Insecurity and Fear of Crime in Argentina: Crime, Media, and Politics in Neoliberal Times

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ABSTRACT

The emergence of a punitive approach to social insecurity as a response to the new social question produced by neoliberalism has been described as a global trend. Furthermore, it is a trend that characterizes the increasingly polarized and exclusionist post-industrial societies. In this article, I present a study of the development of these transformations in Argentina, in particular the cultural processes involved in the social construction of "insecurity" as a public problem. Two moments in recent Argentine history are considered: first, the hyperinflationary crisis period of 1989-1990 in which insecurity first emerged as a form of representation of the social consequences of the economic crisis; and, second, Carlos Menem's second presidency between 1995 and 1999, during which the terminal crisis of neoliberalism occurred and insecurity first appeared as one of the main concerns of the public and as a key issue in political disputes, becoming a priority on the government agenda. Focusing specifically on the political and mass media discourses through which crime and violence were thematized as social problems in the public sphere, this paper analyses the articulation of a discursive formation within which social conflicts caused by the crises of the neoliberal reform were formed as criminal problems that required policing and repressive approaches in order to control them.

Key Words: Neoliberalism, new social question, insecurity, punitivism, Argentina

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INTRODUCTION

The emergence of a punitive approach to social insecurity has been indicated as a global trend that characterizes the increasingly polarized and exclusive post-industrial societies. Through the deployment of penal policies to control the impoverished sectors of society that have been transformed into supernumeraries by neoliberal economic reforms, the retreat of the welfare state has been accompanied by the conformation of a penal state (Bell 2011; Pratt et al. 2005; Wacquant 2006; Young 1999). Accordingly, this punitive turn has been legitimized by the emergence of a culture of a fear of crime that involved a form of representation of social insecurity that despised its socioeconomic and political determinations, foregrounding its depiction as a criminal problem caused by individual violence and the incivility of the marginalized social sectors, and by the permissiveness of criminal law, the lightness of the penalties, and the lack of order and policing (Castel 2004; Garland 2001; Simon 2007).

The United States has been at the forefront of this transformation and, according to some studies, it took place later in Europe and Latin America (Wacquant 2012). In the case of the latter, besides the fact that violence and crime are problems that particularly affect the entire region, it has been noted that in recent decades, the social perception of insecurity —that is, the fear of becoming a victim of crime and the distrust of the state agencies responsible for public safety— has led citizens to support responses based on repressive policing, popularly known as *mano dura*, which have contributed to the deterioration of institutions and democratic norms, and have helped reinforce social inequality (Chevigny 2003; Frühling et al. 2005; Kliksberg 2008; Prillaman 2003). The extent of this situation has in some cases led to the question of whether a "dictatorship over the poor" is being established (Wacquant 2003), which should then lead on to a discussion on the scope of the democratization processes in a region whose recent past is marked by authoritarian and repressive political regimes (Neild 2004).

This paper seeks to consider whether it is possible to establish if in Argentine recent history, changes of this kind occurred, and if that is the case, what their characteristics were. The focus herein is specifically on the political and mass media discourses through which crime and violence were thematized as social problems in the public sphere; and the paper seeks to establish whether, and how, the articulation of a discursive formation was promoted, and which social conflicts caused by the crises

of the neoliberal reform were formed as criminal problems that required policing and repressive approaches in order to control them.

SUBJECT, SCOPE, AND THE THEORETICAL –METHODOLOGICAL FRAMEWORK

The conclusions presented in this paper are the result of research whose objective was to explore and analyze the way in which crime has emerged and has been formed and consolidated as a public and political problem in recent Argentine history. In the present case, the aim is to consider in some depth two moments that have proven to be key to understanding these processes. Those are, firstly, the hyperinflationary crisis period of 1989-1990 in which, as it will be demonstrated, crime was thematized as "civil insecurity" and emerged as a form of representation of social conflicts caused by the economic crisis in terms of a law and order problem. Secondly, Carlos Menem's second presidency between 1995 and 1999, where, alongside the terminal crisis of his neoliberal reforms ¬which ultimately led to the social unrest of 2001¬, insecurity first appeared as one of the main public concerns, and was not only one of the key issues in political disputes, but was also introduced as a priority on the government agenda through a political and mass media campaign based on a "fight against crime" that could only be resolved in terms of *mano dura* and "zero tolerance".

