What is punitive populism? A typology based in media communication

O que é o populismo punitivista? Uma tipologia baseada na comunicação midiática

MICHELLE BONNER^a

University of Victoria, Department of Political Science. Victoria, British Columbia - BC, Canada

ABSTRACT

Punitive populism refers to political leaders' use of tough-on-crime rhetoric and policies to win elections and popular support. Yet, this basic definition does not capture the range of ways the practice manifests itself. Refining the concept, this article identifies three key types of punitive populism: authoritarian, conflicted, and accountable. The typology highlights the intersecting importance of media systems and political ideology to the definition of each type. Reflecting on over fifteen years of research on the topic, the article is centred on concept development, with illustrative examples from Argentina and Chile.

Keywords: Punitive populism, media, political ideology, penal populism, punitiveness

^a Professor in the Department of Political Science at the University of Victoria. Orcid: https://orcid.org/0000-0003-4942-0367. E-mail: mbonner@uvic.ca

RESUMO

O populismo punitivista se refere ao uso, por parte de líderes políticos, de uma retórica e políticas rígidas contra o crime para ganhar as eleições e o apoio popular. No entanto, esta definição básica não captura o leque de modos pelos quais a prática se manifesta. Refinando o conceito, este artigo identifica três tipos principais de populismo punitivista: autoritário, conflitante e responsável (*accountable*). A tipologia destaca a importância da interseção dos sistemas de mídia e da ideologia política para a definição de cada tipo. Refletindo sobre mais de quinze anos de pesquisas sobre o tema, o artigo é centrado no desenvolvimento de conceitos, com exemplos ilustrativos da Argentina e do Chile. **Palavras-chave:** Populismo punitivista, mídia, ideologia política, populismo penal, punitivismo



UNITIVE POPULISM REFERS to political leaders' use of toughon-crime rhetoric and policies to win elections and popular support. Yet, this basic or core definition does not capture the range of ways the practice manifests itself. Often, the concept brings to mind leaders on the political right, especially those calling for violence against criminals, such as Brazilian President Jair Bolsonaro's statement that "A good criminal, is a dead criminal" (Wyatt, 2019, para. 3) or Philippine President Rodrigo Duterte's call to "Find them all and arrest them. If they resist, kill them all" ("Rodrigo Duterte's Lawless", 2020, para. 2). Such rhetoric draws media headlines, yet, punitive populism does not always contain such extreme language. Nor is it a practice unique to the political right. Scholars of crime policy in Europe and the United States, have long studied what they call penal populism used by political leaders as diverse as U.S. President George W. Bush, British Prime Minister Tony Blair, and U.S. President Bill Clinton (Newburn & Jones, 2005). Moreover, news stories of criminal incidents, such as a shocking murder, that act as a catalyst for strong tough-on-crime rhetoric and policies in some countries and by some political leaders, do not always provoke the same response in other countries or from other leaders.

In order to improve our comparisons and deepen our understanding of punitive populism, we need a typology that better captures its different manifestations and the role of media. This article identifies three key types of punitive populism: authoritarian, conflicted, and accountable. The typology highlights the intersecting importance of media systems and political ideology to the definition of each type.

Punitive populism is rooted in a politics of communication that favours some voices in public debates on the relative policy importance of crime and the appropriate solutions. Thus, media systems (the regulations, ownership, and practices that shape the news that is produced) matter to a typology of punitive populism. Media systems affect whose voices are heard most often in these public debates and how, and, thus, create incentives or disincentives for increasingly punitive rhetoric and policies. Media systems, I will show, differentiate authoritarian and conflicted punitive populism from accountable punitive populism. Yet political ideology also matters to how political leaders respond to media dynamics. This is what distinguishes authoritarian from conflicted punitive populism.

The purpose of this article is concept development. The concepts developed in this article are informed by and emerged from over fifteen years of research on punitive populism in Latin America, including

approximately 200 interviews with people working on and communicating issues of crime, punitiveness, and crime policy. However, the goal of this article is not a systematic analysis of this data, which I have done elsewhere using comparative and in-depth case studies methods (e.g. Bonner, 2014, 2019a). Instead, the article's aim is to offer a typology that will improve our ability to classify different manifestations of punitive populism and refine our ability to identify the role of the media. Examples from Argentina and Chile are used to illustrate the concepts.

The article begins with a brief overview of the core definition of punitive populism. That is, the definition that remains constant regardless of what adjectives are attached to it (Goertz, 2006). The next section lays out the key ways media systems encourage or discourage punitive populism. This is then used in the final section, in combination with political ideology, to develop the three types of punitive populism (or second level concepts).

PUNITIVE POPULISM: THE CORE CONCEPT

Punitive populism, sometimes referred to as populist punitiveness or penal populism (Bottoms, 1995; Roberts et al., 2003), has its conceptual origins in the study of its rise, from the 1980s onward, in the United States, Europe, and later Australia and New Zealand. The conundrum at the heart of most of these studies was the need to explain citizens' increased fear of crime and support for tough-on-crime rhetoric and policies at a time when crime rates were declining. Of course, punitive populism is also used by leaders in countries where the crime rate is high, as is the case in many countries in Latin America and Africa (Super, 2016; Wolf, 2017). In these cases, the research puzzle centres on explaining public support for punitive policies that are known, at best, to do nothing to decrease crime, and at worse to increase crime, and, in either case, are associated with increases in human rights abuses. Whether countries have a high or low crime rate, the two central variables linked to the concept of punitive populism are punitiveness and populism.

