

# **Media Images of (Youthful) Offenders: A Comparative Analysis of Race, Class, Gender in Germany and the United States of America<sup>1</sup>**

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## *Abstract:*

*Comparing media representations of (youthful) offenders in Germany and the U.S., this paper looks at the lessons of electoral campaigns for penal abolitionists. In a recent election campaign in Germany, a “law-and-order” discourse by a conservative party seems to have backfired, whereas in the US such “homeland security” discourse of fear usually brings about positive election results. Election campaigns in the Global North often use media images of “super-predator” youth to shore up a moral panic among voters who may already be concerned about various behavior patterns attributed to marginalized people such as immigrants, especially from the Global South, or naturalized people of color. In the post 9/11 era the deviant Other is a Muslim, preferably a young male immigrant from the Middle East who perhaps supplants the stereotype of angry black male. How do we respond to these stereotypical representations in advertising campaigns?*

In Germany a “law-and-order” discourse by politicians during election campaigns tends to affect negatively their election outcomes, whereas in the US such discourse often bring about positive results. For instance, during the 2008 elections in the state of Hesse (Germany), the ruling conservative party (CDU) won by a surprisingly slim margin over the social democratic party (SPD). In fact the CDU lost its majority status and is now unable to govern without a coalition. The “law and order” rhetorical device by Hessian’s governor Roland Koch had reverberations throughout Germany and drew much political protest by civil society, in particular by immigrants’ rights and religious groups. By way of contrast, I will draw on US American’s fascination with a culture of fear by comparing two media ads of presidential campaigns of the last 20 years: the recent “red phone” controversy of the Hillary Clinton campaign and the infamous “Willie Horton” advertising campaign, which probably secured George Bush, Sr the White house.

In the Hesse case, the CDU nationwide (i.e. beyond Hesse) had to retract a position which advocated lowering the status of criminal responsibility from 14 to 12 years of age. So, the national policies are impacted by regional political controversies. On the other hand, in the United States case, the regional policies were influenced by the national election campaign, in so far as then-Governor Dukakis had to sign into law a prohibition of a weekend-furlough program for violent offenders due to the rhetoric of fear employed successfully by Republican Party strategists.

## **I Reigning in the Culture of Fear in the USA**

In discussing film images that are used in ways to shore up fear among media illiterate viewers, we can draw on Harvey Sacks’ (1992) concept of the membership categorization device: “The baby cried. The mommy picked it up.” Hearing this sentence, a reader automatically infers that it’s the baby’s *own* mother who picks her up. But it could be any

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<sup>1</sup> This paper benefited from discussions with Volker Hinnenkamp.

other mother who feels the call to calm down the baby in distress. “Babies in distress” make for good political imagery, and Hillary Clinton’s media blitz days before the Texas primary this spring was no exception.

Hillary Clinton Famous New Ad: **They're Gonna Get Your Kids**

<http://youtube.com/watch?v=kQiGqS0Yfkw&feature=related>

How do we make sense of viewers’ responses? Is it as automatic as our response to the baby crying? It seems that way when we study viewers’ reactions to racially charged political advertisement campaigns, which in the US go all the way back to the KKK film “Birth of a Nation” (one of the most watched and beloved film of white Americans), at the turn of the 20<sup>th</sup> Century. Orlando Patterson (2008) suggests that there was a covert, racist message packed in Hillary Clinton’s 3 am red telephone advertising

The message: our loved ones are in grave danger and only Mrs. Clinton can save them. An Obama presidency would be dangerous -- and not just because of his lack of experience. In my reading, the ad, in the insidious language of symbolism, says that Mr. Obama is himself the danger, the outsider within. (pA23)

Making use of Sacks membership categorization, we can say that the imagery of white sleeping babies, rescued by another white woman (Clinton as stand-in mother of the nation?) is overdetermined by the absent signifier, the myth Black man as deviant other (or, in Angela Davis’s analysis, the myth of the Black rapist). However, it is surprising that Patterson does don’t mention the new deviant other, post 9/11, reinscribed in this video message: the young, Arab Muslim male, Al Qaeda member bent on terrorizing whole communities of mothers and children.