The first of these moments has been studied from different perspectives (Damill and Frenkel 1990; Iñigo Carrera et al. 1995; Neufeld and Cravino 2007; Sigal and Kessler 1997), yet none of these studies have addressed the problems that will be investigated in this paper. In any case, it is noteworthy that Armony and Kessler (2004) mention the emergence of "civil insecurity" in that context and that Kessler (2009) refers to this moment as a turning point, anticipating the interweaving of insecurity and social questions. However, neither text analyses the subject in any depth, thus the discursive articulations that generated these effects have not yet been considered in detail.

For its part, the second of these periods has usually been regarded as the moment when insecurity first emerged and it has been studied from different perspectives. To cite some of the main background on the matter, Ciafardini (2006), Kessler (2009), and Kaminsky et al. (2007) stated that during the nineties, there was a steady increase in crime rates and, at the same time, public concern about the state of public safety,

aroused by mass media and political campaigns against crime, which transformed during the second half of the nineties into the second most serious problem, according to public opinion polls (only surpassed by unemployment). Bombini (2006) and Ragugni (2004) linked this to changes in penal policy tensioned between technocratic aspirations of efficiency and populist and punitive responses. Additionally, Arfuch (1997), Martini (2002), and Ford (1999) argued that during this period, the journalistic discourses on crime changed, with an increase in the frequency of articles covering criminal cases, the amount of space dedicated to them, and the creation of a continuum of insecurity through which multiple and different cases were subsumed; and by the spread of police news into the traditionally most important news sections (such as politics), thus becoming a problem linked to public security, and even reaching the front page on a regular basis. Meanwhile, Murillo (2008) and Pegoraro (2000) had indicated the link between the emergence of insecurity as a problem that demands a punitive approach, and the neoliberal policies and the control of their consequences. However, none of this research has integrated the analysis of this period into a genealogical perspective that considers Argentina's recent history by linking it with the study of the modes of social construction of insecurity during the hyperinflationary crisis of the late eighties; nor have the social discourse and its forms of articulation been analyzed with this level of detail while addressing the media and political sphere in a comprehensive way; nor has an analysis been carried out in terms of the theoretical perspective utilized here (which will be detailed shortly).

In addition, it is important to clarify the reasons why this paper does not consider the 2000s. After the economic, political, and social crisis of 2001, and the arrival of Nestor Kirchner to government in 2003, a different discursive approach to social violence began. In contrast to the previous neoconservative and neoliberal period, the focus was not on the violence of marginal social sectors and the need to strengthen security forces, but on denouncing "institutional violence" (i.e., the illegal violence that security forces exerted on these sectors) and on the need to redistribute wealth and reduce poverty and social inequality as a way of decreasing social conflict (Cerruti 2015; Pita 2010). This does not mean that the discursive matrix of insecurity ceased to exist. In fact, for example, in 2004, following the crusade carried out by the father of a victim of crime, insecurity became the focus of the first major political crisis of Kirchner's administration, as it legitimated the demands of the conservative sectors of the political opposition. But the way in which

Kirchnerism opened up a new paradigm in the social construction of social violence and crime in the recent history of Argentina, and the new antagonisms that generated, would require a specific approach that is not within the scope of this current paper.

Taking into account the aforementioned background and considerations, the focus will be on the analysis of social discourses about crime and social violence that emerged and circulated during those key moments of the deployment of neoliberalism, and its social consequences, and of the conformation and reproduction of what Bonnet (2009) has called a neoconservatist hegemony in Argentina. According to Harvey (2015), neoliberalism can be defined as a set of political-economic practices that affirms the need to reformulate the state in terms of the creation and preservation of an appropriate institutional framework for the development of free trade and free markets. This implies, at the same time, minimizing state intervention in these areas (while continuing to provide the necessary conditions for its operation) and ensuring the rights of private property, even if that means strengthening state intervention in other areas, including the use of force. In this respect, neoliberalism is frequently associated with neoconservative political doctrines. Following Dubiel (1993), regardless of their differences, neoliberalism and neoconservatism have in common a reaction against the forms of collectivization of the welfare state, considering them to have restricted the capabilities and entrepreneurial freedoms of individuals. Neoconservatism is also a reaction against the liberalism of the counterculture movements that consider such liberalism as the root of all kinds of anti-social behavior, and therefore appeals to different criteria regarding individual responsibility and accentuates the role of the state in maintaining the principle of authority and law and order. The implementation of these policies and doctrines has produced what Castel (1997) has called a metamorphosis of the social question through the deregulation, privatization, and abandonment by the state of many areas of social welfare, which has caused the destabilization and precarization of the living conditions for large segments of the population who have consequently had to endure social insecurity, in some cases even becoming supernumeraries.

