

Good essay on should vigilantism be justified

[Law](#), [Criminal Justice](#)



Vigilantism has been a litigious issue in the most parts of the world for many years. In most countries, it is unlawful to form or even participate in a vigilante group. In 1960, North Carolina citizens marked the first known instance of vigilantism in the history of America. They literally took up arms against the corrupt officials. Mexico recently took the bold step and legalized vigilantism.

Several attempts have been made to define the term vigilantism. To many, this is an amorphous concept and is often misunderstood. Some have associated it with the concept of mob justice. According to one Professor William E. Burrow, “ classic vigilantes, one, are members of an organized committee; two, are established members of the community; three, proceed for a finite time and with definite goals; four, claim to act as a last resort because of a failure of the established law enforcement system; and five, claim to work,”. Perhaps this definition gives a deeper understanding to the common person, and essentially points out the characteristics and nature of vigilante groups. The groups are often formed by ordinary members of the society such as the farmer, the watchman, the teacher, the shopkeeper, among others. They have diverse membership but mostly men are involved more than women. The purpose of the vigilante groups and their aims could perhaps give a clear perspective on the pros and cons of forming the groups themselves, and, “ further help us to analyze if vigilantism should be legalized,”.

One common argument justifying vigilantism is the fact that it could be a solution to, and a better option as opposed to the failed set up governmental institutions that have a responsibility to preserve and protect society. In

most societies the government and other relevant institutions have terribly failed to restore order. Most prevalent in these institutions are the disarray and corruption, which act as setbacks towards development today. Typically, the police force has often been incapacitated to fight crime in society. They are eminent obstacles of justice due to the laxity in their systems and even more serious, bribery in exchange of assistance. Even more devastating is, “the fact that the police mostly enforce law against the poor and not the rich,”. Evidently, looters and rioters are treated as criminals while fraudsters and bankers of corporate oligarchic crime syndicates tend to go scot free and unquestioned. Of course the main question remains when the needs of justice and security are not being met by the relevant institutions, is vigilantism a better alternative to restore real world order? Arguable yes, because in most case the vigilante group members are in touch with society’s real problems and are thus able to enforce efficient mechanisms promptly to meet the needs required.

Another argument for vigilantism is that legalizing it would end state monopoly on legal use of force. A vigilante is often said to be like “a private detective who has full power to take a great portion of the law into his or her hands,”. The vigilante can for example, arrest a wrong doer or even use force to ensure the law is followed. Arguably where the state has been less efficient in using its legal force vigilantism could fill the gaps and “help” the state in its roles to meet the ends of justice.

A further argument for vigilantism is that the law comes from the people. In democratic elections delegates are chosen by the people, and they in turn have the duty to make legislate. Therefore, basically the law comes from the

people, and so the people have a right to see that it is obeyed. When they see that the justice system is failing they may take the justice back to their own hands where it was once at the beginning.

Opponents of vigilantism argue that it is very paradoxical in nature. "How can one violate the law in the name of law and order?". How does one justify citizens who skip the due process of the law and punish criminals in the name of justice? By skipping the due process of law, the vigilante not only violates the law itself but is also seen to violate certain rights like the presumption of innocence till proven guilty, or the treatment of certain criminals as first offenders. However, it is paramount to note that the current legal systems also face the same kind of challenge. Many times people have spent many years imprisoned after false or wrongful convictions.

Another valid argument against vigilantes is their noted disposition toward violence. Vigilante groups are known to act on matters instantly and are often, if not always, armed. Society tends to associate them with extreme violence and barbaric tendencies, therefore, they does not come out as appealing for many for these particular tendencies. There is the fear that they will enforce barbaric norms in society. However, to counter this argument, "what really makes violent vigilante law enforcement mechanisms more objectionable than the violent law enforcement mechanisms by the state?". The state equally applies a lot of force and violence to wrongdoers. The death penalty, for example, is still legalized in numerous jurisdictions in the world, despite it being a controversial and contentious issue.

