because they’re fictional” illustrates that we have a hard time reconciling this fantastical representation when they stop being fictional and stop being fun (Ossian, qtd. in Simon).

CONCLUSIONS

The treasure chests of Henry Morgan and Rock the Brazilian are real—and this reality is imaginary.—Giles Lapouge

Today abstraction is no longer that of the map, the double, the mirror, or the concept. Simulation is no longer that of a territory, a referential being, or a substance. It is the generation by models of a real without origin or reality: a hyperreal. The territory no longer precedes the map, nor does it survive it. It is nevertheless the map that precedes the territory—precession of simulacra—that engenders the territory. —Jean Baudrillard

“Tell me one last thing,” said Harry. “Is this real? Or has this been happening inside my head?”

Dumbledore beamed at him, and his voice sounded loud and strong in Harry’s ears even though the bright mist was descending again, obscuring his figure.

“Of course it is happening inside your head, Harry, but why on earth should that mean it is not real?”

—J.K. Rowling, Harry Potter and the Deathly Hallows

In regard to the tension between the historical reality of outlaws and the legend that grows around them, our criminal justice system can only be considered legitimate so long as it proclaims to restrict its gaze to hard facts. On the other hand, Martin Parker asserts that with social bands, “the myth is what matters, not whether Robin Hood existed, whether pirates were kind and jolly, or Dick Turpin was chivalrous” (27). What happens when we do become aware of the discrepancy between these two—when we realize that Harris-Moore’s thefts terrorized his victims, when we must face that the Somali Pirates are less than chivalrous?

The question to ask here, then, is what happens when people get turned into idols? When we identify with outlaws’ adventures, we impose our own significance onto their story, finding in it either a consolation from the oppression of our own hardships that range from tyranny to boring jobs, or the entertainment of mass media. The meaning we find in these figures is therefore self-imposed, not an inherent part of the outlaws’ lives. It is easy to forget about this imposition and to treat our romantic conception of these fanciful individuals as fact, and indeed this misunderstanding is what gives the myths their vitality. However, in order for a substitution to be effective, René Girard, a French philosopher of social science, warns, “it must never lose sight entirely… of the original object, or cease to be aware

by the crew or the passengers of a private ship or a private aircraft” (Article 101, “Part VII: High Seas”).
of the act of transference from that object to the surrogate victim” (5). Perhaps the massive upswing of American incarceration rates that began in the late 1970's demonstrates that we have collectively lost sight of the substitution of commodified outlaws for “real” criminals (Liptak). Perhaps now, we feel threatened by common criminals because they break our stereotype of the ideal outlaw and remind us of a tension we would rather ignore. In order to avoid acknowledging the insubstantial nature of our distinctions, we substitute their natural complexity of character and deed for all of the bad parts of criminals and crime and sacrifice that effigy so that our media-fed image can be preserved intact. This process then perpetuates our ability to raise the few (the idols) because it removes the many from sight. The cycle has become so natural that we do not recognize our substitution of the effigy of an outlaw for a real person and the effigy of a criminal for a real person until it stops lining up with the story, and only then can we see the shadow that fractures our image.

If we spend most of our lives interfacing only with the substituted representation, how can we distinguish between it and the shadow of reality? According to the postmodern philosopher Jean Baudrillard, the distinction between reality and simulation is irrelevant in the world today because our vision of reality is entirely dominated by simulacra. When we interact only with a map as the epigraph I include above suggests, he argues that this map becomes more real to us than the territory it represents. Just as we have lost all contact with the world that precedes the map, the vastness of our globalized, modernized world makes it easier to turn each individual into an effigy of good or evil rather than seeing him or her as a real person4. We have become so disconnected from individual realities that there is now no way to go back and humanize them, nor would we want to, because this simple representation is attractive and makes sense. Effigies are easy, but real people are complicated. If no authentic manifestation of reality exists, then, both the map and the territory, the criminal and the outlaw, are real, and both are imaginary.

If we never relate to the actual world because our experience is always mediated, and if, as Baudrillard claims, we have lost the ability to see the truth without being obstructed by its representations, what gives us the authority to distinguish between the truth and its representations in situations of criminal justice? Sociologist Jeff Ferrell, the American Society of Criminology's 1998 Critical Criminologist of the Year, posits that the official police reports and the statistics that bombard us from newspapers and television reports, though widely accepted to represent reality because of the authority they exude, are just as biased as the legends widely accepted as exaggerated. If “what accumulates as ‘true’ about crime is mostly fiction,” Ferrell argues, “‘romanticism’ may mostly mark cultural criminologists’ diversion from this fiction” (98). If the law enforcement’s portrayal of the reality of a criminal's malevolent transgressions is skewed, perhaps their outlaw legend, so widely dismissed as an exaggeration, as a fantasy without root in this world, is just as relevant to our understanding. And if whether we see a “criminal” or an “outlaw” just depends on our interactions with sources that cannot ever capture reality, our subjective interpretations should not be given the power to decide the fates of the millions of individuals who face judgment each year. Our criminal justice system cannot afford this subjectivity.

In order to properly address this tension, then, we would have to go back to the original ritual and recognize that we have lost sight of the humanity of both outlaws and criminals, that both have become fiction. However, this acknowledgement is an unpopular option. We created this distraction for a reason, and the substitution of effigies enables us to enjoy our media and to maintain order in the streets. Recognizing the subjectivity of our assumptions will require us to defy human nature's fondness for simplifications, but this defiance is necessary for justice to be upheld.

While I only described Jason Kersten's romanticized portrait of Harris-Moore in “The Airplane Thief,” his final image of Harris-Moore bedraggled and defeated in capture is not the audacious and triumphant one we might expect. He concludes his celebration of Harris-Moore's trickery with the doleful testimony that, “in the end, he was a scared, suicidal kid, far from home and literally all washed up.” This lamentation forces us to acknowledge that in the end, stripped of fans' imposed fantasies, Harris-Moore is lost in a very real, sober world where distorted, rip-roaring tales told to entertain strangers are of no comfort to him—a world where he is condemned to become yet another statistic on juvenile delinquency. Harris-Moore's disturbingly unromantic arrest casts him out of the role of our criminal hero. The Facebook statuses and T-shirt sales have dried up, and even the court proceedings have lost popular interest. The guise of the idealized hero, and the curious, shallow fame it brings, cannot be maintained in this society, despite our affinity for it. As soon as Harris-Moore was not able to sustain the ruse, to fit the mold, the followers who had reveled in his rebellion were finished with him. A documentary chronicling the cross-country chase will forever preserve the memory of the dashing bandit he

---

4 Families of lawbreakers, a seemingly ever-increasing demographic, do see the reality of the convicted, though I doubt this keeps them from loving Jack Sparrow.
once was, even as the real Colt is in solitary confinement, thus both the outlaw and the criminal will coexist. Both will be real, and both will be imaginary.

Author’s Note: I would like to recognize Dr. Donna Hunter for the inspiration and joy of learning she fosters in her classes. She goes above and beyond what is expected of a college professor, and I am deeply grateful for her time and energy. The paper you just read would not have been possible without her. Thank you, Donna.

WORKS CITED