Regarding the theoretical and methodological framework of this research, it is important to emphasize that public and political problems are considered the result of complex historical processes of social construction (Best 2008), and that herein, we will take into account the way in which they have unfolded in the public-political space. The latter is defined as a sphere of communication that involves both actors of civil society and

the political system itself (Habermas 2001), where the role of the mass media is crucial, because, while involved in this sphere as specific social actors, they also have the power to determine the agenda that controls the general circulation of discourses (McCombs 2006). In this case, the focus will be on the discourses of *La Nación* and *Clarín*, the two main Argentine newspapers, in terms of their history, national scope, circulation, and influence on public opinion. *La Nación* was founded in 1870 by the former President of the Nation Bartolomé Mitre and has traditionally maintained an ideologically conservative editorial line. Meanwhile, *Clarín* ⁻founded in 1945 and today the heart of the largest media monopoly in the country⁻ defines itself as being without an ideological or political orientation and its editorial line has been modified over time to achieve the widest possible readership (Ulanovsky 1997).

The analysis of the social production and circulation of discourses is guided by the theoretical perspectives of French philosopher Michel Foucault and Argentine sociologist Ernesto Laclau. Both diverge from the definition of the public sphere as a transparent and neutral space of communication and consensus through dialogue; and from those who consider the discursive field as a mere area of expression or representation ⁻not as constitutive or productive⁻ of social dynamics that operate in another place.

Foucault (2008) proposes an indissoluble link between social discourse and power, since the production of discourse always proceeds under the operation of mechanisms of exclusion and separation that establish the division between true and false, and define what can be said, the circumstances in which it can be said, and the agents entitled to say it. At the same time, these procedures establish principles of classification, ordering, and distribution of possible statements.

From this perspective, the key question will be how a particular object of discourse came to be what it is. And what are the effects of discourse on objects that are produced? Therefore, what Foucault (1999) called "problematization" refers to the procedures, the circumstances, and the subjects that render a certain aspect of social reality as problematic, establishing the moral, legal, scientific, etc. domains that allow it to circulate as truth, and produce specific effects that constitute objects in forms that are susceptible to certain governmental interventions. In addition, alongside the constitution of the object, problematization includes processes of subjetification; that is, the making of subjects through technologies of domination or via technologies of the self that enable those subjects certain ways in which to govern others and regulate themselves.

Therefore, this analytical perspective focuses on the historicity of discourse, understanding this dimension in genealogical terms, which implies the establishment of discontinuities in the becoming of social discourse, and the recognition of the emergencies of singularities in the forms of problematization through which certain "problems" become visible and lead to forms of knowledge and political intervention.

It is essential to note, then, that power is immanent to discourses; that is, it is not exercised from the outside by external agents whose intentions would give meaning to such discourses. In the words of Foucault: "discourse is not simply that which translates struggles or systems of domination, but is the thing for which and by which there is struggle, discourse is the power which is to be seized" (Foucault 2008, 15). Therefore, social discourse is the *locus* of power struggles and genealogy is the analysis of the continuous variations in the relations of forces whose tactics and strategies are embodied in certain forms of problematization.

Meanwhile, Laclau, reworking the notion of discourse from Foucault alongside key elements of the Marxist tradition, formulates an analytical perspective of the new forms of social conflict in contemporary societies. His theory posits the impossibility of the closure of society, which is rather a continuous movement of differences. Since society does not have a substantial ontological reality, instead we speak of contingent social formations constituted discursively, since discourses are "articulatory practices" that recompose the scattered elements, fixing them as moments of differential positions (Laclau and Mouffe 2015).

