Introduction

MEDIA AND THE RISE OF PUNITIVE POPULISM

In March 2004, twenty-three-year-old Axel Blumberg was kidnapped and murdered on his way to his girlfriend's house in Greater Buenos Aires. His father, Juan Carlos Blumberg, took his grief public and mobilized hundreds of thousands of people, including members of human rights organizations, in protest against insecurity. He then set out his demands, which reflected tough-on-crime measures, including lowering the age of criminal responsibility, increasing punishments for various crimes, and decreasing possibilities for parole. At this point, members of human rights organizations distanced themselves from Blumberg and his demands. Yet Juan Carlos Blumberg and the protests he led had established themselves as symbols of public opinion in the mass media. The national newspaper *La Nación* described the first protest as "the true voice of the silent majority."[1] Despite having framed his campaign and government in terms of human rights, the newly elected president Néstor Kirchner responded to this construction of public opinion by initiating the first of three tough-on-crime "Blumberg" laws, passed by the Senate on April 14, 2004.[2]

In many countries, crime and insecurity are pressing and sensitive issues. They are political landmines where popular tough-on-crime solutions exist in tension with concerns for human rights. Tough-on-crime rhetoric is sometimes articulated in a manner that very explicitly undermines human rights. For example, in 1999, during an electoral campaign to become governor of the province of Buenos Aires, Carlos Ruckauf infamously stated: "Criminals should be shot" (*Hay que meterle bala a los ladrones*). He won that election. More often tough-on-crime positions are articulated with less colorful language. Instead, they simply but emphatically advocate for more police, greater police powers, and severer punishments. Whether articulated in colorful or less colorful language, the solutions emphasize an institutional and retributive response that sacrifices the rights of some in the name of security for others. Such solutions sit in opposition to both criminological research on crime control and international human rights agreements.

Tough-on-crime rhetoric and policies are now common throughout Latin America, Europe, North America, the Antipodes, and parts of Asia and Africa (sometimes slurred with anti-immigration rhetoric[3]), and are receiving an in-

3

creasing amount of public support (e.g., Clarke 2018; Fenwick 2013; Schneider 2014). Recent examples of "tough-on-crime" presidents include Donald Trump in the United States (2016–present), Rodrigo Dutuerte in the Philippines (2016–present), and Nicolas Sarkozy in France (2007–2012). In Latin America, Otto Pérez Molina, used "tough on crime" (*mano dura*) as his campaign slogan and won the 2010 presidential elections in Guatemala. Presidential candidates Felipe Calderón in Mexico (2006), Tony Saca in El Salvador (2004), and Jair Bolsonaro in Brazil (2018) also won victories using similar rhetoric.

Certainly political leaders can win elections without using tough-on-crime rhetoric: examples include Néstor Kirchner (2003) and Cristina Fernández de Kirchner in Argentina (2007 and 2011), Mauricio Funes in El Salvador (2009), and Álvaro Colom in Guatemala (2008). Yet, as the opening example illustrates, many of these leaders have pursued tough-on-crime policies (or combined them with preventive programs) once in office. Their change in strategy often follows a shift in perceived public opinion following a highly mediatized crime incident.

For example, in June 2010 Dieciocho gang members burned a bus in El Salvador, killing seventeen passengers. In response to the significant media coverage and public outcry, President Funes introduced a new anti-gang law and deployed 2,800 military personnel to assist the National Civil Police in crime control (Lineberger 2011, 197; Wolf 2012, 203). He justified this action using language that mirrored former British prime minister Tony Blair's slogan, "Tough on Crime. Tough on the Causes of Crime." Funes explained: "We know that in the long term the policies of social inclusion and prevention will deliver results, but in the short term the violence is being fought with repression. And this is what the government has been doing and will continue to do" (quoted in Lineberger 2011, 195–196).

As these examples illustrate, the mass media play an important role in the dominance of "tough-on-crime" rhetoric and policies. This role is recognized in the large body of literature on the phenomenon (e.g., Garland 2001; Green 2008; Hall et al. 1978; Pratt 2007; Roberts et al. 2003). Yet ideally, this is not the role of the mass media in a democracy. Rather, the mass media should be an actor of democratic accountability (Curran 1991, 2005; McNair 2003; Peruzzotti and Smulovitz 2006). In this ideal, mass media are expected to challenge the tough-on-crime rhetoric and policies made by political leaders and state officials, require them to answer for their choices and omissions, or at least to provide an open forum for debate that includes those state and society actors who oppose tough-on-crime measures. Similarly, journalists will ideally expose police violence and, drawing on a plurality of voices from state and civil society, challenge state actors to respond with sanctions and reforms that ensure nonrepetition.

Given the failure of the mass media in many countries to play this democratic role adequately, it becomes important to ask: Why do the mass media privilege

tough-on-crime rhetoric and policies? What broader communicational dynamics shape whether mass media play their ideal role in democratic accountability and how they do so? I argue that the ways in which media are organized (media systems) matter. This argument makes an important contribution to the growing literature on democracy's ability to produce undemocratic outcomes (Achen and Bartels 2016; Agamben 2005; González n.d.; Levitsky and Ziblatt 2018) and the large literature on democracy and democratization.

CONTRIBUTION TO THE LITERATURE ON DEMOCRACY

Studies of regime types consistently identify the mass media as an important feature that distinguishes authoritarian, semiauthoritarian, and democratic regimes. In authoritarian regimes, the state is said to heavily censor and repress the media and there is little freedom of expression or plurality of views or information (Levitsky and Way 2002). The mass media are a platform for the state to communicate to society. If the authoritarian state wishes to prioritize crime fighting as a policy issue and ignore or legitimize police violence, then media will reinforce this position. Civil society is limited in its ability to challenge these ideas.

However, the mass media can play a role in a transition to democracy by resisting state censorship, exposing state wrongdoing, and providing citizens alternative sources of information. Indeed, a feature of the liberalization of an authoritarian regime is "less censorship of the media" (Linz and Stepan 1996, 3). This may spur or support a resurgence of civil society activity that challenges the state and may push the regime to hold democratic elections (O'Donnell and Schmitter 1986, 55–58; Oxhorn 1995; Schneider 1995).

