

# The Cleaver and the Hussar

*by Michel Porret*

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**Can the law be broken to maintain public order? This is the question addressed in a remarkable comparative work on vigilantism and 'rough justice' in the security era.**

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Reviewed: Gilles Favarel-Garrigues, Laurent Gayer, *Fiers de punir. Le monde des justiciers hors-la-loi*, Paris, Seuil, 2021, 346 pp.

Gilles Favarel-Garrigues and Laurent Gayer are researchers in political sociology at the National Centre for Scientific Research (CNRS), specializing in Russia and the Indian subcontinent, respectively. They study police brutality and urban violence, and their new book, *Fiers de punir* ('Proud to Punish'), examines the transnational problem of "self-proclaimed vigilantes". The book takes a dual perspective, covering "from citizen-vigilantes to uniformed punishers; and from the fight against delinquency to social cleansing" (p. 20).

The authors problematize the devices of social "vigilantism" by intersecting political philosophy with legal, police, media and film sources, investigating the Internet and social networks, and demonstrating an awareness of pop culture and the imaginary of "summary justice" depicted in films and news stories. Security patrols, social defense militias, death squads: our world is in the grip of a punitive fever.

## Punitive fever

These two researchers have done more than just produce a sociology book on frontier justice and the ways in which it undermines democracy. They have maintained a dialogue with Michel Foucault's *Surveiller et punir* (1975), *Il faut défendre la société* (1976) and *Les Anormaux* (1974-1975), and combined the theories on "punitive excess" developed by American sociologist and jurist David Garland with those of French anthropologist Didier Fassin on "punitive passion".

The book offers a lucid diagnosis through the prism of the security debate: "In France, the most immediate threat to democratic freedoms is not so much an unfolding scenario in which the State allows vigilantes to take up arms if they are willing to do so, but rather the consolidation of a security regime which, while remaining within the rule of law, is draining it of its substance (p. 280).

When seeking to define vigilantism, we might turn to fiction. Since the 1930s, the concept has been embodied in the North American superhero<sup>1</sup>: born in comic books, pulp magazines and movies, he personifies summary justice in the face of laxity or corruption in the police. From Spanish California to Gotham City/New York, lone avengers, descendants of Robin Hood, Johnston McCulley's Zorro (1919) and Bob Kane's Batman (1939) all embody vigilantism. However, under the mask of impunity and fear, they strive for good. As guardians of customary law (the Spanish monarchy, American democracy), they protect widows and orphans, track down felons, oppose evil, and fight iniquity through mob justice<sup>2</sup>.

## Cleaning up society

In reality, vigilantism is quite different. It originated in the United States before becoming globalized (South Africa, Australia, Colombia, the United States, India, Pakistan, Russia, Turkey, France). It uses "force as a means of righting wrongs and enforcing standards (legal norms or moral obligations), on behalf of a reference community" (p. 26). Private violence culminates in authoritarian regimes, but also in societies drained by neo-liberalism.

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<sup>1</sup> William Blanc, *Super-héros. Une histoire politique*, Montreuil, Marginalia, 2018.

<sup>2</sup> Michel Porret, « Zorro ou les aventures du justicier masqué ».

The "figure of the vigilante is a white, reactionary, xenophobic man who defends his property and his family's honor against the scourge of delinquency" (p. 12). Policeman, prosecutor, judge and executioner in one, he embodies the entire penal process. He deploras government laxity and takes action in order to do the "dirty work of ensuring the public's well-being" (pp. 195-200).

Death squads in Colombia and Mexico, survivalist self-defense groups in the U.S., pedophile hunters in Russia, Roma persecutors in France, and Filipino killers: in order to exert social control, vigilantes engage in "direct action," such as inciting the Combat Organization of Russian Nationalists to assault foreign residents, anti-fascist and human rights activists, and liberal journalists and lawyers (pp. 123-134).

Purging the "riffraff" and "eliminating the pests": vigilantism strives for the kind of social prophylaxis that has inspired hired killers in Russia and south India. Well-established in Latin America (El Salvador, Colombia, Brazil) as the authoritarian link in the chain of economic liberalism, vigilantes target subversives, the destitute, the impoverished, and undesirable ethnic groups. On more than one occasion, the police system has taken its cue from them, notably in Brazil during the military dictatorship (1964-1985) when the *Esquadrão da Morte* (Death Squad) in Rio de Janeiro fought the *malandros* (rogues).