It is essential to note that the same articulatory practice modifies the elements, and this is the reason as to why they do not pre-exist as discourse but are composed by it. In turn, any discursive formation is fully saturated and, therefore, no fixing element is final. Accordingly, the subject of social relations is produced by the same articulatory practices. Therefore, Laclau refers to these subjects in terms of "subject positions" dispersed into the discursive formation, which is why social identities are always relational and contingent, because they can never achieve full fixity.

From this point of view, Laclau defines the concept of "hegemony" as that discursive formation that, given the multiplicity of antagonistic forces and a state of lability of boundaries that separate them, produces the articulation of the floating discursive elements in chains of equivalence that divide the discursive space into two fields. It is the result of "nodal points"; that is, particular signifiers that assume a universal structuring function within a particular discursive field, which produces an effect of totalization and closure of the social, which implies the formation

of an "outside of society" toward which is ejected what subverts it.

According to Laclau, this perspective is particularly valid in understanding the political reality of peripheral countries such as Argentina, where the inequality of capitalist development establishes the conditions for the permanent dislocation and recomposition of hegemonies, the constant redefinition of political borders, and the emergence of new agents and collective identities in conflict. From this point of view, politics and state formation is inseparable from the production and articulation of social discourse, and therefore of cultural struggles that unfold in the public sphere. These do not play a superstructural and therefore secondary role, but form the constitutive social relations of every political order.

To summarize, the perspective outlined will allow, firstly, for a detailed study of the discursive articulations based on which crime was problematized and formed as a public and political problem; secondly, for an inquiry into the relationship between these discourses and the social consequences of the neoliberal reform of the state; and finally, for an analysis of these articulations by considering their effects on the construction of specific hegemonic formations.

NEOLIBERALISM, THE NEW SOCIAL QUESTION, AND THE EMERGENCE OF INSECURITY

The 1989 "Lootings"

In Argentina, during the last military dictatorship (1976-1983), a transformation of the economic model and social policy was implemented, guided by neoliberal principles, which, among other things, resulted in a fall in real salaries; this resulted in the distribution of incomes acquiring a marked regressive trend, and it accentuated the negative trend in the evolution of welfare spending (Minujin 1996; Novaro and Palermo 2003; Rapoport 2003). Inequality and income concentration in the most affluent sectors reached unprecedented levels, which resulted in increased poverty, a phenomenon that became primarily urban due to the process of downward social mobility that led to the impoverishment of part of the middle class – the so-called new poor (Minujin and Kessler 1995).

The return to democracy in 1983 was then marked by the emergence of this new social question. Throughout the eighties, the situation became worse, and reached its peak during the hyperinflationary economic crisis and the "lootings" of 1989 (Damill and Frenkel 1990). It was in May

of 1989 when the lootings took place, specifically involving the plundering of stores in poor suburban areas of major industrial cities (Buenos Aires, Rosario, and Cordoba). Between May 23 and May 30, 1989, there were 329 lootings that left 19 dead, 174 injured, and 1852 arrested (Iñigo Carrera et al. 1995; Neufeld and Cravino 2007). The protagonists of these lootings did not come from the structurally impoverished, but from the new poor − the working middle class, whose real salaries had abruptly vanished due to hyperinflation, and whose very means of survival were threatened. That is to say, this was the population that was worst hit by the economic transformation of the previous fifteen years (Armony and Kessler 2004). For this reason, these constituted unprecedented events in the country, and brought about, as an immediate consequence, the resignation of then-President Alfonsín, and the anticipated transfer of power to Carlos Menem.

The mass media covered the events by relating the crisis in military language and the whole conflict was represented as a "civil war". Meanwhile, government officials and politicians also discussed the participation of "ultra-leftist subversives" and "career criminals" that used the situation to their advantage, but it was the "hungry people" who happened to occupy the leading role (*Clarín*, June 1, 1989). Therefore, the representation of looting as an "invasion" (i.e., as a collision between neighborhoods in which one of them, the poorest, "attacked" and plundered the other) was formed. In the press reports (built on the opposition between the "dispossessed" −those who "lived on the margins of society" and who had now become "predators"− and those that could still be considered as "owners" or "workers"), the *villas miseria* (shantytowns) and its inhabitants now stood as the foci of the threat.