Punitiveness

In a democracy, the criminal justice system holds people accountable to the law. Accountability consists of both the requirement to answer for and justify one's actions and, if wrongdoing is established, the state's application of punishment. When considering punitive populism, the issue at question is



what is a proportionate punishment and what is excessive. Punitive populists call for what most scholars deem to be increased and excessive punishment. It can come in the form of more laws that criminalize more types of behaviour, severer punishments for breaking laws (such as longer sentences, removal of parole options, or reducing the age of criminal responsibility), and expanding the number of police on the streets, the scope of police powers, and a reduction of oversight. These policy changes can lead to an increased number of people in prisons and an increase in police violence. What distinguishes democratically legitimate forms of punishment and that which is considered excessive is both subjective (based in the positionality of the observer) and the result of a process of (mediated) communication between the governing and the governed.

Many studies of penal populism in Europe and the United States study punitiveness in terms of law and the resulting increase in prison populations. In part, this is because prison populations are easy to measure and can be used as a proxy for punitiveness. Yet, in all countries, the police are the first actors to respond to crime. Police have wide discretion as to when and how to enforce laws. Rhetoric, not only policies, can affect their choices. Thus, the discussion of punitiveness that follows centres on the police.

Democracies grant police the legitimate right to use force, up to and including deadly force, in order to ensure the enforcement of the rule of law. What distinguishes legal and illegal police violence is the justification they provide and state and society's acceptance of that justification. Police are permitted to use deadly force if their lives or the lives of others are in danger. When this applies is left to the officer to decide and justify, and sometimes laws or police protocols are created to expand the scope of justifiable actions. For example, in 2018 in Argentina, President Mauricio Macri passed changes to police protocols on firearm use (*Reglamento General para el Empleo de Armas de Fuego*) permitting officers to shoot suspected criminals who are running away (Rivas Molina, 2018). Brazilian president Bolsonaro attempted to make similar changes to his country's criminal code in 2019 (expanding the article referred to as *excludente de ilicitude*) (Phillips, 2019).

Anthropological studies have shown that the meaning of violence (understood as wrongdoing) is culturally relative (Whitehead, 2004). Criminological and some political science studies specify that, in particular, the identity and political ideology of the observer matter. For example, the gender, age, class, and racial identity of the observer, officer, and suspected criminal (or protester) matter to whether the viewer perceives an act of wrongdoing to have occurred and whether it is interpreted as committed by

the police officer or the suspected criminal (or protester) (e.g. Davenport et al., 2018; Loftus, 2007). The observer's relative deference to the police as an institution also corresponds to their acceptance of police justifications for their actions (Harkin, 2015). Similarly, political ideology matters. Conservatives are more willing to accept state actors' use of higher levels of violence than liberals, although extreme positions on both the political left and the right also accept higher levels of violence (Bonner, 2019b; Lakoff, 2002; Roché, 2007).

Of course, one's identity, acceptance of authority, and political ideology tend to be relatively consistent. Thus, political leaders usually justify their calls for increased punishments as a response to increased crime. Whether crime is actually increasing is hard to measure and usually beside the point. Crime rates measure police arrests and the categories police use to document arrests. For example, Hall et al. (1978) explained that when police in England created a new category called muggings, it appeared that this criminal act had skyrocketed. Victimization polls, that ask people to report their own experience with crime, regardless of whether they took the issue to the police or not, tend to over report theft and under report violent crime. Inversely, homicide statistics, while more reliable than crime rates or victimization surveys, tell us nothing about other types of crime. Finally, statistics on police violence are, in most countries, notoriously unavailable or incomplete. Consequently, if relying on evidence, both supporter and opponents of increased punishment need to interpret available statistics and, given their shortcomings, such statistics are very malleable to different arguments. Moreover, studies of punitive populism have shown that fear of crime is a much stronger predictor of successful punitive populism than high crime rates (Roberts et al., 2003). For example, in 2013, Honduras had the highest homicide rate in Latin America (84 per 100,000 people) and Chile had the lowest (3 per 100,000). Yet in 2014, fear of crime was higher in Chile (42.2%) than in Honduras (38.6%) (Bonner, 2019a).

Thus, public acceptance of crime as a leading policy concern and punitiveness as the appropriate solution requires political leaders and the media to construct the problem and solution in this way. Crime statistics can be selected to reinforce this narrative by, for example, choosing victimization rates over homicide rates, or choosing a shorter time frame (e.g. the crime rate may have increased from last year but decreased significantly from two years ago). Similarly, higher levels of punitiveness can be framed as acceptable by drawing on biases related to the identity of perceived criminals. The populist strategy also plays a role in how this story is told.



Populism

Populism is a *fuzzy concept*. It has many possible meanings and sometimes carries negative or positive connotations depending on the government it is applied to and the perspective of the user of the term. It has been applied to large movements led by charismatic leaders, a movement emanating from the people, or simply a political strategy or logic used by all political leaders to varying degrees, regardless if they lead or represent a movement of *the people* or not (Laclau, 2007; Weyland, 2003).