Using private funds, the militia has scaled up its summary executions in terrifyingly dramatic fashion. In Colombia, a skull and crossbones is carved on the corpses of the "human dregs" along with a note describing the robbery the victim had committed or the narcotic they had consumed (p. 198). The Bakassi Boys in Nigeria use machetes to kill their victims. Vigilantes in Bolivian *barrios* burn alive those deemed "antisocial". 'Encounter specialists' execute alleged offenders in Pakistan and India. Following the lead of Brazilian paramilitaries and their Colombian counterparts responsible for *limpieza* operations, "cleaning up society" has become a universal obsession (p. 34-37, 39, 77, 183-217).

Vigilantism is increasingly digitized ('Digilantism'). Social media networks such as The Pedophile Hunter make it easier to name and shame pedophiles whose profiles are posted online (pp. 45, 49, 50). In the 2000s, Marksim Martskinkevitch, alias Tesak ('The Cleaver'), a skinhead and neo-Nazi youtuber, was an overzealous activist operating in Russia. He managed social media networks where he posted images of immigrants he claimed to have beaten and murdered. After serving a prison sentence, he was reincarcerated in 2009 for his Occupy Pedophilia movement that featured a vigilante show with advertising. Tesak stated he wanted to defend "civil society" as a

morality entrepreneur who abhorred "riffraff" (p. 23-28, 63-65.). He died in prison in 2020.

The "battlefield of mob justice" inspired by Maoist authority is also reflected in vigilantism. Vigilantes are proud radical revolutionaries, much like the FARC in Colombia or the Montoneros in Argentina. They establish the People's Court and then slaughter "class enemies" with machetes and Kalashnikovs. Revolutionary justice is the ultimate expression of proletarian vigilantism (pp. 168-178).

Mob violence reaffirms racial subordination and social hierarchies as a means of suppressing insecurity. In 2019, after a series of racist Facebook campaigns targeted "child-stealing Romanians" near Bobigny (France), local Roma were beaten up by so-called social defense activists. The 'gypsy' camp and supermarket parking lot became the vigilantes' lynching ground (pp. 67-69.).

## Lynching

The culture of 'mobocracy' or 'mob rule' originated in South Carolina around 1767 in the form of 'regulators', who were policemen, judges and executioners rolled into one (pp. 67-106, 297). Soon, these 'citizen vigilance' committees were practicing lynching, a concept coined by Puritan judge Charles Lynch (1736-1796), a Virginia tobacco planter and colonel during the Revolutionary War. He sanctioned summary justice using whips, tar, feathers and rope. From then on, as seen in countless westerns such as William A. Wellman's twilight masterpiece *The Ox-Bow Incident*<sup>3</sup> (1943), Lynch law targeted horse thieves, poker cheats, rapists, child kidnappers, Blacks and rebellious 'Indians'.

After the Civil War, the abolition of slavery put an end to plantations and revived lynching in the Deep South until around 1960. In front of jubilant crowds, thousands of Black laborers were executed, accused of a real or alleged crime against

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<sup>3</sup> In 1885, it was reported that a rancher had been murdered by horse thieves in a Nevada village. In the sheriff's absence, three men formed a mob against the judge's orders. Did the lynching result in the death of innocent people?

a white man or woman<sup>4</sup>. Lynching violated the rule of law and gave frenzied mobs the right to kill.

Mob justice brutalizes deviants for their *actions* (theft, rape) and for their *identity* (ethnic origin, social status, sexual orientation). Allied with those in power, the lynch mob targets protesters: activists, human rights and environmental defenders, journalists, and intellectuals. Woody Guthrie's 1940 song *Vigilante Man* condemned vigilantes for repressing American trade unionists. William Faulkner highlighted the consensus and horror of lynching in *Intruder in the Dust* (1948), which Clarence Brown adapted superbly into an eponymous film in 1949<sup>5</sup>.