The press repeatedly described the neighborhoods as "besieged cities awaiting the attack of the enemy" and referred to "neighbors organized to prevent lootings" while "hordes were preparing to raid private homes", or to "contingents of predators [who] emerge from the 'villas' to plunder". The melodramatic and hyperbolic tone of these representations is clearly exemplified in the statements made in *Clarín* such as, "revealing the worst of that deeply marginal sector, the looters, having despoiled shops in the poorest neighborhoods, headed into the homes that in many cases were destroyed by groups of people who even abused women in their apocalyptic path" (*Clarín*, June 6, 1989).

Another repeated element of the newspaper stories was the way in which the security forces looked undermanned, and the need for police reinforcements, which led the more conservative opinion-formers, such

as Mariano Grondona, to demand that the government "take out the tanks to the streets" and involve the military in repressing the looters and maintaining order. In its editorial entitled "Periphery of Backwardness", *Clarín* (June 16, 1989) said:

> Around major urban centers, underdevelopment shows its true face: the different types of conglomerates called shantytowns or slums […] We are on the threshold of a two-speed country [conformed by] an impoverished and threatening fringe, that is an "informal sector" outside of the economic, social and even geographical boundaries of the "dynamic" sector, which up to a certain extent is integrated into the international market.

The diagnosis was a "corrosive division of the social fabric caused by underdevelopment, which more often than not culminates in the fragmentation of the state, and always leads to the failure of the Nation" (*Clarín*, June 16, 1989).

Meanwhile, *La Nación*, in an editorial entitled "Disorders and Lootings" (June 2, 1989), insisted on "the lack of protection of the inhabitants" and "the impunity with which the common crime has taken possession of the Gran Buenos Aires". The lootings "openly showed the criminal gangs in widespread confusion with subversive provocateurs, all protected behind the crowds who were easy prey for any kind of incitement devoted to increasing disorder", while shantytowns are described as places "where the prevailing law comes from these groups and their leaders, and it is not that of a civilized society". And, in a way that reproduced elements of the discourses that legitimized the state terrorism carried out during the then-recent military dictatorship, the emphasis was also on the overlap between crime and subversion[1]:

> Subversive groups have just demonstrated, again, their presence and their ability and will to act. In addition, common criminality −always a potential and efficacious ally of subversion− is not only still present but also, thanks to recent events, has increased its boldness and feels ever stronger due to an inadequate criminal law and a police force that is understaffed and lacking in resources. The mixture of these elements has created a risk factor that can become uncontrollable at any time (*La Nación*, June 2, 1989).

In a context that was characterized as "the reign of fear", the first

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1 During the last military dictatorship, and under the doctrine of National Security, the category *delincuente subversivo* ("subversive delinquent") was used to identify those individuals selected for extermination (Feierstein 2007).

mentions of "neighborhood insecurity" (*Clarín*, June 1, 1989) appeared to describe a state involving: a) a frame of mind characterized by a real or imaginary fear of being victimized; b) the perceived existence of a threatening otherness identified as belonging to marginalized social sectors; and c) a feeling of abandonment by the institutions responsible for providing protection in the form of the absence and inefficiency of the security forces and the demand for their reinforcement.

Citizen Insecurity and Punitiveness

A second wave of lootings took place between March and April 1990, although of lesser magnitude and with lesser consequences. Shortly thereafter, there was a criminal case that had a profound impact on public opinion and the political sphere. On Sunday June 19, 1990 at noon, a man named Horacio Santos chased two other men in his car and killed them at gunpoint after finding them stealing the music player from his parked vehicle. The killings were immediately labeled by the press as an act of justice, but of *justicia por mano propia* (justice taken into one's own hands or vigilante-style justice), and Santos was portrayed not as murderer, but as a *justiciero* (seeker of justice or an avenger).