The *populist* aspect of punitive populism refers to populism as a political strategy. Punitive populism uses the populist strategy 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). These demands might include a broad range of security concerns related to issues such as precarious employment, decreased social services, and a real or perceived increase in crime. 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". An empty signifier that unite these demands in favour of punitive populism might be a person (such as the leader themselves or a victim of crime) or it might be a vague concept (such as security, tough on crime, or even the human right to security). The most effective empty signifier will depend on the local context.

These symbols represent shared emotions, which for punitive populism are usually the emotions of fear and anger. Often, the experience of a victim of crime is extrapolated as a collective experience, not an exception. For example, in Argentina, Juan Carlos Blumberg, whose son Axel was kidnapped and killed in 2004, at least initially, symbolized "the true voice of the silent majority" (de Vedia, 2004). Punitive populism then offers simple solutions that appeal to our desire for order and revenge (Valverde, 2006). It provides an outlet for our suppressed aggression and bases the solution in traditional ideas of morality, not rationality (Hall et al., 1978; Lakoff, 2002; Matravers & Maruna, 2005). It is rupturist when, as is often the case, it frames the will of the people as "the old institutional order is ineffective; the new order will resolve insecurity".

The political leader confirms the empty signifier as the will of the people through rhetoric and sometimes through references to public opinion polls and election results as evidence (Weyland, 2003, p. 105). For example,

in Chile, President Piñera framed his 2020 security plan as a response to public opinion. He stated: "crime is one of the principal worries of Chilean families and, as a consequence, it is also one of the principal priorities of our government" (Chilean Gobierno de Chile, 2020, p. 9).

Second, the punitive populist leader uses rhetoric to divide society into two irreconcilable groups, usually *citizens* and *criminals*. This unites *the people* or *citizens* against a common enemy. Similarly, punitive populists divide political leaders into binary and zero-sum groups of those who are *tough on crime* and those who are *soft on crime*. They frame the latter as caring more about *criminals* than *the people*. Argentina's President Carlos Menem (1989-1999) articulated this division clearly: "I believe there is more protection for criminals than police or the people [*gente*]" ("Menem: No Queda Otra", 1998, para. 1).

In sum, the identification of the problem of crime and the proselytizing of increased punishment as the solution involves a politics of communication that draws on the populist strategy and is embedded in particular media systems. In any democracy, the agreed upon meaning of legitimate violence or punishment and who it applies to emerges through dialogue. Political leaders, judges, police officers, and some members of civil society may offer arguments in favour of higher levels of punishment that are then accepted or challenged by those who prefer lower levels of punishment and violence. These debates occur in legislatures, courts, and on the streets but are amplified for discussion among the general public (who provide feedback on policy decisions) through the mass media. In turn, the dominant positions found in the mass media are often taken to be public opinion and can become influential in policymaking. As Habermas (2006) argues, ideally such debate would take place in a self-regulating and independent media and with an inclusive civil society that empowers citizens whose voices are heard in this media. Yet, in practice most media systems do not provide such a forum for policy debate. In privatized and deregulated media markets, journalistic practices tend to favour punitive voices.

MEDIA SYSTEMS AND PUNITIVE POPULISM

Media systems shape what issues set the public agenda as well whose voices are heard and how in public policy debates and decision-making. In political science, scholars of democratization often celebrate privatized and deregulated media markets as equivalent to a *free media* and juxtapose it to authoritarian, state-controlled media (Diamond, 1999; Levitsky & Way,



2002). Yet, media studies scholars detail an array of different ways democratic countries have organized their media (Guerrero, 2014; Hallin & Mancini, 2004), some of which come closer to the Habermas's (2006) democratic ideal than others. Moreover, many studies have pointed to the limits the market places on media as a significant threat to democracy (Entman, 1989; Guardino, 2019; Habermas, 2006). In Latin America, these market limits are entwined with legacies of authoritarianism (determining which media companies benefited from privatization and deregulation) and clientelism, which together affect how market incentives manifest in practice (Bonner, 2019a; Guerrero, 2014).

In the 1980s and 1990s many countries around the world began to privatize media that remained state run, reduce or remove subsidies for some media outlets, and deregulate media ownership and content rules (Bonner, 2019a; Guardino, 2019). Specifically, deregulation included the removal of restrictions on how many outlets a media group could own, geographic regulations on ownership, limits on media groups owning other types of businesses, ownership across media formats, foreign ownership and advertising, and content regulations, such as those that ensured local news content or a diversity of political perspectives. In many countries this led to an increase in media ownership concentration and a shift in journalistic practices¹. Together, as the following sections detail, these changes have favoured punitive voices by increasing the salience of crime as a policy issue, decreasing the role of media in political accountability, and homogenizing the public's voice as punitive.

¹While social media has caused some disruptions to media concentration and news flows, it is not entirely separate from the mass media and reflects the deregulated market-based systems within in which it has emerged (Bonner 2019a; Guardino 2019; Valenzuela et al., 2017). For the purposes of this article, I treat it as part of the mass media.

The salience of crime

As Habermas (2006) argues the "colonization of the public sphere by market imperatives" involves "redefin[ing] politics into market categories" (p. 422). In particular, "issues of political discourse become assimilated into and absorbed by the modes and contents of entertainment." (p. 422) Crime is a quintessential example of news as entertainment.