In semiauthoritarian or competitive authoritarian regimes, the challenges, such as state censorship and repression, are similar to authoritarian regimes, but tend to be subtler and less open (Levitsky and Way 2002, 53). Media may be controlled through state ownership, proxy ownership, patronage, or other "illicit means" (Levitsky and Way 2010, 11). Yet the opportunities for the media to contribute to the improvement or deepening of democracy are greater in that, while democratic institutions—such as the media—are badly flawed, they can still provide avenues to challenge the government. Indeed, Levitsky and Way argue that in competitive authoritarian regimes media are one of four key "arenas of democratic contention" (2010, 54, 57–58). Thus it is possible, albeit difficult, for tough-on-crime rhetoric and policies to be challenged under such regimes.

In democratic regimes media are ideally pluralistic, unencumbered by state censorship, and thus able to provide citizens and civil society a platform to exercise their freedom of expression, access alternative sources of information, and attempt to hold state actors accountable (Diamond 1999, 11; O'Donnell 1999,

29–30). Indeed the literature on social movements recognizes the mass media as playing an important, although ambiguous, role in the ability of these organizations to have their diverse perspectives heard and legitimized (Tarrow 1994).[4] This, in turn, facilitates the democratic role of civil society to provide accountability and enrich a democratic political culture (see chapter 6). Yet as Philip Oxhorn notes, when civil society attempts to establish a new moral consensus (such as less repressive crime control) "it matters which groups participate in the social construction of that consensus" (2011, 13). The voices of human rights organizations that expose police violence, demand accountability for this wrongdoing, and challenge tough-on-crime rhetoric and policies are not always heard in the mass media debates on the issue.

Placing less importance on civil society's access to the mass media, the literature on democracy and democratization generally equates a democratic media with the establishment of a "free" or "independent" media—assuming, but not always explicitly stating, that this is freedom and independence from state control (Diamond 1999, 11, 240–241; Levitsky and Way 2002, 57; O'Donnell 1999, 29, 44). For example, Larry Diamond specifies that "mass media can only perform their democracy-building roles if they have autonomy in their financing, operations, and legal standing" (Diamond 1999, 250). Following this logic, if the dominant voices found in a pluralistic media, uncensored by the state, support tough-on-crime policies, then this is consistent with democracy and presumably representative of public opinion. Thus, like elections (Achen and Bartels 2016) or states of emergency (Agamben 2005), democratic media can strengthen and disseminate undemocratic ideas.

Yet even in countries where tough-on-crime rhetoric is dominant, there are always state, media, and civil society actors who disagree with it and are concerned about its consequences for human rights and democracy. So how do some voices come to dominate public debate? The literature on democracy and democratization leads us to conclude that these opposing voices must represent the views of a minority that have competed unsuccessfully in a free and uncensored public debate.

However, missing from these studies of democracy and democratization is a discussion of the influence of the market on the democratic role of the media. This is despite the existence of a large literature in media studies, particularly focused on the United States, that has exposed the significant limits market-based media systems place on the democratic role of the media (Curran 2002; Entman 1989; Gans 2003).

Moreover, by focusing on the macro level, the literature on democracy and democratization neglects the many different ways of organizing media in democracy, each of which has very specific and varied influences on communicational

practices and the resulting news we receive (see chapter 2). Not all media systems that are uncensored by the state and relatively pluralistic (compared to authoritarian or semiauthoritarian regimes) contribute equally to the democratic goals of holding power to account, providing alternative sources of information, and offering an open platform for freedom of expression. Nor do they all cover civil society organizations in the same manner or to the same extent. That is, when we move from the macro level of regime types to the everyday practices of journalists and those state and society actors attempting to have their voices heard in the mass media, we find that media systems matter to the mass media's ability to play the roles deemed important to democracy identified by scholars of regime types.

THE ARGUMENT

Drawing on a comparative analysis of Argentina and Chile, this book argues that the neoliberal reform of media policies (most notably privatization and especially deregulation) and the resulting everyday communicational practices used by journalists, in interaction with state and civil society actors, are central to explaining the rise of punitive populism. Together, these changes reduce the ability of the media to hold punitive rhetoric and policies to account, homogenize public opinion as punitive, and increase the saliency of crime and punitive ideas in policymaking. In this manner punitive voices come to dominate public and media discourse thus encouraging political leaders to use punitive populist strategies to win elections and popular support. Rather than a simple, two-variable, causal relationship, this argument reflects constructivist understandings of relational causes, similar to a narrative (Kratochwill 2008, 94–97). The causal chain functions as illustrated in figure I.1. Recognizing these communicational dynamics and their relationship with democracy is a first step toward identifying the types of changes that could potentially challenge mass media's receptiveness to punitive populism.

While based on an in-depth analysis of the cases of Argentina and Chile, the findings aim to be relevant to all democratic countries whose media systems have undergone neoliberal restructuring, regardless of the extent or type of crime experienced in the country. This is because punitive populism (discussed next) is about politics not crime control. The study is based on interviews conducted in the capital city of each country, but the influence of mass media practices is not limited to those cities. Most mass media based in Buenos Aires and Santiago have a national reach. This is seen through: the dissemination of print, broadcast, or internet news nationally; the cross-ownership of national and regional news outlets (increased through neoliberal media policies); and the use of events in the capital cities as proxies for the nation (Gans 2003, 54). I use the term "mass
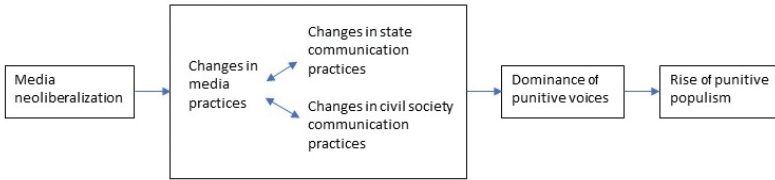
FIGURE I.1. Media and the rise of punitive populism.

media" to refer to the most widely circulated print, digital, and broadcast news sources. I do not privilege the internet as a utopian or dystopian news source, but rather one among many, with distinctive characteristics, but equally affected by minimal regulation. Although TV has much larger audiences, newspapers remain the agenda-setting news sources in both Argentina and Chile, so the book pays particular attention to their practices.