Now, in the age of youtube, we get political agitators who produced a spin off satire about Casey Knowles; her image as sleeping baby was used by the Clinton ad campaign. Ironically, today, over a decade later, Knowles supposedly is an avid Obama supporter today and student government leader:

**Hillary Clinton 3 AM Red Phone Ad Truth \*Spoof\***

<http://youtube.com/watch?v=9eEzJ7LchY8>

Here’s another specimen of satire that deals with US imperialism, as championed by the presidency:

**Hillary Clinton Red Phone Call Satire**

<http://youtusbe.com/watch?v=yhJpTVbuw-4>

This satire makes fun of Clinton being a trigger-happy iron lady, cut from the mold of the Bush administration, invading Iran without evidence of aggression (e.g., towards Israel).

Now, presidential candidate Obama, against whom the ‘red phone’ ad was directed responded quite thoughtfully:

## **Barack Obama: If the Red Phone Rings, Call Me, NOT Hillary**

<http://youtube.com/watch?v=d-MHPopRsN0&feature=related>

Campaigning himself in Texas, he dismissed the ad as utilizing a debased ‘politics of fear’ that voters would have no trouble debunking as flawed. However, Obama perhaps intellectualized the matter too quickly. Perhaps, he missed that it wasn’t “lack of experience” that was attacked in the ad, but, as Patterson surmises, his very presence as a Black man who is portrayed as a danger to white sleeping babies. Or else, Black men as presidents cannot be trusted to preserve the (American) nation’s security that whites naturally take for granted as a skill that white presidents have all along been quite capable of doing. Airing the ad in Texas paid off for Clinton: As Patterson (2008) acknowledges Obama’s slight lead in the polls for white Texas voters was crushed.

It is significant that the Clinton campaign used its telephone ad in Texas, where a Fox poll conducted Feb. 26 to 28 showed that whites favored Mr. Obama over Mrs. Clinton 47 percent to 44 percent, and not in Ohio, where she held a comfortable 16-point lead among whites. Exit polls on March 4 showed the ad’s effect in Texas: a 12-point swing to 56 percent of white votes toward Mrs. Clinton. It is striking, too, that during the same weekend the ad was broadcast, Mrs. Clinton refused to state unambiguously that Mr. Obama is a Christian and has never been a Muslim. (pA23)

So, here we have a perfect marriage of evils: the radical Black Panther, perhaps in the dress of an Afrocentric Christian preacher such as Jeremiah Wright (Obama’s former pastor), meet the radical Muslim, waging jihad against a “free” country. It is perplexing to me that after these demonizations, Obama has still prevailed as Democratic presidential candidate after the escalation of stereotyping in the mainstream media and the right wing talk shows. Yet, even now in July 2008, as I write, there are discussions about his authentic commitment to patriotism as portrayed in any politicians’ wearing a lapel pin. Caving in to patriotism, Obama has relented to wear one after Clinton dropped out of the race. Demonizations of Obama were lampooned in a July 2008 *New Yorker* cover; its satirical content criticized by both party campaigns as “tasteless” and by mainstream media commentators as “too difficult to decipher outside the elite, liberal readership of the magazine.” (CNN/MNBC comment, July 14, 2008).

Now, shift to the year 1988. Again, a primary season in the US, the contestants a democrat from Massachusetts, Dukakis, versus a Texas republican, George Bush, Sr., the incumbent vice-president. After testing their now infamous “Willie Horton ad” with focus groups, Bush ran the ad successfully to shore up fear of the mythic Black criminal. Governor Dukakis had vigorously defended weekend furloughs for prisoners, even those with sentences of life without parole, as in the case of William Horton. On one of those furloughs, Horton raped a woman and maltreated her partner. Even though the furlough program was highly successful, Horton’s offense was used against the governor for having little concern for the safety of the citizens. The TV ad showed Horton’s prison mug shot, an African American with an unkempt Afro, looking menacing to a (white) viewer. Horton’s first name gets changed to “Willie” in an effort to label him with a

more appropriate Black name (wikipedia). The ad was highly effective to have voters sympathetic to Dukakis switch to become fervent Bush supporters. Dukakis was forced to end the furlough program, but he lost nevertheless the presidential bid.