Crime stories have always been a part of the news. Yet, when media markets become more privatized, less subsidized, and less regulated, the quantity and prominence of crime stories increases. For example, in Argentina the privatization and deregulation of the mass media began in 1989 with the Law of State Reform (23.696/1989) and expanded slowly throughout the 1990s until 2003 (Bonner, 2019a). Fernández Roich's (2017) media analysis found that from 1995 onward crime began to take up more and more space

in the prime time news. Indeed, many journalists, who cover crime, reported seeing their work go from the back pages of newspapers and the end of news segments to becoming leading stories (author interviews). Similarly, in Chile, the Pinochet government privatized and deregulated media at the end of the regime and, with democracy in 1990, crime took a prominent place in the news. While "citizen security" consolidated as a dominant news theme from 1991-1995, by 1996 it was the second most reported news topic (Ramos & Guzmán de Luigi, 2000) and by 2002 it was the most reported news topic on open TV channels (Spencer Espinosa, 2005).

Crime stories provide the classic drama of good guys and bad guys. They attract large audiences at a low cost. In addition, the police provide a constant supply of stories that fills the increased demand for news from 24-hour TV (beginning in the 1990s) and internet and social media news (beginning in the 2000s). In countries, such as Argentina, where clientelism and political polarization intersected with these changes in media structures and practices, crime news provided a means to both increase profits and criticize the opposition. The increased quantity and prominence of news stories makes crime and insecurity an agenda-setting issue to which political leaders need to respond. Its repetition over time primes audiences to use crime as a measure of political leaders' effectiveness when voting. This then increases political leaders concern for how their crime policies (or lack of them) will be presented in the media, contributing to the mediatization of crime policymaking (crime policies chosen based on how they will present in the media).

Given the importance of crime as an avenue to gain mass media coverage and public support, it not surprising that an increasing number of political candidates make crime control an important part of their campaigns. Punitive populists then use crime as an empty signifier that unites *the people* against the criminal other. In Argentina, by 1999, tough-on-crime voices dominated in the news (Fernández Roich, 2017) and Seri and Kubal (2019) reveal a subsequent shift in public policy from 2001 to 2012 in favour of tough-on-crime policies.

Accountability

Ideally, punitive populist rhetoric and policies need to be held to account for their consequences. Certainly, some scholars argue that, due to the emotional nature of crime policy, it should be removed from public debate (Schumpeter, 1943/2003; Tonry, 2007). However, it is better if crime policy



debates remain public in order to avoid a potential backlash from those people who might feel their concerns are being ignored. Yet, it is essential that political actors are held accountable for the ideas they voice in such debates and their consequences. While it is possible for political leaders, state actors, and civil society to hold punitive populists to account, if their voices are not heard or are muted in the mass media then the weight of those voices in public policy decision-making is often diminished (Bonner, 2019a, Guardino, 2019).

Investigative journalism is a key way punitive populist rhetoric and policies can be held to account. Journalists, who spend a long time on a story and use many different sources, will be in a better position to expose the consequences of punitive populist rhetoric and policies, demand answers, and, if necessary, identify and call for the activation of the appropriate punishment. In Argentina, in the 1990s, there was a flourishing of watchdog journalism that uncovered many headline stories of police violence and corruption (Bonner, 2019a; Waisbord, 2000). It held the punitive rhetoric of President Menem in check and contributed to important police reforms of the notoriously violent Buenos Aires Provincial Police in 1998-1999 and 2004-2007. These reforms were made possible owing, in part, to nearly a decade of critical and investigative coverage of police violence and corruption (which primed audiences to view police reform as necessary), combined with, in each case, a dramatic incident of police violence.

Yet, investigative journalism is expensive. It costs money to dedicate a journalist to investigation and there are often costs associated with the work itself (such as time and travel). When media systems become more market based, with less involvement of the state in regulation, ownership, or subsidies, media outlets seek to enhance their profit-making capacity. While investigative journalism can draw audiences, so can crime stories that emphasize drama, and the latter is much less expensive. Crime stories that rely on the police and victims as the primary sources are particularly cost-effective as one journalist can produce many such stories quickly and at little expense.

Thus, as noted earlier, investigative journalism in Argentina began to decline in the late 1990s, with a significant drop after the 2001 economic crisis. Crime coverage became more plentiful, episodic, and visual. For example, a former editor of the police section of *Clarín* (Argentina's top selling national daily), who oversaw many critical investigative stories on police violence and corruption in the 1990s, noted that there was a redesign of the newspaper around 2001/2002 that reduced the number of words per article

and increased the importance of photographs, a typical practice of tabloid journalism (author interview). He and others journalists noted a significant drop in the newspaper's interest in stories on police violence or corruption. Thus, while governments were able to pursue police reforms of the Buenos Aires Provincial Police during this period, with the assistance of the previous critical coverage of the police, other political leaders were gaining increasing media coverage for their tough-on-crime policies. This contributed to the dismantling of many of the reforms made to the Buenos Aires Provincial Police by subsequent governments after each period of reform. More than reversing the reforms, later governments pursued increasingly punitive policies. For example, one provincial communication officer explained that Governor Daniel Scioli (2007-2015) decreed a security emergency in the province in 2014 in order to quickly increase the number of police officers on the street to show that the government was responding to citizens' fear of crime (author interview). News stories no longer paid close attention to the consequences of such policies in terms of police violence and corruption.