Neoliberal economic policies refer to a specific set of economic policies that aim to reduce the role of the state in the market and in the provision of social services, and generally include fiscal austerity, privatization, deregulation, trade liberalization, and policies aimed at reducing the welfare state. As will be shown, neoliberal restructuring of the media resulted in the reduction or elimination of public broadcasting (which was never strong in Latin America), media privatization (mostly relevant for television in Latin America), and media deregulation (a pillar of media neoliberalization in all countries pursuing the model). Privatization requires media companies to make profit their primary purpose. Competition then becomes based on attracting the largest audiences at the lowest cost in order to increase profits. Crime, as revealed with increasing detail throughout this book, provides an excellent formula for low-cost stories that attract large audiences. Cost-cutting also encourages journalists to use fewer sources to the benefit of more punitive voices (particularly, the police, victims, and those able to provide professional public relations material). In turn media deregulation facilitates ownership concentration across media formats (which may or may not be important for punitive populism, depending on the type of media concentration) and, more important, limits (or even eliminates) the ability of the state to regulate news content in ways that might ensure a greater diversity of perspectives (see chapter 2).

Rather than the presence or absence of neoliberal economic and media policies, most countries exist on a sometimes fluctuating spectrum of degrees of implementation of neoliberal economic and media policies. That is, as David Harvey notes, there is no one "neoliberalism" in practice, but there are threads (noted above) that persist between countries and over time (2005, 70). Thus the

term "neoliberalization" is used in this book to refer to a transition from less to more neoliberal economic and media policies. The extent of privatization and deregulation of the media needed to favor punitive populism likely depends on how these new policies combine with previous and persistent mass media practices (discussed in more detail throughout the book).

WHAT IS PUNITIVE POPULISM?

Punitive populism, also known as "populist punitiveness" (Bottoms 1995) or more commonly penal populism (Green 2008; Pratt 2007; Roberts et al. 2003), refers to political leaders' use of tough-on-crime rhetoric and policies in order to gain popular support and win elections. Punitive populism is "populist" if we understand the term to refer to a particular political strategy or logic used by all political leaders to varying degrees (Laclau 2007; Weyland 2003). Indeed, for Ernesto Laclau, populism *is* politics, not a deviation from it. As he notes, populism has minimalist and maximalist forms depending on how existing institutions absorb diverse demands and the extent to which those demands challenge the institutional order (Laclau 2007, 154). All political discourse produces "the people." However, the range of demands included as the will of "the people" will be narrower in institutionalist types of discourse and more expansive in "rupturist discourse" (Laclau 2007, 154).

Drawing on Laclau, the populist strategy can be seen in punitive populism in two key ways. First, the strategy involves the leader creating "the people" through rhetorically and symbolically representing their heterogeneous demands, which have emerged from some sort of rupture (such as the implementation of neoliberal economic policies). The leader connects these disparate demands through rhetoric, creating an "equivalential chain" (Laclau 2007). The leader then uses what Laclau calls an "empty signifier" (a word or person that symbolizes the demands of "the people") to evoke this chain of demands as the will of "the people." As shown in chapter 1, heterogeneous demands might include many concerns with security such as precarious employment, decreased social services, and real or perceived increased crime. Empty signifiers that unite these demands in favor of punitive populism might include the specific leader; victims of crime; or language, such as "security", "tough on crime," or even "human rights" (e.g., human right to security), depending on the local context. The empty signifier is confirmed as the will of the people not only through rhetoric, it is also reinforced through references to public opinion polls and election results as evidence (Weyland 2003, 1105). It is rupturist when, as is often the case, the will of the people is framed along the lines of "the old institutional order is ineffective; the new order will resolve insecurity."

Second, the leader uses rhetoric to divide society into two irreconcilable groups, usually "citizens" and "criminals." This unites "the people" or "citizens" against a common enemy. Certainly, political leaders on the left and the right may disagree as to whether or not criminals are born "bad people" or can be prevented from becoming so through socioeconomic structural changes. However, in both cases, when punitive populist rhetoric is used those deemed "criminal" are the enemy of "the people/citizens" and are to be combated with a strong state response.

To be sure, not all political leaders who draw on the populist logic (regardless of the extent of their use) will use punitivism to unite support behind them. However, an increasing number of political leaders do, on both the left and the right. When they do, different punitive populist leaders within and between countries may advocate different degrees of punishment and vary in the extent to which they emphasize laws or policing or both in their rhetoric. That is, while I often equate punitive populism with the more extreme *mano dura* (iron fist), punitiveness can be measured on a spectrum from more to less.

At its core, the punitive element of punitive populism is composed of calls for the state to provide greater security and control measures in the form of more and tougher laws and punishments, as well as more police with greater powers and discretion. In this manner, it advocates for an expanded role of the criminal justice system, securitizing issues that could be or may once have been deemed issues of social welfare, development, or simply ignored as minor offenses. Specifically, it shifts the public conversation from how to address the causes of crime to how to punish a broader range of people deemed to be criminals. For example, the "broken windows" theory of criminal justice, introduced by George L. Kelling and James Q. Wilson (1982) in the *Atlantic Monthly*, and used in the punitive populist discourses disseminated to Europe and Latin America, advocates for the expansion of the definition and enforcement of crime to include a crackdown on petty acts of vandalism and drug possession.

Certainly, many studies of punitive populism limit their attention to the judiciary and prisons (Campbell 2008; Lacey 2008; Tonry 2007)—likely accounting for their preference for the term "penal populism"—and use prison population statistics to measure rises in punitiveness. Like Europe and the United States, Latin America has experienced a significant increase in its prison populations (Iturralde 2016, 140). Yet, while the punitive impact of the police is more difficult to measure (see chapter 1), the police are in fact the central actors in most countries. In all countries, police have considerable decision-making autonomy (González n.d.; Marenin 1996; Seri 2012). It is the police who decide whether or not to arrest someone (enforcing all laws all the time is a logistical impossibility). Police often decide which neighborhoods or types of people to police more than

others, based on geography, class, race, sexual orientation, gender, and so forth (Hall et al. 1978; Schneider 2014; Seri 2012). That is, the criminal cases the judiciary receives depends on choices made by the police. Moreover, police also choose the level of force they deem appropriate for the situation and that they assume state and society will accept (Bonner 2014a; della Porta 1998; Geary 1985).