The Santos case was a perfect staging of the social drama of the moment, which was represented as a clash between those who were adversely affected, and those who had benefited from the process of socioeconomic neoliberal transformation. At the same time, it showed how the roles of victim and victimizer were constructed and assigned in this context. As in fact the killer becomes the victim, and those murdered become the victimizers.

Displaying it on the front page, the first press reports of the case portrayed the murdered as simple marginal subjects without any social value, while the "Engineer Santos" (always preceded by his college degree) was widely described as a law-abiding citizen, a man with a well-established family, and a homeowner in an affluent middle-class neighborhood.

Just two days after the incident, the case became the main topic in a television program hosted by one of the top journalists and opinion-formers of the time, Bernardo Neustadt, with the presence of President Menem as a guest. Neustadt opened the program by arguing vigorously: "I would have done the same!" (Comas 1990). Thus, he articulated a plea for Santos structured around that phrase, about which he added:

> The cry went up from my heart, from my helplessness, from the excess

of such impunity. When I learned that a 40-year-old engineer, whose house had been looted, his car stereo robbed 14 times, his wife assaulted, and his children threatened, had killed two criminals, I felt that he was like a social leader who did what millions of Argentinians at some point thought of doing.

President Menem himself was subjected to the question, "What would you have done in Santos' place?", and his apparently ambiguous response makes clear his unwillingness to condemn the actions of Santos and his implicit justification of Santos' actions: "you must be in that person's shoes [...] I do not know what I would have done in a similar situation, it is very possible that [Santos] was acting in a state of violent emotion[2] or self-defense, and I do not know if the delinquents offered resistance" (*Clarín*, June 20, 1990).

One week after the murders, *Clarín* published a report entitled "Eight out of Ten Argentinians Believe There Is Impunity" in its Sunday edition, which was presented as the result of "a survey carried out for the paper by the Center for Public Opinion Research in the general atmosphere of shock after the Santos case" (*Clarín*, July 1, 1990). The results were striking: 76% of respondents did not feel protected, 81% believed there was impunity for crime, 57% justified Santos, and 60% proposed an acquittal, 20% were armed, 15% said they had had to use a gun to protect themselves, and 43% would have done the same as Santos did. With regard to the proposals to solve the problem of crime, 64% proposed tougher laws, 53% greater enforceability of justice, and 51% greater police control. Thus, the article concluded that "the growing unrest by the overall increase in crime" means that "people are calling for more policing, greater enforcement of Justice and tougher laws to combat crime", while pinpointing that "there are around 70 draft amendments to the criminal law pending in Congress".

Major newspapers also devoted editorials to the case. On the same day of the report cited above, *Clarín* went ahead and titled its editorial "The Santos Case" (June 1, 1990). The starting point is clear:

> The reaction that the deaths of the two thieves provoked in a significant part of the population was of adhesion to the procedure employed by Santos. [···] This happens when the crime rate is so high that the prevalence of crime stops matching the ability of the police to investigate, as well

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2 "Violent emotion" is a concept of the Argentinian criminal law that defines an abrupt disturbance of the emotional faculties, considered as an extenuating circumstance (Zaffaroni 2000).

as the ability of justice to punish the criminals.

In other words, "the society is divided between those who have assets to protect, and those for whom crime is becoming the only way to survive" (*Clarín*, June 1, 1990).

Meanwhile, *La Nación* discussed the case in its opinion columns. In one of them, the elements are condensed in a particularly exemplary way:

> A society always reacts according to its fears, to the feeling of helplessness that pushes it. [...] When the government declines, denies or neglects responsibilities as unavoidable and inherent to it as security, it leaves behind a void that will be filled ⁻even if not intentionally⁻ by someone else, who will become an interpreter of a feeling that society cannot suppress (*La Nación*, June 24, 1990).

In its main editorial entitled "Public Security Is Not Guaranteed" (*La Nación*, June 26, 1990), the newspaper affirmed that "there is an almost unanimous conviction that the state is unable to maintain the monopoly of repression" and, while the actions of Santos represent "a dangerous symptom of social decay, [...] the fault lies not in the people that reacted emotionally but in the circumstances that make them helpless victims of crime".