Similarly, journalists in Chile spoke of mass media outlets' lack of interest in investigative stories on police wrongdoing. They explained that there are occasional opportunities to write such stories but described them as exceptional. More commonly, journalists rely on the police as their primary source for crime stories, sometimes corroborated with the perspectives of victims or public prosecutors (especially if they are at the scene of the crime). Thus, police perspectives provide the frame for most crime stories.

The pressure on journalists to produce more stories more often, exacerbated by 24-hour TV news and the internet (including social media), also makes them more susceptible to reproducing public relations (PR) materials uncritically. As scholars of PR recognize, PR is not necessarily bad for democracy as long as when journalists use it they cross check the information provided with other sources to ensure its veracity and to identify other possible perspectives. Unchecked, PR benefits those political actors with the resources to produce high quality and regular material (e.g. Moloney, 2006; Molotch & Lester, 1974). The consequences of this is particularly striking in Chile.

Unlike in Argentina, where journalists rely less on the police as a source and more on victims of crimes and the courts, in Chile police are the primary source for news stories. In turn the Carabineros (Chile's only uniformed police), have a well-funded and sophisticated communication department. The department proactively works to manage their image through the careful management of interviews, providing well-written press releases and articles,



as well as high quality image and audio clips prepared for journalists' use (Bonner, 2019a). Since many mass media outlets rely on regular and plentiful crime stories and journalists have little time to produce many stories, there are few incentives for journalists to seek out other perspectives or challenge the story frames offered by the police (Bonner, 2019a).

Thus, reducing punitive populism is not necessarily about silencing or excluding those voices. Rather, it is important for democracy, that a plurality of voices is heard and that punitive populist ideas are held to account for their consequences. Shifts in media structures have reduced the possibilities for journalists to amplify critical voices or investigate the consequences of punitive rhetoric and policies.

The homogenization of public opinion

For punitive populists, public opinion is central. It is what gives their ideas legitimacy as the ideas of *the people*. Yet public opinion is rarely uniform. Ideally, the mass media provide a platform for a plurality of perspectives to be debated, especially on contentious issues, and as a result of this public debate a more unified position on the issue can be communicated to political leaders so it can be considered in policy decisions. Yet, not all voices are heard in the mass media. In some media systems, state subsidies and regulations are established to ensure a broader range of voices are heard than would normally be profitable. Where profit, over democratic objectives or policies, structure the media system then the pressure on journalists is to use proxies for public opinion (which are quick) rather than use a wide variety of sources with different perspectives (which is time consuming). The most common proxies, especially on crime issues, are public opinion polls and selective citizen or civil society voices. Both of these proxies tend to homogenize public opinion as punitive.

Public opinion polls have grown in popularity over recent decades and are of varying quality. High quality deliberative polls have respondents meet in small groups where they are provided information, can ask questions, and discuss the ideas before answering the survey. These polls are expensive, time consuming, and rarely conducted. More often the public opinion polls, reproduced in the mass media, are fast and cheap. They do not provide information to respondents or opportunities for them to ask questions or discuss. As a result, most polls reflect respondents' impressions rather than informed opinion. These impressions can come from personal experience but are more often gleaned from the mass media. Thus, public opinion

polls have a circular relationship with the mass media which, when media practices favour punitive voices, can reinforce the popularity of punitive ideas. Indeed, deliberative polls have shown people to be less punitive than popular polls would suggest (Green, 2008).

Public opinion polls, as a proxy for public opinion, are used with notable frequency in Chile. While they began to be used in the 1950s in the country, their frequency and public use increased significantly when marketing experts were brought in to assist with the 1988 plebiscite. With democracy and the expansion of public relations in Chile, public opinion polls became more frequently conducted and reported on in the media (Cordero, 2009). For example, between 1957 and 1989, 153 polls were conducted (most around the time of plebiscite). In contrast, there were 845 conducted from 1990 to 2006 (Cordero, 2009). While since 1999, media have increasingly been doing their own polls, most are conducted by foundations or research centres with sufficient funds to produce them.

In terms of punitive populism, two types of polls have been particularly significant. First, victimization polls, especially those produced by the conservative think-tank *Paz Ciudadana* (Citizen Peace), are reported on regularly. These polls ask people if they have been a victim of crime. Unlike most victimization polls, the ones conducted by Paz Ciudadana include both crimes and attempted crimes (Dammert, 2009). When published frequently in the mass media, they appear to confirm that crime is a leading public policy concern. Second, yearly public opinion polls, published in the mass media, ask respondents to evaluate the confidence that they have in different institutions. These polls have repeatedly ranked the Carabineros as the top or one of the top institutions in which Chileans have the most confidence. These polls are used to reinforce the legitimacy of the police and their relative political power compared to political leaders who rank much lower in these polls.

To personalize stories (and add drama), journalists short on time and resources also use interviews with victims of crime or security-focused civil society organizations as proxies for public opinion. Victims of crime are especially convenient as they are often at the scene of the crime or have easy-to-access Facebook pages. They also provide more drama than security-oriented civil society organizations. Journalists who rely on producing regular and plentiful crime stories provided by the police, also appreciate that these sources usually reinforce (rather than challenge) the police perspective, thus they do not offend an important daily news source. Moreover, the audience is invited to identify with the victim, which punitive populists can use as the empty signifier that unites *citizens* against *criminals* (Laclau, 2007).