Tough-on-crime policies often advocate for an expansion of police powers (such as when and who police can arrest and the level of force they can use) and a reduction of oversight in order to "free the hands of police." For example, in 2018, Argentine president Mauricio Macri's government pursued penal code modifications that would expand police officers' right to shoot—only in cases of "legitimate defense" or in the defense of others to now include when a suspected criminal is running away.[5] In this manner, police discretion and thus the scope of acceptable police violence widens.

Of course, tough-on-crime policies can also expand other forms of violence caused, for example, by clientelism, vigilantism, criminal activity, private security, military, and paramilitary forces (Abrahamsen and Williams 2011; Goldstein 2012; Moncada 2016; Müller 2016). Yet, unlike these other actors, the police represent the state's legitimate use of domestic coercive force. Their use of this coercion is intended to enforce the rule of law and thus minimize violence by these nonstate actors (the military in a democracy is expected to be used only for external threats). Police actions and omissions thus shape citizens' experience with violence and the boundaries of their rights in democracy. For this reason, most liberal democracies have state institutional oversights on police actions and omissions: police violence is ideally kept in check by the judiciary (where charges can be brought and the rule of law maintained) and government (through ministerial sanctions such as dismissals). Yet in most countries these checks are weak (Bonner et al. 2018) and punitive populism can weaken them further (Hall et al. 1978; Lacey 2010, 110; Schneider 2014).

In addition to policies, punitive populist *rhetoric* also encourages police violence by influencing the choices police make as to how to use their increased discretion. Police are the only state institution in a democracy with the legitimate right to use (even lethal) violence against citizens. The difference between legal and illegal police violence depends on police justifications and the willingness of dominant state and society actors to accept the justifications. For example, in most countries a police officer can legally kill someone as long as it is done in self-defense or to protect others. The justification is central and is what the judge, police and political superiors, oversight bodies, and even the media will evaluate in order to determine wrongdoing. To reinforce police legitimacy and ensure legal predictability for officers, the scope of acceptable justifications in most countries is wide (Bonner 2018; Squillacote and Feldman 2018).

The centrality of justifications and their acceptance increases the importance of the mass media in police accountability. That is, police violence is not simply an outcome or measure of punitive populism. From a constructivist perspective, dominant discourses in the mass media shape the scope of actions and omissions for which police justifications are likely to be accepted (Bonner 2014a; Chan 1996; della Porta 1998; Geary 1985; Waddington 1998). Alternatively, these discourses can provide accountability by framing actions or omissions, formerly deemed acceptable, as wrongdoing, as well as demanding answers and potentially punishment (Bonner 2014a, ch. 2). The way ideas are constructed and reinforced in the mass media is important to the boundaries of policing in democracy and the resonance (or not) of punitive populist rhetoric and policies.

Of course the assertive state desired in punitive populism is not new in the broad history of the state or democracy, nor is it new to Latin America in particular. Targeted state coercion exists in all democracies (Bonner et al. 2018; González n.d.; Seri and Lokaneeta 2018). Instead, what has drawn the attention of criminal justice scholars in many countries is the particular way current punitive rhetoric and policies in democracy undermine the contributions of criminal justice experts and limit the scope of human rights enforcement. The implications of this for democracy are significant. It is thus imperative that we better understand the causes of the rise of punitive populism and the role of the mass media in it.

EXPLAINING THE RISE OF PUNITIVE POPULISM

A significant amount of the scholarship on punitive populism centers on its rise since the early 1970s in the United States and Great Britain, with other studies that follow its later spread to France, Australia, New Zealand, Ireland, the Netherlands, and Japan (Bottoms 1995; Campbell 2008; Fenwick 2013; Green 2008; Hall et al. 1978; Pratt 2007; Roberts et al. 2003; Wacquant 2009). As early as 1972, Stuart Hall and his coauthors (1978) traced the importation of the concept of "muggings" and its associated racialized crime "crisis" to Great Britain from the United States through the mass media. The crime "crisis," whether real or not, contributed to the increased use of law-and-order rhetoric and policies by political leaders and state officials. It provided a justification for preexisting police efforts to target and increase policing of working-class black neighborhoods. It also expanded the number of arrests and lengths of sentences. Britain, Hall argued, was "drifting into a law and order society" (1980).

In Latin America, punitive populism is a more recent concern. This is largely due to the authoritarian regimes and civil wars that preoccupied most of the region throughout the 1970s and 1980s. Following these regimes, most scholarly,

activist, and practitioner work focused its attention on avoiding a return to the violence of the past with measures such as asserting civilian control over the military, publishing truth commission reports, and, seeking justice in the courts for past human rights abuses. Whereas some political leaders on the right continued to use punitive authoritarian rhetoric after the return of democracy, it was not a primary concern of scholars and practitioners. However, this changed as human rights organizations revealed the implications of these leaders' electoral successes and, in many countries, the political left began to incorporate punitive populist rhetoric and policies to compete (e.g., Holland 2013 on El Salvador; Müller 2016 on Mexico; and Seri and Kubal 2018 on Argentina). Scholars and practitioners of police reform and citizens' security now consistently identify punitive populism as a significant obstacle to deepening democracy, achieving police reforms, and resolving insecurity (Eaton 2008; UNDP 2013b; Ungar 2011).

Whether in the Global North or South, it is thus important to ask: What explains the rise in punitive populism? In what follows I examine five possible answers from the extant literature in order to situate the relative importance of the mass media and the gap this book fills.

CRIME RATES (A NONANSWER)

Almost all authors agree that the crime rate is a nonfactor in punitive populism (e.g., Holland 2013, 49; Müller 2016, 18; Tonry 2007, 6).[6] I highlight this because the use of the literature on punitive populism to understand Latin America is sometimes dismissed because the crime rate in Latin America is high. Part of the conundrum in North America and Europe has involved explaining why punitive populism has risen as crime rates declined. In contrast, it is often assumed that Latin Americans are rightfully fearful of crime and are responding accordingly. Latin America, as a region, has the highest homicide rates in the world and fourteen of twenty of the world's most dangerous cities (UNODC 2013; see chapter 1 and table 1.1 in this volume).[7]

Yet the region's high crime rate does not justify or explain the rise of punitive populism. Punitive populism offers a crime *solution* that can be popular whether the crime rate is factually high or merely perceived to be high. In either case, it is a solution that most criminologists agree does not reduce crime (e.g., Darley 2005; Doob and Webster 2003; Waller 2008) and may increase it (UNDP 2013a, 2013b; Wolf 2017). For example, while punitive populists advocate for longer prison sentences for a wider range of crimes, one study in El Salvador found that 10 percent of prisoners who were not members of gangs when they entered prison joined a gang while in jail (UNDP 2013b, 82).