**Willie Horton Ad, by George Bush, Sr.**

[http://www.youtube.com/watch?v=-IFk78R\\_qYM&NR=1](http://www.youtube.com/watch?v=-IFk78R_qYM&NR=1)

Or this variation on the theme of fear:

**Willie Horton political ad 1988**

<http://youtube.com/watch?v=EC9j6Wfdq3o>

I only now understand how “radical” it was for Dukakis to state that he opposed the death penalty under any circumstances, especially, given how the new democrats, e.g. Obama and Clinton, do not voice any substantive opposition to it. However, then-Governor Dukakis had to sign into law a prohibition of a weekend-furlough program for violent offenders due to the rhetoric of fear employed successfully by Republican Party strategists. And by June 2008 in a clear pro-death penalty signal to socially conservative voters, Obama has voiced strong opposition to the US Supreme Court decision to stop the execution of child rapists!

William Horton’s crimes continue to haunt the democratic party (for being cast as “soft on crime”) and is probably THE reason why presidential candidate Bill Clinton attended an execution of a mentally disabled prisoner in Arkansas before his first bid to the presidency in 1992. So, conservatives continue to work on the variation with a theme:

**Group Launches Obama 'Willie Horton' Ad**

<http://www.youtube.com/watch?v=J0IcnYWGSSE&NR=1>

In 2002, Obama voted "NO" on HB 1812, a bill designed to toughen penalties for crimes committed in furtherance of gang activities.

(exposeObama.com)

**II Germany and its ‘get tough’ social policies**

“When a youth commits a crime and we let him go, then the probability that he will do another crime is actually lower than if we’d punish him.” The words of German reform-minded law professor Franz von Liszt penned at the turn of the 20<sup>th</sup> Century. He saw all too often that justice was not served on poor youth who were meant to be punished and broken rather than being treated with compassion (cf. Käppner, 6/29/2008). The reform movement has left its footprint in German criminal law, especially in youth criminal justice. However, in Germany, every few years, mostly conservative politicians try to ride the “get tough on crime” bandwagon. It is usually preceded by a highly publicized offense which tends to attract major public outcry. In the US, these high profile cases often wind their way into the legislature, e.g. Megan’s Law that demands sex offender notification of certain prisoners who are paroled is a product of public moral outrage.<sup>2</sup>

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<sup>2</sup> Interestingly, the high court recently (in *Kennedy v. Louisiana*, 6/25/08) mentioned how difficult it is to adjudicate an emotionally charged case, such as those of child rapists. Writing for the majority, Judge

What has garnered national attention was a vicious beating of an elderly white man in the Munich subway station by two immigrant youth (of Greek and Turkish decent) in December 2007. The elderly man had admonished the youth not to smoke in the subway and in return they first spat upon him and after he exited the train they followed him and kicked his head “as if it were a soccer ball” according to media reports. Roland Koch, who ran for the governor position of the neighboring state Hesse, used this occasion during his campaign to rail against immigrants and vowed to lower the age of criminal responsibility from 14 to 12 years of age. Note that the young men in question were 18 and 20 respectively, when they committed the offense. Criminologist Frieder Dünkel (2006) notes that the reforms of 1923 legislation still stand when the age of criminal responsibility was raised from 12 to 14 years. Furthermore, “only in the period of the Nazi regime between 1933 and 1945 was the 12-14-year age group ‘re-criminalized’ for certain offences and behaviour. Today, the lowering of the age of criminal responsibility is only an issue (of amore rhetoric or symbolic nature, particularly in times of elections) for a few conservative politicians of the Christian Democratic parties (CDU/CSU), but without any chance of being accepted by the majority of the political parties” (pp.226-7).