For example, in Argentina, journalist and public trust in the police is far lower than in Chile. Thus, most journalists covering crime stories noted that victims of crime are important and, and often, central sources for their stories. The case of Juan Carlos Blumberg is emblematic of how of such coverage contributes to the construction of homogenous public opinion support for tough-on-crime measures. In March 2004, Blumberg's 23-year-old son, Axel, was kidnapped and murdered. Falling on the heels of other similar mediatized kidnappings, Blumberg was given a significant media platform to express his grief in public and mobilize hundreds of thousands of people in a series of protests demanding greater security through tough-on-crime policies. The Argentine national daily newspaper, La Nación, described the first of these protests as "the true voice of the silent majority" (de Vedia, 2004). While many people at these protests were concerned with security, they did not necessarily see punitivism as the answer (author interviews). However, Blumberg's voice was taken to represent public opinion and President Néstor Kirchner responded to this construction of public opinion by passing three tough-on-crimes laws in April of that year. What is particularly interesting in this case, is that had journalists dug deeper into the story and diversified their sources, they would have found (as was eventually revealed through the courts nearly a decade later) that the Argentine Federal Police, including members of the institution's Anti-Kidnapping Brigade, were involved in Axel's kidnapping and murder ("Caso Axel", 2014; Guerrero, 2013). Thus by using victims of crime as proxies for public opinion, their pain and understandable desire for revenge are amplified, favouring punitive responses that may do nothing to reduce crime or possibly increase crime and human rights abuses by providing police, who may be involved in crime, greater powers with less oversight.

A TYPOLOGY OF PUNITIVE POPULISM: AUTHORITARIAN, CONFLICTED, AND ACCOUNTABLE

Changes in media structures and practices have been important to the rise of punitive populism, but the political ideology of leaders has also combined with these changes to create different types of punitive populism. Thus, I ground this typology of punitive populism in these two dimensions: the media systems and political ideology. Leaders on the political right and the political left engage differently with the media's power to set and frame the crime agenda, resulting in two forms of punitive populism: authoritarian on the political right and conflicted on the political left. In what follows,

I develop each of these second-level concepts, ending with the alternative concept of accountable punitive populism. As with all typologies, these are ideal types and specific countries will not fit perfectly into each category but rather in gradations.

Authoritarian punitive populism

Authoritarian punitive populism is when political leaders not only use tough-on-crime rhetoric and policies to win elections and popular support but are willing to permit high levels of police violence in this goal. Leaders might openly encourage violence through laws or public statements such as Bolsonaro's assertion that "These guys [criminals] are going to die in the streets like cockroaches – and that's how it should be" (Wyatt, 2019, para. 5). Or, police violence might be more quietly enabled through increasing the number of police on the streets, increasing their powers, and decreasing oversight. Authoritarian punitive populism is most likely to emerge in democratic countries with a primarily private and relatively unregulated and unsubsidized media system, owing to the dynamics described in the previous section. Certainly, authoritarian regimes may use state media or state censored media to unite the people behind them in a fight against a political enemy who may be framed as criminal. However, such regimes generally want the public to believe they have common crime under control. Thus, media coverage of crime in authoritarian regimes is likely to be muted. This was the case in Chile under Pinochet and in Argentina during the last military regime (Bonner, 2019a).

In contrast, in democratic market-based media systems, it is very difficult for even governments who do have crime under control to make such a claim. For example, one communication officer for the Ministry of Interior and Security in Chile explained that when the media report on a crime incident, they also report that people are afraid that crime is increasing. "But we don't tell them this isn't true. Crime is the same as last year, but there is fear of crime, and that grows. The feeling is real but the rest is not." (author interview). Governments respond to the media's construction of public opinion as increasingly fearful of crime and as favouring tough-on-crime solutions, regardless of statistics.

However, political ideology also matters to governments reactions. That is, political leaders on the left and right are not necessarily going to respond to media constructions of crime and its solutions in the same way. In particular, as Bobbio (1996) argues, an intrinsic value that divides



the political left and right is the question of equality. Bobbio explains that the political right views socioeconomic inequality as natural and as that which allows societies to achieve great things. In terms of crime control, this perspective accepts hierarchies of goodness that differentiate between individuals and between communities. That is, criminals are born bad people, who often live in particular communities, and require punishment in order to change their behavior and to protect good people (Lakoff, 2002; Reiner, 2016). As Holland (2013) found in her case study of El Salvador, political parties on the political right are often the first to champion tough-on-crime policies, especially if the political left is advocating human rights protection and the right is divided on economic issues. As parties on the political left and political right gradually converge on tough-on-crime policies, parties on the political right need to find ways to distinguish themselves better on their traditional territory. Combined with a media preference for drama and polarization, punitive populists gain support and their policies can become increasingly authoritarian.

For example, in Argentina, in the 1990s conservative President Menem used colourful language to support his tough-on-crime policies. In an interview in 1998, he explained that "Crime is a new form of subversion" to which the answer was "Zero tolerance. Iron Fist. There is no other way" ("Menem: No Queda Otra", 1998, para. 1). Yet, from 1998 to 2012 there was increasing policy convergence between the principal competing political parties in favour of tough-on-crime policies (Seri & Kubal, 2019). In 2015, all three leading presidential candidates ran on tough-on-crime platforms. This convergence, combined with a media preference for tough-on-crime voices, likely contributed to an even more punitive response to crime by conservative President Mauricio Macri (2015-2019) than by Menem. Immediately after his election, Macri escalated common crime to an emergency, decreeing a State of Public Security Emergency (Decree 228, 2016-2018) in which he increased the number of police on the streets, their powers and mobilized the military in policing roles. Correpi, a grassroots organization with reliable data on police killings in Argentina, documented 693 cases during Menem's two-term presidency and 1,833 during Macri's one-term presidency (Correpi, 2019).