Moreover, there is considerable debate in criminology regarding the measurement of crime (see chapter 1). As will be discussed, mass media choices regarding

how to present these measurements have important implications for the way in which the public understands the problem, its relative importance, and the solutions. Thus while crime rates do not cause punitive populism, the way they are portrayed in the mass media can amplify (or minimize) the policy relevance of crime.

INTERNATIONAL POLICY DIFFUSION

Another answer to explain the rise in punitive populism is that it has been a successful policy transfer from the United States to elsewhere in the world. For example, the New York-based Manhattan Institute for Policy Research (established in 1977 and a self-described "leading voice of free-market ideas") has promoted tough-on-crime policy solutions to social issues in both the United States and abroad (Davis and Lunes Reyes 2007; Kubal 2012; Wacquant 2009). It has provided a vocabulary (e.g., "zero tolerance," "broken windows"), pseudo-academic evidence,[8] and has actively sought to connect globally with potential supporters of their ideas. For example, it hosted Juan Carlos Blumberg, the Argentine father discussed at the beginning of this chapter, for a visit to New York in June 2004.[9] Former New York mayor Rudolph Giuliani has also drawn on the institute's work and participated in its conferences (Wacquant 2009, 252–265). In turn, Giuliani's security consultancy firm, Giuliani Partners, has worked with governments around the world to assist with the implementation of zero-tolerance policies (Müller 2016, 13–16).

Some scholars have studied the effect of attempts to transfer tough-on-crime policy to Latin America (Davis and Lunes Reyes 2007; Kubal 2012) and others have focused on the cross-national sharing of this electoral strategy. For example, Tim Newburn and Trevor Jones examined the tough-on-crime electoral strategy transfer from Bill Clinton to Tony Blair in the 1990s, which contributed to Blair's reinvention of the New Labour Party, its 1997 electoral victory, and Labour's 1998 Law on Crime and Disorder (2005, 82–85), a law Wacquant describes as "widely recognized as the most repressive penal legislation of the postwar period" (2004, 170). In turn, Rita Abrahamsen and Michael C. Williams (2011) trace the contribution of changes in security governance in the Global North to the flourishing of private security firms that now participate with local state and nonstate actors around the world in what they call "global security assemblages" that transcend nation-state borders. These assemblages, they argue, have reconfigured power in ways that retain, but reshape, state power as well as where (and for whom) security is provided (Abrahamsen and Williams 2011, 4). Similarly, Markus-Michael Müller (2018) traces Brazilian leaders' adoption of tough-on-crime policies learned from their participation in the UN peacekeeping mission in Haiti.

Yet all these studies acknowledge that each country's political actors make choices as to if and how they will adopt such policies, practices, and rhetoric and how different domestic factors will affect the relative success of policy transfer attempts (Davis and Lunes Reyes 2007; Kubal 2012; Lacey 2010; Roché 2007). While the international media can play a (frequently overlooked) role in international policy diffusion, it is the domestic media that help connect these ideas to citizens' local lived reality. As a consequence, most research on punitive populism aims to assess the domestic risk factors.

NEOLIBERALISM

Almost all authors refer to the socioeconomic and cultural changes that occurred in Western European countries and the United States (beginning in the 1970s) and in Latin America (beginning in the 1980s) as being among the most important explanations for the rise of punitive populism. Marking the field, David Garland (2001) identified this change to be the result of "late modernity" or, more specifically, a combination of social, economic and cultural changes (e.g., the democratization of social and cultural life, shifts in the structure of the family and household, and changes in technology) with the embracing of "free-market 'neoliberalism' and social conservatism" (Garland 2001, 75, 78). While some authors argue that domestic institutional factors have protected some countries, such as those in Scandinavia, from the full impact of neoliberal economic reform and punitive populism (Campbell 2008; Lacey 2008, 2010; Tonry 2007), almost all authors identify the relative implementation of neoliberal economic policies as a key reason for the rise of punitive populism (Green 2008; Lacey 2008; Pratt 2007; Reiner 2012; Wacquant 2009). For example, Michael Cavadino and James Dignan (2006) compared twelve countries with four different capitalist economies (in Europe, North America, Africa, Asia, and the Antipodes) and found a correlation between neoliberal economies and punitive penal policies. They found that the factor most correlated with penal severity is economic inequality produced by neoliberal economies (Cavadino and Dignan 2006, 451).

More commonly, the contribution of neoliberal economic policies to punitive populism emphasized in these studies is the shift in thinking about crime control they produce. Most criminologists argue that the best way to reduce crime is to address the socioeconomic challenges that favor criminality and to invest in rehabilitation (e.g., Garland 2001; Reiner 2012; Waller 2008). Indeed, this "penal welfare" approach to crime control was dominant in most countries in Western Europe, North America, and the Antipodes from the Second World War until the 1970s/1980s (Garland 2001). The influence of neoliberal economic policies and practices, according to Garland (2001) and in reference to the United States and the United Kingdom, caused a fundamental transformation of the criminal

justice field from "penal-welfare" (led by criminal justice experts) to punitive populism (emphasizing punishment and control and led by public opinion).[10]

Since neoliberal economic policies include a reduction or cut in the provision of social services, political leaders cannot respond to public demands for social programs or secure employment, nor are "penal welfare" policies viable. Yet, due to a contradiction between neoliberal theory and practice, political leaders can advocate for strong (even repressive) policing in order to maintain or create a good business climate (Brown 2006; Harvey 2005; McSherry 1997). This encourages political leaders supportive of neoliberalism to stoke and respond to citizens' fear of crime (Chevigny 2003, 78).