One of the offenders, the 20 year old Serkan, endured violence meted out by his father (described as “sadistic”); the 18 year old Spyridon, a popular child in Greece, according to his mother, who was unable to cope with his family’s migration to Germany; both expressed their profound alienation in drug consumption, violence and theft. The victim, the elderly man, rejected their individual apology letters as not being sincere or specific enough (for what acts are they apologizing, he wondered). However, one of them exclaimed after the deed, and presumably sobering up from his choice of drugs, “this could have been my grandpa!” (Käppner, 6/23/08) The verdict of the Munich court shocked counsel by adopting the prosecutors’ guidelines and sending a political message beyond the city: that immigrant youth will face the maximum allowable punishment in order to keep public space safe (the city’s subway system): 12 years for the 20 year old and 9 years for the 18 year old (sentenced as minor). The judge could also have sentenced the 20 year old under the youth criminal statutes (up to 21 years of age) and given both more lenient sentences. His verdict played into the membership categorization device: immigrant male youth are castigated as reckless, brutal in their behavior and will not integrate through appropriate schooling, social service intervention, etc. As counsel for the young men noted, in similar cases, offenders have not received such harsh penalties (Käppner, 7/9/08). Furthermore, without overtly thematizing the stereotyping of immigrants, polls capitalized on sentiments of fear (“how safe do you feel in the subway?”) and presented “evidence” that many riders feel less secure in taking public transportation since the publicity of the subway offense in December 2007. There was one notable exception, though, in this trend. The younger age group (up to 29 years old) feels as safe as before the attack (*Vanity Fair*, 2008, p. 18).

However, the membership categorization device, the stereotyping of young immigrant criminals, did not play out to expectations in a political campaign north of

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Kennedy argues in a sober fashion “In most cases justice is not better served by terminating the life of the perpetrator rather than confining him and preserving the possibility that he and the system will find ways to allow him to understand the enormity of his offense.” <http://www.law.cornell.edu/supct/html/07-343.ZO.html>

Bavaria. Roland Koch, governor of the neighboring state Hesse which has with Frankfurt a major metropolitan city with a large percentage of immigrants, tried to seize on the Munich subway attack for campaigning for stiffening penalties for youthful offenders. He paraded statistics that “proved” that children with immigrant background had a higher rate of criminality than German youth. However, Koch’s stance became controversial, even for his own party. The Christian Democratic Union (CDU) nationwide (i.e. beyond Hesse) had to retract a position which advocated lowering the status of criminal responsibility from 14 to 12 years of age. However, the party held on to swift deportation proceedings for immigrant youth and to increase penalties for youth who commit violent crimes which will play a prominent role in 2009 national elections (Focus Online. 3/14/08). Prior to the election campaign, Koch’s party was 12 percent ahead of the Social Democratic Party (SPD) in the polls; with his “politics of repression” campaign his party won the majority with less than 1 percent. Why did it backfire? Koch himself acknowledged that voters didn’t buy his politics of repression at the expense of prevention (adding more police and judges to the state’s payroll). It was clearly seen as political opportunism and had lost its political force. He ran on an anti-crime platform in previous years, yet the public perceives that criminality has remained the same. Other issues that the opposing party, SPD, rallied behind such as education were deemed to be more important than scare tactics in crime (Hinnenkamp 2008).<sup>3</sup>

### **III Abolitionist Strategies**

I am recounting these advertising campaigns to reflect on the meaning of them for us abolitionists. How can we effectively counter calculated political campaigns which fan the flame of racism, of xenophobia and dehumanization of offenders?

In the German campaign case, a coalition of hundreds of groups against racism rallied together to oppose Koch’s scare tactics. On public radio, thoughtful dialogues were held between criminologists, religious leaders and journalists on a level, not heard on the US mainstream radio waves, including National Public Radio.