Conflicted punitive populism

Conflicted punitive populism is when political leaders use toughon-crime rhetoric and policies to win elections and popular support but simultaneously combine them with rhetoric and policies that advocate

socioeconomic changes aimed to prevent crime. Some notable examples have been UK Labour Party Prime Minister Tony Blair's slogan of "Tough on crime, tough on the causes of crime" or Chile's Socialist President Michelle Bachelet:

As a country we have learned that it is not enough to manage crime through control. Of course, we have to do this, but it is not sufficient. So, we have to, in parallel, improve the living conditions in neighbourhoods, confront crime and violence by investing in sufficient prevention. (Gobierno de Chile, 2014, p. 3)

Conflicted punitive populism is most likely to emerge in democracies with a market-based media system (owing to the dynamics described earlier) and from political leaders on the political left.

Bobbio (1996) argues that political ideology on the left is defined by its understanding of socioeconomic inequality as socially constructed, rather than natural. People are born equal but through various socioeconomic and political factors, particularly the distribution of labour, they are made unequal. The goal of democracy is to change these political and socioeconomic structures so that they support greater equality. As applied to crime control, this could mean: reducing policing and increasing social programmes; redefining crime to reduce its scope and its unfair targeting of certain groups in society (e.g. based on class or racialization); or even pursuing some forms of community policing that involve co-equal partnerships between the police and community members (Arias & Ungar, 2009; Reiner, 2016).

Such policies do not produce easy rhetoric and do not align well with the media frames and practices in market-based media systems. The ideas are too complex and they are not consistent with the dominant voices heard in the media on crime issues, namely the police and victims. Worse, the ideas may appear disrespectful when juxtaposed with the pain expressed by victims of crime. Thus, in this media context, to win elections and popular support, political leaders on the left benefit from adopting tough-on-crime rhetoric and policies, at least on symbolic cases (Newburn & Jones, 2005). With increased competition from political parties on the right, the left's rhetoric then becomes increasingly consistent with punitive populist policies.

For example, while President Bachelet (2006-2010; 2014-2018) emphasized the importance of preventive policies, she significantly expanded the number and powers of the police. In 2008, her government presented a bill, passed into law during her second term in office in 2017 (Law 20.931) that, among other things, increased police powers and decreased judicial



oversight. Judicial actors claim the bill contributed to an increase in cases of unnecessary police violence reported to military courts, which more than doubled from 675 in 2004 to 1,797 in 2011 (Universidad Diego Portales, 2015). In 2014, Bachelet also committed herself, through law 20.801, to increase the number of Carabinero officers by 6,000 within four years. With more police on the streets, there are more opportunities for police violence.

Similar examples can be found in a wide variety of countries, including the U.S., Britain, El Salvador, and Argentina. For example, while the following governments all advocated for preventive socioeconomic policies, Britain's Prime Minister Blair passed a 1998 Law on Crime and Disorder, that some scholars describe as repressive (Wacquant, 2004). El Salvador's FMLN president Mauricio Funes (2009-2014) introduced a punitive anti-gang law and mobilized thousands of military personal to assist the police (Lineberger, 2011). In Argentina, Correpi has documented 3,657 police killings (averaging approximately 305/year) under the politically left Kirchner governments (2003-2015); more than Menem's tough-on-crime presidency (693 police killings, averaging approximately 69/year) and closer to (although notably less) than under Macri (2015-2019) (1,833 policing killings, averaging approximately 458/year) (Correpi, 2019).

In sum, conflicted punitive populism is most common on the political left. It tends to soften tough-on-crime rhetoric by emphasizing an equal need to use socioeconomic measures to reduce crime. While efforts at socioeconomic change may be made, the tough-on-crime policies pursued can be as punitive as those found on the political right.

Accountable punitive populism

Accountable punitive populism is when the media system functions in such a way that it provides checks on political leaders who choose to use tough-on-crime rhetoric and policies to win elections and popular support. In particular, the structures and practices of such a media system will enable a plurality of voices to be heard on the problem and solutions to crime. It encourages journalism that examines and debates the consequences of punitive rhetoric and policies, and calls for answers and punishments when applicable. To some extent this is an ideal. However, its closest approximation is found in Northern European countries and in the goals of many democratic media reform movements in Latin America.

Green (2008) offers one of the most evocative studies that highlights how media systems can affect punitive populism. In his book, he compares how media

covered respective child-on-child murders in England compared to Norway. He found that journalists in England relied heavily on the police and victims as sources of information for their stories. The news coverage of the child-on-child murder was extensive, both in terms of quantity and duration, and the frames became increasingly punitive. The media situated the incident as part of a wave of out of control youth crime that required a punitive response, including the reduction of the age of criminal responsibility. In contrast in Norway, the police were not primary sources and instead journalists relied on information on the case from social service providers. The news story was framed as a tragic accident to which social workers and other health care professionals were helping the community to come to terms and prevent other such tragedies in the future. The story quickly faded from the news. No platform was provided for punitive populists. Indeed, many studies have shown Northern Europe, in general, to have relatively lower levels of punitive populism compared to the United States or Britain (Cavadino & Dignan, 2006; Lacey, 2008).