Rather than "late modernity" and the rupture of "penal welfare," studies of Latin America instead analyze the transition from import substitution industrialization (ISI) or state-led development to neoliberal economic policies that were imposed on most Latin American countries as part of structural adjustment programs from the International Monetary Fund and World Bank in the 1980s and 1990s. These programs included significant cuts to social spending (most notably to health and education), increased already high inequality of wealth (see chapter 1), increased the size of the informal sector (Müller 2016), expanded clientelism into security provision (Müller 2016), and increased crime. Thus crime is one of many insecurities produced by neoliberal economic reforms, but it is not necessarily the most salient issue for all people (see chapter 1). As this book reveals, neoliberal media practices favor the public and political interpretation of insecurity as caused by common crime.

Studies have found that political leaders also pursue punitive populist policies in response to pressures from the neoliberal global market to establish global cities that are attractive to international business investment and tourism. Assessing Colombia, Eduardo Moncada (2016) argues that political and criminal violence (defined as homicide) impedes such aspirations, and thus neoliberalism can help put pressure on political leaders to reduce urban violence. However, Müller (2016) counters that the processes involved in creating a global city increases violence and insecurity (beyond homicide) for the most marginalized people. He provides examples from Mexico City of punitive policies aimed to rid the streets of informal workers such as street merchants, squeegees, street kids, and prostitutes, in historical centers and areas of prime real estate investment. These informal workers are removed with violence and often sent to increasingly populated prisons. Indeed, the prison population in Mexico increased 47 percent between 1992 and 2013 (Iturralde 2016, 140).

Daniel M. Goldstein (2012) provides a similar analysis of marginalized urban indigenous communities in Bolivia, and finds they are controlled and criminalized by neoliberal security policies. He argues that neoliberalism defines se-

curity as security for global capital, its investment interests, and its protection from public opposition (Goldstein 2012, 17). This has included an expansion of domestic and international private security companies, which have further exacerbated violence in marginalized communities (Abrahamsen and Williams 2011; Goldstein 2012; Müller 2016). In this manner, as Enrique Desmond Arias and Goldstein (2010b) argue, neoliberalism has produced "violent pluralism" in the region, rather than peaceful and more robust democratic processes.

While not discussed in any detail in the literature on neoliberalism and punitive populism, the mass media, as we will see throughout this book, have also been reshaped by neoliberal economic policies. The resulting everyday communicational practices, in turn, favor some state and civil society conceptions of insecurity and its solutions over others to the advantage of punitive voices. This helps build public support for policies that may benefit global capital at the expense of marginalized citizens.

THE OUTCOME OF DEMOCRACY

Certainly neoliberalism is central in most studies of the rise of punitive populism. Yet some studies contend that democratic institutions matter, not only in the degree to which neoliberal economic policies have been implemented but also in the degree to which punitive populism has come to dominate public discussions on crime.

According to many studies of punitive populism in Europe, North America, and the Antipodes, democratic structures that limit public input in crime policy decision making are the best protection from punitive populism. In particular, they find that proportional representation electoral systems that result in coalition governments (Tonry 2007), as well as countries with coordinated economic markets or corporatism (Lacey 2010), and unelected judges and prosecutors (Tonry 2007) have built-in protections for political leaders against the punitive pressures of public opinion. As Joseph Schumpeter argued in his classic work, crime is one policy area that should be protected from democracy because of the emotions involved (2003 [1943], 292).

Other scholars disagree, arguing that criminal justice policies can be both open to democratic public debate and nonpunitive, depending on how political institutions are organized. For Lisa Miller (2016), comparing the United States, United Kingdom, and the Netherlands, multiparty parliamentary systems are more likely to both reduce violent crime and address social conditions in high crime areas precisely because there is more public participation than in two-party or presidential systems. Similarly, but on a smaller scale, Albert W. Dzur (2010) argues that restorative justice programs allow for public participation in a manner that discourages punitive populism. From this perspective, public partici-

pation in criminal justice policymaking is important for democracy, and is not necessarily punitive.

While Latin American countries generally have multiparty proportional representation electoral systems that, in some countries, produce coalition governments, and often have unelected judges and prosecutors, these institutional structures do not necessarily reduce opportunities for punitive populism. In part this is due to the weakness of state institutions in the region (Chalmers 1977; O'Donnell 1996). Instead, studies of democratic processes in Latin America emphasize the role of powerful nonstate actors and informal practices.

Certainly political parties matter. Assessing El Salvador, Alisha Holland (2013) argues that right-wing political parties choose to use punitive populism to win elections when opposition left-wing political parties reject militarized solutions to crime and promote human rights, and there are divisions within the Right on economic policies. Crime is a policy issue that cuts across classes and political ideology, and the Right benefits from its traditional concern with social order. Electoral competition encourages left-wing political parties to then adopt similar policies.

Other scholars argue that the shift to punitive populism is not an inevitable outcome of electoral politics, but rather depends on the types of coalitions between political parties and social movements (Bermeo and Yashar 2016) or whether citizen claim-makers (or social movements) are fragmented or cohesive in their opposition to punitive policies (Fuentes 2005; González n.d.). The more fragmented, the more likely the police (whose coercive power makes them persuasive in policymaking) will influence political leaders toward authoritarian policing practices (González n.d.).

Of course, punitive populism does not emerge at the national level alone. Kent Eaton (2008) found that federalism creates paradoxes in police reform policies. One level of government may be elected based on a policy of reducing police powers, but then at another level a political leader, using punitive populism, sabotages those efforts.

Cities also matter. Both Müller (2016) and Moncada (2016) argue that pervasive decentralization in Latin America has increased the importance of mayors in policymaking on crime. Müller (2016) contends that decentralization has promoted punitive populism for a number of reasons, including the limited funds available at the municipal level to address the socioeconomic roots of crime. Comparing three cities in Colombia, Moncada (2016) more optimistically views punitive populism to be the outcome of particular combinations of mayors and business communities. Punitive populism, he holds, is more likely if the mayor has an affinity to clientelism and supports punitive policy options, and the business community is fragmented on crime policy or disengaged from it. These

conditions open up space for civil society, international, and criminal actors to influence policymaking, often toward more punitive options.