Some possibilities:

- Initiate coalitional work between unlikely groups working together (e.g., progressive secular groups with religious institutions)
- Prepare press kits and write letters to the editor of mainstream newspapers and talk radio shows; if that doesn’t open doors, develop blogs and join MySpace and self-publish on websites;
- Join campaigns to close youth prisons and try to move the organization towards further abolitionist goals;
- Use humor to dispel a politics of fear by videotaping counternarratives on youtube.
- Even if it looks like you are involved in ‘mere’ reform measures, maintain an abolitionist “stance” or attitude (cf. Thomas Mathieson, ICOPA XII plenary talk).

While the United States seems light years away from embracing meaningful abolitionist stances, it is still noteworthy to see that there is a veritable abolitionist movement under way. As Julia Sudbury (ICOPA XII plenary talk) recounted, at the opening day of the

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<sup>3</sup> Hinnenkamp suggests that Koch’s tactics were similar to Northrhine Westfalia’s politician Rüttgers who rallied behind “Kinder statt Inder” (children, not Indian immigrants, in an appeal to animate German women to have more children).

first Critical Resistance conference in 1998, 2000 high school students walked out to protest the prison industrial complex. America's youth, especially poor youth of color, is quite capable of seeing the linkages within imperial late capitalism: they notice the wrong choices of being funneled by the state and corporations to either prisons or the army. They use popular education, coded with messages such as "Education, not Incarceration," and they use music such as hiphop, famously, Dead Prez, to present a counter-narrative to the schooling and other sites of total education. If today's youth and formerly incarcerated people could take the lead in abolitionist movements, as exemplified by Critical Resistance efforts, perhaps some day politicians and their campaign strategists would take notice and realize that voters are too sophisticated to buy into a politics of fear.

#### References

Davis, Angela. 1982. *Women, Race and Class*. New York: Random House.

Düinkel, Frieder. 2006. Juvenile Justice in Germany: Between Welfare and Justice. *International Handbook of Juvenile Justice*, 225–262, J. Junger-Tas and S. H. Decker (eds.). Springer.

Focus Online. 3/14/08. Jugendkriminalität: CDU für Eingriffe ins Sorgerecht [http://www.focus.de/politik/deutschland/jugendgewalt/jugendkriminalitaet\\_aid\\_265169.html](http://www.focus.de/politik/deutschland/jugendgewalt/jugendkriminalitaet_aid_265169.html) Accessed 7/9/08.

Hinnenkamp, Volker. 6/2008. Personal communication, Fulda, Germany.

Käppner, Joachim. 7/9/2008 Urteil gegen U-Bahn-Schläger: Die Zukunft selbst verschenkt. *Süddeutsche Zeitung*. Sueddeutsche.de URL: /muenchen/artikel/394/184814/ Accessed 7/9/08.

Käppner, Joachim. 6/23/2008. Prozess gegen Münchner U-Bahn-Schläger: Die Wut kennt kein Gesetz. *Süddeutsche Zeitung*. Sueddeutsche.de URL: /muenchen/artikel/605/182041/ Accessed 7/5/08.

Käppner, Joachim. 6/29/2008. Prozess gegen Münchner U-Bahn-Schläger: Im Bann der Angst. *Süddeutsche Zeitung*. Sueddeutsche.de URL: /muenchen/artikel/738/183168/ Accessed 7/5/08.

Patterson, Orlando. 2008. The Red Phone in Black and White. (Hillary Clinton's political advertisement). *The New York Times* 157.54246 (March 11, 2008): pA23(L).

Sacks, Harvey. 1992. *Lectures on Conversations* (Vol I and II, Edited by Gail Jefferson). Oxford: Blackwell.

Shakur, Assata. 1987/2001. *Assata: An Autobiography*. Chicago: Lawrence Hill Books.

*Vanity Fair*, German edition. 2008. "Fühlen Sie sich sicher in der U-Bahn?" Vol. 26: p. 18.