While Green's study uses discourse analysis, Hallin and Mancini's (2004) work on media systems reveals the contrasting news coverage to be related to the different media structures and practices in England and Norway. England's market-based media is similar to that described earlier in this article. Hallin and Mancini (2004) call this a "liberal" media system. In contrast, Norway has what Hallin and Mancini call a "democratic corporatist" media system (chapter 6). To summarize the latter briefly, in the democratic corporatist system the media are conceived as a social institution that contributes to democracy; they are not just private businesses. Regulations and subsidies are used to ensure the inclusion of voices that are important for democracy but are not necessarily profitable. This is done, for example, through subsidized media for particular groups in society or ensuring the inclusion of news segments on these perspectives in mass media outlets, especially in public broadcasting. Journalists have strong professional associations, with corresponding job security and good wages. There is also strong access to information laws. In this system, journalists compete with each other to produce quality news and have legal and job protection to write stories as they see them, even if these stories challenge the political perspectives of their editors or media outlet owners. Of course, Northern Europe has not been immune to the global pressures to privatize and deregulate the media and so this system is not as robust as it was in the past (and was never perfect). However, it does offer an example of how media can be organized in ways that can hold punitive populism in check by offering a plurality of perspectives and encouraging investigative and quality journalism.



To be sure, the transfer of these practices to other countries requires a close understanding of the ways they might combine with existing media practices. In Latin America, scholars draw attention to the importance of clientelism, the legacies of authoritarianism, and journalism of denunciation (Guerrero, 2014; Porto, 2011; Samet, 2019). That said, many democratic media reform movements in Latin America have called for versions of the structures and practices found in democratic corporatist media systems. For example, in Argentina, in 2004, the Coalition for Democratic Broadcasting formed, arguing that "communication is, by definition, a public good" that is fundamental to democracy and "requires a pluralistic communication in all senses, that recognizes the diversity of forms, perspectives, esthetics, political and ideological positions." (Coalición por una Radiodifusión Democrática, n.d., p. 3). Among their 21 demands, they called for improved access to information, protection for journalists and news outlets against commercial and state pressure, regulations to ensure a diversity and plurality of perspectives, accessible and diverse processes for distributing broadcasting licenses, regulations to reduce the concentration of media ownership, and that "state media should be public not government" (p. 7). In 2009, President Cristina Fernández de Kirchner passed a substantial media reform package that drew on many of the coalition's ideas. Of course, it was not without its shortcomings (such as continued government control of the allocation of state advertising) and many of its goals were not achieved (Becerra, 2015). However, it did open up a conversation about how media are organized and the consequences for democracy (albeit this conversation in Argentina is very politically polarized).

In Chile, calls for media reform have been part of the many protester demands during the Social Uprising that began in October 2019. Such demands are not new. There have been frequent critiques of how Chile's media system favours tough-on-crime voices (Dastres et al., 2005; Ramos & Guzmán de Luigi, 2000) and advocates have called for change. For example, former president of the Journalists' Association (*Colegio de Periodistas*), Javiera Olivares (2015-2017), called for a structural reform of Chile's media system that includes improved access to information, reduced media concentration, and regulations that

amplify [media] diversity and protect its public character, and the encouragement and strengthening of media from the so-called third sector, local, social and non-profit, because if these regulations exist we have a media that is more free, more responsible and even more at the service of democracy and people's rights. ("Colegio de Periodistas", 2016, para. 3)

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In sum, challenging punitive populism ideally should not involve silencing these voices. Instead, democratic debate demands their inclusion but also that the ideas and their consequences be examined relative to other ideas and held to account. Media systems matter to how these public debates take place and the likelihood of the emergence of accountable punitive populism.

CONCLUSION

Punitive populism poses a significant challenge to effective crime control and human rights protection. For this reason, it is important that we do not pre-emptively reject the applicability of the term to some governments over others, but rather refine the concept to better capture the dynamics that contribute to different manifestations of the political strategy. The typology presented here offers three forms: authoritarian, conflicted and accountable. In so doing, the article highlights the important role of media systems and political ideology. The secondary level concepts enable us to fine tune our understanding of the practice and generate new research questions.

For example, political ideology allows us to differentiate between authoritarian and conflicted punitive populism. Using this typology, research could compare the two types of punitive populism to better understand how they interact with each other. Such research could explore whether there are communicative strategies that would enable conflicted punitive populists to reduce the punitivism of authoritarian punitive populists or if the relationship is always the inverse.

The typology also invites a closer analysis of the role of different media systems in various forms of punitive populism. Future research might explore how leaders on the left confront the challenges and possibilities of communicating the need for socioeconomic preventive policies in market-based media systems. Similarly, research could reveal when and how movements to change media systems in a manner more supportive of accountable punitive populism are successful. Or, more modestly, research could identify the possibilities and limitations for journalists to pursue accountable punitive populism in market-based media systems and if such efforts encourage conflicted punitive populists to move away from punitivism.

In short, the typology offered here aims to open up a conversation. It encourages researchers to move beyond punitive populism as a political strategy (its core definition) to explore the varied ways the strategy combines with media systems and political ideology to produce different manifestations and incentives for its use.



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