Finally, studies of countries in both the Global North and Global South have noted that weak citizen trust in democratic state institutions contributes to a rise in punitive populism (e.g., Garland 2001; Tonry 2007, 6; Ungar 2011). For this reason, there has been considerable academic and practitioner attention on how to build trust, particularly, in the police (e.g., Ellison 2000; Frühling 2007; Tankebe 2010; Tyler 2007). Yet trust can be built as much through perception as practice and can thus sit uncomfortably with punitive populism. Notably, it is possible to trust a state institution that uses high levels of violence if that violence is unknown to most people or is deemed acceptable (see chapter 1; Bonner 2013). The mass media play a significant role in this perception.

Certainly democratic institutions matter and some institutions may be more likely to produce authoritarian policies than others. It is imperative that we understand these dynamics. However, consistently glossed over in most of these studies is the role of the mass media in these interactions. As the literature on policymaking recognizes, the mass media are important in creating opportunities for new policies, facilitating communication between policy actors, providing advantages and support for some ideas or policy actors over others, and influencing and constructing public opinion in particular ways (Bennett 1996; Cook 2005; Kingdon 2003). For example, Sonja Wolf (2017) argues that the ability of nongovernmental organizations to engage the mass media was key to their relative participation in crime policy debates in El Salvador. Thus while some of the studies noted above assume either that civil society is punitive or that nonpunitive civil society/citizens voices can reduce punitive populism, the mass media play an important role in deciding which civil society and policy actors' voices are heard and how.

THE MASS MEDIA

The final domestic risk factor for punitive populism is the mass media (Green 2008; Pratt 2007; Roberts et al. 2003). Indeed, some scholars argue that it is a central factor when combined with many of the issues discussed above (Sparks 2001, 196; Stenson 2001, 16; Tonry 2007). Focusing primarily on mass media discourses, the literature contends that the mass media amplify and distort the threat of crime, glorify victims of crime over the voices of criminal justice experts, stoke citizens fear of crime, thus creating moral panic, and exclude nonpunitive voices—especially those from civil society (Calzado 2015; Chevigny 2003, 79; Dammert 2012, 25–26; Hall et al. 1978; Müller 2016, 33; Reiner, Livingstone, and Allen 2001; Seri 2012, 25–26; Stanley 2010, 158; Ungar 2011, 22–28; Wolf 2017). The studies attribute these discourses to increased media tabloid-

ization and changes in media technology, mainly within the assumed context of market-based media systems (Garland 2001; Roberts et al. 2003).

Yet such analyses usually portray these changes as unrelated to political economy. Only a few studies have examined or mentioned the different role of mass media in criminal justice debates in nonmarket-based media systems (Green 2008; Pratt 2007). With a limited analysis of the reasons, these studies find that nonmarket-based media systems favor less punitive discourses. Few studies, if any, have fully examined the broad range of mass media, state, and civil society communicational practices that together contribute to punitive populist outcomes and their links to neoliberal media policies, which is the focus of this book.

METHODOLOGY

At its core, this is a study of politics but not in the sense of formal state institutions or procedures. It is an analysis premised on the importance of everyday practices of governance and the formation of discourse (Foucault 1991; Migdal 2001). That is, governing involves not only state institutions and laws but also multiple relations of power. Small everyday practices contribute to the construction of particular dominant discourses that ultimately frame state and society's understanding of the most important problems facing their country and the most desirable solutions. They also shape and constrain the possibilities for counterframes to challenge these dominant diagnoses and solutions. More specifically, and in interaction with the influences of neoliberal economic reforms and media policies, I reveal how the definitions of crime and insecurity and their solutions, as well as the presence or absence of police violence in these debates, are shaped by: (1) journalists' practices; (2) state actors' communicational practices; and (3) civil society's communicational practices (see figure I.1). Identifying the intersection of the practices used by key state and society actors and journalists illuminates how dominant communicational frames are constructed and challenged.

Several caveats should be highlighted. First, this is a study of the practices that contribute to frame formation, not a discourse analysis. In other studies I have used discourse analysis (e.g., Bonner 2009a, 2009b, 2014a, 2016) and I will draw on the findings of such research, but in this book I concentrate on the *practices* that contribute to the production of discourses. Second, there are some excellent studies on the practices that shape discourse and communication that center on the mass media (e.g., Chibnall 1977; Entman 1989; Gans 2003), the police (e.g., Chermak and Weiss 2005; Ericson 1989; Mawby 2002), or civil society (e.g., Fenton 2010; Koopmans 2004; Waisbord 2011). By focusing on a single

actor, these studies are able to provide significant depth, often from a neoinstitutional perspective, on the communicational practices used by these particular actors and thus are of important value and will be engaged with in this book. However, what I am most interested in here is how the practices of journalists, the state, and civil society *interact*. Thus I have sacrificed depth for breadth in order to capture these interactions and changes over time. The aim then is not to simply understand, for example, how the police manage their communications, but to understand, using the same example, how police practices contribute to a wider context of competing communicational practices that together produce dominant and counterdiscourses.[11]

In this manner, the study uses an interpretative method (Sikkink 1991; Yanow and Schwartz-Shea 2014), which involves developing theory from a careful analysis of data, especially interviews, with an eye to understanding actors' practices and choices from their perspective. The chapters that analyze the interview data focus on the issues deemed most important to each set of actors. Thus, while not a complete overview of all communicational practices, which an ethnographic or process tracing study might produce, the interpretative method allows us to better understand the choices and priorities made by key actors.

The study is based on 194 in-depth semistructured interviews with media, state, and civil society actors engaged in communications on issues of crime, security, or police violence, or all three. Most interviews took place in Argentina and Chile from 2006 to 2015. In some cases the same people or organizations were interviewed more than once, enabling the identification of changes over time (see appendix 1) This book also draws on many academic studies as well as documents and reports collected through these interviews.

Applying the comparative method (Mill 1906), the book analyzes two countries in Latin America, Argentina and Chile, which serve two interconnected purposes. First, the cases, both drawn from Latin America, offer a fresh perspective on punitive populism that challenges some of the endogeneity in the literature that assesses Europe, the United States, Canada, and the Antipodes. By situating the cases in conversation with the EuroAmerican literature, the most different comparison reveals that punitive populism is not the result of "late modernity" and thus specific to Western industrialized countries (Garland 2001; Green 2008), and that it is also not merely a legacy of authoritarianism or persistent violence in the region. Instead I show punitive populism to be much more significantly tied to neoliberal media reform and the communicational practices it produces, which in turn structure public debate.