Whether covert or visible like the Colombian death squads, operating on borders or in neighborhoods, illegally executing public enemies and 'social rejects', these self-proclaimed vigilantes replace the state's right to punish. On the one hand, they bolster the ultra-securitarian policies of the 'lax' state; while on the other, they flout the correctional ideal of criminal justice. Their base of allies extends from the oppressed proletariat to the ruling classes and "honest people".

While the right to kill is the last resort of state sovereignty, vigilantes have appropriated it by degrading and torturing 'antisocials'. This form of terrorism, based on securitarianism and social intimidation, echoes the supplicatory logic of the Ancien Régime as analyzed by Foucauldian anthropology in *Surveiller et punir (Discipline and Punish, 1975)*.

## Dirty Harry: legal outlaw

Uniformed vigilantes also practiced the kind of rough justice popularized by the *Dirty Harry* film series in the insecure climate of 1970s America<sup>6</sup>. In Ted Post's *Magnum Force* (1973), Inspector Callahan was an expeditious cop, yet he clashed with his even more expeditious colleagues who would gun down the delinquents of Los

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<sup>4</sup> Hilton Als, John Lewis, Leon F. Litwack and James Allen, *Without Sanctuary. Photography in America*, Twin Palms Publishers, 2020, Santa Fe, New Mexico. See also: <https://www.withoutsanctuary.org/>. de Joël Michel's monography, *Le lynchage aux États-Unis* (Paris, Table-Ronde 2008) provides a historical and political perspective on racial vigilantism in the southern United States.

<sup>5</sup> William Faulkner, *Intruder in the Dust*, New York, Random House, 1973; Clarence Brown, *Intruder in the Dust*, U.S.A., MGM, 1949, 87 min.

<sup>6</sup> Joe Street, *Dirty Harry's America: Clint Eastwood, Harry Callahan, and the Conservative Backlash*, Miami, UPF, 2018.

Angeles without warning. With its focus on social defense, such punitive policing is a form of vigilantism that has no place in the institution of policing.

Against the rule of law, the police become 'legal outlaws'. *Police discretion* characterizes the police's capacity for discernment. And yet, a policeman's moral dilemma is crucial. Will he use the 'wrong means' to achieve the 'right end'? As early as the 1930s, this deontological concern was at the heart of "police vigilantism", which refers to the violent illegality of the U.S. police, where such vigilantism is a "collective phenomenon, organized and integrated into the state apparatus" (pp. 223-228). Recently, African Americans Ahmaud Arbery and George Floyd were murdered by racist police officers. These uniformed vigilantes were defending social order and the white community against the 'black peril'.

Social cleansers desecrate democracy. When the political authorities tolerate or encourage vigilantism, as President Rodrigo Duterte has done in the Philippines, they hand the rule of law over to the vigilantes and the supplicant state of the Ancien Régime. Militias, death squads, and supremacist activists are self-proclaimed avengers who hijack the state's monopoly on violence in favor of extrajudicial punishment for the sake of public order. They carry out punitive actions against 'antisocials'. They sometimes dream of large-scale actions to clean up the township or reclaim the suburbs.

## **Reclaiming the suburbs**

As a homophobic, anti-feminist crusader against 'decadence,' Grégory Leroy, aka *Le Hussard*, sells "anti-terrorism training" and paramilitary courses in Poland to curb the Islamist takeover of France's housing projects. Poland's permissive gun laws encourage Spartan vigilante militias.

The alarming video "*Prendre et tenir une cité HLM*" ("Taking and holding a housing project", shown on Hussard TV) calls for France's "lost territories of the Republic" to be 'reconquered'. Securing the promenades, patrolling the apartment blocks, occupying the 11-storey towers of the housing projects: this is the task of units comprising 60 over-armed vigilantes. If an authoritarian rule of law were to authorize private violence by vigilantes, it would open the social floodgates to lynchings and civil war.

This lucid work of political anthropology is essential reading. Through its examination of security anxieties and punitive fever, it shows that democratic freedoms are being shaken by a political convergence on an unprecedented scale. This union between the rough justice of "Robin Hoods with dirty hands" and the "tightening of security" is forging a new alliance between liberal and authoritarian states.

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