Likewise, political actors started adopting the strategy of aligning with the mass media and its discourses, as was paradigmatically exemplified in the note entitled "Citizen Insecurity" (*La Nación*, June 28, 1990). Therein, one Congresswoman[3] stated that:

> [T]here is a disconnect between the proposals of the leaders and what people need [...] While the population is concerned about the lack of security, the government and some politicians promote the reduction of punishment [⋯], which will surely aggravate the problem of insecurity.

Even President Carlos Menem, in his statements of June 25, 1990, said he was "concerned about the lack of security", and that "in the field of security things are not right because there are not enough resources to meet the Police needs". The solution, in his opinion, was to implement

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3 Adelina Dalesio de Viola, who at the time served as National Deputy for the UCeDe ⁻a traditional right-wing party, politically conservative and economically liberal⁻, would later join the Menem administration together with other leaders of the party. They would become symbols of what was called the *ultra-menemism* (the most loyal and orthodox group of Menem's entourage).

tougher penalties: "the law has to be more severe with these crimes, as in most of the world", he said, while claiming that "legislators should be expeditious in addressing these issues" (*Clarín*, June 26, 1990).

Accordingly, on June 29, the approval of a new law by the legislature of the Province of Buenos Aires, which included a tightening of the prison-release conditions, made news in every paper. The article was titled "Now Criminals Will No Longer Be on the Streets" (*Clarín*, June 30, 1990). In the words of the legislators behind the project, Raúl Othacehe and Juan Garivoto, the new law "seeks greater security for the people and also to decrease the number of criminal offenses because, with such a stern law, criminals are going to think twice". Furthermore, they said: "It's a popular clamor. And the spirit of this law comes from the opinion of the people [...] Lawmakers should give a signal to the public", and "this bill seeks to protect the vast majority of the population living within the law". The new penal approach to the social question could not have been more obvious in their conclusions: "Given the current economic situation, it is clear that our prisons will be at full capacity".

Insecurity and the Formation of a New Hegemony

Numerous studies have shown that the economic crisis of the late eighties caused a transformation of Argentine society through the redefinition of public views on the discursive formation that during the democratic transition articulated a political hegemony, embodied in the figure of President Raul Alfonsín, founded in civility and the ethical values of democracy, human rights, and justice. Coming out of an authoritarian and repressive military dictatorship, this had articulated the desires of participation and the exercise of freedom of expression and opinion of the public through the proposal to build a solid rule of law capable of settling disputes in a peaceful, orderly, transparent, and equitable way. In this discursive formation, the closure of society was produced by its conformation as a homogeneous victim of authoritarianism.

As a result of the crisis, the center of gravity of the social demands shifted from the political to the economic, and the social demand for political consensus and democratization was replaced by a demand for government and order (Cavarozzi 1997; Sigal and Kessler 1997), which legitimized the concentration of all power for decision-making in the person who appeared to do so (Novaro 2009). This was the foundation of Menem's neoconservative hegemony, and it legitimized the massive plan for neoliberal state reform that resumed and deepened the path

of transformation initiated by the last de facto government (Bonnet 2007).

This was not only an economic crisis, but what Laclau calls, taking the term from Antonio Gramsci, an "organic crisis"; that is, a generalized crisis of social identities and nodal points that had relatively unified the social and political space of the democratic transition. In the process of the conformation of a new hegemonic formation, "insecurity" functioned as a signifier that, operating as a nodal point, stabilized new chains of equivalences that organized new antagonic identities by establishing divisions between the included and excluded, citizens and criminals, victims and victimizers, those who needed to be protected versus those needing to be repressed, and those who were in fear and those who were feared.

That is what Foucault called "dividing practices" (2001), practices that produce effects of subjectification and the division between ones, the victims, and others, the victimizers. The exclusion of the latter via their animalization as "predators" shows the conformation of the new society as innocent pray that must be defended at all costs from criminals. It also reveals what in Foucauldian terms can be called the biopolitical rationality involved in the formation of the new hegemony; that is, the construction of society as a living body under siege and the marginalized individuals and groups as a biological threat that has to be treated as a disease. In fact, the same rationale was used by President Menem to refer to the economic crisis and its drastic neoliberal reforms when he said: "I gave the diagnosis of Argentina in intensive care, on the verge of dissolution, which required a major surgery without anesthesia [⋯], [that is, to] reformulate the state, transferring political freedoms to the field of economy" (quoted in Armony and Kessler 2004, 105). This was also utilized during the last military dictatorship to define the meaning of political repression as a "surgical action to remove the omnipotent cancer [of] subversion" and, thereby, represent the military as the "effective surgeon to remove the evil in all sectors and social strata" (quoted in Feierstein 2008, 12).