Second, the cases of postauthoritarian Argentina and Chile allow us to assess the relative influence of neoliberal economic and media policies on communicational structures favorable to punitive populism compared to the pressures

of liberal democracy. As discussed, some scholars argue that particular liberal democratic institutions protect some countries from punitive populism. Others counter that these institutions are not sufficient (as in the case of Latin America) or that neoliberal polices (such as decentralization) have altered these structures in ways that encourage punitive populism (e.g., Müller 2016). More broadly, some scholars contend that neoliberal economic policies have contributed to the erosion of liberal democracy (notably the cornerstones of civic liberties, accountability, the rule of law, and freedom of the press) in countries such as the United States (e.g., Brown 2006; Harvey 2005; Wacquant 2009). Rather than eroding democracy, the cases of Argentina and Chile allow us to see how neoliberal economic and media policies affect the (re)establishment of liberal democracy after authoritarianism. In both case studies there is a clear before and after authoritarian rule, yet the timing of the adoption of neoliberal media policies is different, allowing for another most-different case study comparison.

Milton Friedman's test case for neoliberal theory was Chile. It was one of the first countries to broadly adopt the economic policies and it did so under the military authoritarian regime of General Augusto Pinochet (1973–1990) (Valdéa 1995). Thus, in Chile, the extensive implementation of neoliberal economic and media policies predated electoral democracy and shaped the media system and communicational practices going into democracy. Tough-on-crime rhetoric and policies have been relatively consistent in Chilean political discourse since the return of electoral democracy.

In contrast, in Argentina (1976–1983), military leaders and the dominant media at this time were more divided on whether or not to implement neoliberal economic policies, some preferring state-led development (Sivak 2013; Teichman 2001). Thus, in this case, while some neoliberal economic reforms were implemented during the military regime, mass media democratization (the expansion of the number of sources used by journalists and increased possibilities for watchdog journalism [see chapter 2; Hughes 2003; Waisbord 2000]) predated the extensive implementation of neoliberal economic and media policies.[12] Only in 1989 did civilian president Carlos Menem introduce neoliberal policies to mass media ownership regulation, and throughout the 1990s he continued to dramatically implement a wide range of neoliberal economic and media policies (see chapter 3).

Consequently, in Argentina media democratization and media neoliberalization intertwined in distinct ways to shape the media system and communicational practices within which journalists, state, and civil society actors work. In this case, tough-on-crime rhetoric competed with human rights rhetoric to define dominant public discourse, with the former gaining strength as the influence of neoliberal media reforms was felt by journalists and media outlets. Thus the case

of Argentina allows for an additional comparison, a within-case most similar comparison of before and after neoliberal media reforms in democracy.

Due to the different timing of the implementation of neoliberal media policies, the two-country comparison highlights a number of important issues. First, tough-on-crime rhetoric and policies are not necessarily uniquely an outcome of an authoritarian legacy, "late modernity," democratic institutions, or international pressures. Second, a tradition of a classic populist movement, such as Peronism (discussed in detail in later chapters), is not necessary for a rise in the use of a punitive populist strategy. Third, and most important, when implemented, (neo)liberal media policies favor communicational practices that elevate and reinforce tough-on-crime rhetoric and policies. These practices decrease the ability of media to hold punitive rhetoric and policies to account, favor the homogenization of public opinion as punitive, and, increase the role of media in policymaking.

CHAPTER OUTLINE

Chapter 1 reassesses the available statistics on crime, insecurity, and police violence generally, and in Latin America and Argentina and Chile specifically. It aims to put mediatized debates into context by highlighting the diversity and malleability of existing measures. In so doing the chapter argues that, while crime is a very real issue in many countries, the subjectivity of what we know lends itself to media and political interpretation. As a consequence, the ways in which dominant media construct these facts into stories become very important to the rise of punitive populism.

Chapter 2 begins the analysis of mass media constructions of insecurity. The chapter recognizes that a key challenge posed by punitive populism is that it offers a place for emotions in politics that sits in direct tension with Enlightenment ideas of rational legal authority. The chapter argues that rethinking the media system and its resulting communicational dynamics may facilitate the inclusion of emotions into politics in a manner that better represents a diversity of emotions and rational legal solutions. Given the importance of public opinion to punitive populism, media representation of public opinion is particularly important. The chapter examines the types of journalistic practices found in different media systems that produce contrasting constructions of public opinion.

Chapter 3 goes further to compare the history and contemporary media environments of Argentina and Chile and their relationship to the coverage of crime, security, and police violence. It argues that despite the different timing of neoliberal media reforms, their implementation favored a greater receptivity to punitive populism in both countries. This factor is highlighted as more important than

the authoritarian legacy or the tradition of a classic populist movement (in the case of Argentina).

Chapters 4 to 6 explore the details of the communicational practices of journalists, state actors, and civil society, respectively, including the ways in which together they shape the production of discourse on crime, security, and police violence in Argentina and Chile as well as what we learn from this comparison that is relevant to other countries. Chapter 4 explores the importance of journalists' choices of the sources they use to construct crime stories and the implications of these choices for punitive populism. It argues that the relatively late implementation of neoliberal media policies in Argentina initially contributed to a divergence in the array of sources used by journalists in the two countries after their respective returns to democracy. However, once implemented, the policies have led to a convergence in which both media systems favor journalists' use of sources that are more likely to voice punitive populist perspectives.

Chapter 5 examines how state actors engage the media, and argues that state actors' choices, while not always strategic or necessarily effective, have had an important effect on the salience of punitive voices. In particular, the comparison of Argentina and Chile shows how neoliberal media policies have favored an expanded use of state public relations to the benefit of some (more punitive) state institutions over others, increased the importance of media in policymaking, and finally, encouraged the state to negotiate with the media through reality-TV police programs.

Chapter 6 explores the ways in which civil society actors working on issues of police violence, crime, and/or security attempt to access the media. Comparing the cases of Argentina and Chile, I find that neoliberal media policies and the resulting journalistic practices affect how civil society organizations engage the media and which organizations are more likely to gain coverage, to the advantage of more punitive voices. The concluding chapter returns to the case of Juan Carlos Blumberg that began this introduction, summarizes the findings of the book, and points to areas in need of further research.