I tend to support vigilantism. It is obvious that all the institutions we rely on

to maintain social order have undoubtedly failed us with vices like corruption being so rampant. The government tops the list in being the most disappointing institution. We elect leaders with the hope of seeing change but get disappointed each and every time. "The rates of crime increase every day". The country's economy has often been adversely affected by fraud. The religious institutions are also not left behind and have failed to bring sanity to society today. Not to mention challenges facing the police force. It is very unrealistic to expect people witnessing a crime to sit down and do nothing. Vigilantism could be the best solution ever. Security concerns are indeed a multi-dimensional and multi-disciplinary mystery requiring all aspects of the community to be fully engaged, and this includes the individual, the family unit and even the neighborhoods, to successfully address the fundamental causes, beyond the reach of law enforcement efforts. If one feels they can stop a criminal in the process of an illegal act, then they should be allowed to do so without fear of excessive legal implications being imposed on him. Society should indeed take up a more active role if we do intend to fight crime and restore order even if it means being harsh to criminals.

Many neighborhoods have developed neighborhood watch programs to deal with the rising issue of insecurity. These programs prove to be more efficient as they are formed by a number of people looking out for any criminals, as opposed to the traditional system of placing one police officer in patrol of a whole community. The vigilantes in this case are the people in the watch programs. Perhaps it would even be if the vigilante groups become registered in the necessary defense departments. This would actually help in

curbing the rising hazard of insecurity. Each vigilante group should be accorded to a name, or even accords itself one, and give details of its jurisdiction. The groups could also have a leader for harmony to exist. The leader can further submit names of the vigilante members to the departments. Eventually too the law should be developed to govern the functioning of the vigilante groups. This would see to it that the vigilante groups are not seen as law breakers, and are seen to work within a legal framework in maintaining social order. “ The groups could also operate in the different institutions such as the government, political, business institutions, among others, to help curb all the crimes, such as, a certain vigilante group could be put in charge in the bank sector to keep vigil and been on the lookout for fraudulent activities”. They could act as a watchdog in the relevant institutions. This actually sees to it that vigilante groups work hand in hand with the government.

Mexico had a situation where the Mexican government moved to permanently curb one of its toughest security challenges by legalizing the growing movement of rural vigilantes who were trying to drive out a cult-like drug cartel for many months, and brought it under the army’s control. This generally looks like an efficient idea but has its challenges. It is important that vigilante groups adopt efficient yet human mechanisms of law enforcement. Vigilantes are popularly known for extreme violence and barbaric ways such as rape. “ For them to operate they have to generally observe international human rights and not be too extreme in their enforcement mechanisms”.

Another challenge that comes with registering the vigilante groups would be

the fact that most of them would expect to be paid. This wholly depends on the state's financial capability. It is obvious that the groups would expect some remuneration if are to work hand in hand with the government to maintain security. This could strain the tax payer if the state is incapable of providing the appropriate remuneration.

What if the groups existed as replacement to the government? One could argue that working with the government can lead to the vigilante groups getting as relaxed as the government itself. After all, the whole idea of forming the groups arises due to the inefficiency of the government in enforcing the law. This is the position today in most societies with the vigilante groups being labeled as " illegal". The disadvantage comes in when the vigilantism goes too far. While some vigilante groups are sympathetic, others are driven by the strong desire to revenge and therefore employ inhuman mechanisms. Another disadvantage is the fear of being accused of charges e. g. assault when one takes the law in their own hands as discussed above. Whatever the circumstance, vigilantism remains a controversial issue in the world today.

Works Cited

Arnold, Madison. *Vigilantism In America*. Boston: Seabury Press, 2010.

Kelly, Hine D. " Vigilantism Revisted." *The American University Law Review* (2009): 1222-1226.

Moses, Norton H. *Lynching And Vigilantism In the United States*. New York: Greenwood Publishing Group, 2008.

William, Culberson C. " Vigillantism: Politial History of Private power in

America." William, Cuberson. Political Science. New York: Greenwood Publishing Group, 2010. 12-34.