In addition, it is possible to observe how political actors begin to take punitive attitudes to the problem of social conflicts by arguing that they are fulfilling a legitimate demand of society. This type of response, usually described as "penal populism" or "populist punitiveness", was resumed and deepened in the late nineties, and thus it will be discussed later.

"FIGHTING CRIME" IN THE NINETIES

Economic Crisis, "Criminal Regrowth", and the Reactivation of Discourses on Insecurity

The first period of the Menem administration, especially between 1990 and 1994, was characterized by a series of aggressive economic policies that conformed to the principles of the Washington Consensus (Lechini 2008; Ramos 2003). During this period, these measures succeeded in stabilizing the economy, and led to macroeconomic growth linked to the entrance of foreign capital mainly in the tertiary sector, while the secondary sector contracted. In the end, this produced an increase in unemployment and underemployment, with the precarization and flexibilization of working conditions (Bonnet 2007; Novaro 2009; Rapoport 2003).

Suddenly in 1994, the economy went into a recession that, after remaining off the stage of public opinion, erupted in the aftermath of the Mexican financial crisis, with a historical rise in the rates of unemployment – over 18% in mid-1995. The worsening of the economic situation continued to deepen in the second half of the decade, and eventually led to the generalized political and economic crisis and the social uprising of December 2001 (Bonnet 2007; Novaro 2009).

The news of the unprecedented rise in unemployment rates in 1994 caused a shock that affected public opinion and, along with the uncertainty about the future, dominated the 1995 presidential elections (Armony and Kessler 2004). The victory of Menem with nearly 50% of the vote would be attributed to his self-definition as "The Guarantee of a Future", and as the only one capable of governing during the crisis, just as he had managed to bring down hyperinflation.

The 1995 crisis was precisely the moment that the mass media would later describe as a "criminal regrowth" that led to what would be defined as "a true record of crimes". During 1996, urban crime began to occupy more and more space in the public sphere through a number of news stories, especially conveyed by the major national newspapers, *Clarín* and *La Nación*, which started to thematize the issue around insecurity as a problem.

In September 1996, *La Nación* published an editorial that provides an exemplary synthesis of the topics that integrate these narratives. The article, entitled "Insecurity and Violence", stated that:

> Given the overwhelming wave of murders, armed robberies and assaults of various kinds that is spreading throughout the country, the Argentinian society is experiencing an increasing deep sense of anguish and helplessness. A growing impression that the social body is defenseless against the onslaught of crime, and that the state is not fulfilling its most important purpose, which is to protect the lives and property of citizens (*La Nación*, September 5, 1996).

On the other hand, during some resonant criminal cases that had involved dramatic television coverage, the same newspaper published two editorials entitled "Impunity and Arrogance" (*La Nación*, May 15, 1996) and "Shantytowns: A Critical Problem" (*La Nación*, August 23, 1996). These exemplify the way in which poverty was represented in general, and particularly how these precarious settlements were seen as sources of danger and crime that affect all of society in the manner of a disease, and therefore should be urgently repressed and eliminated. They were described as a "massive and potentially dangerous hodgepodge" where "poverty, overcrowding and promiscuity combine". In this regard, the following questions were posed:

> How dangerous are these criminals really? What are the hidden interests that hinder the determination to repress and eliminate them? Could the police have done more than just passively attend to a threat and a disorder of such magnitude? What concrete and urgent measures have the authorities taken to at least begin to solve this problem? (*La Nación*, August 23, 1996).

The article concluded by stating that they reveal "the existence of a serious disease that affects the entire social body", and that "the authorities should consider these facts in all their seriousness, and act accordingly before it is too late" (*La Nación*, August 23, 1996).

Along with these articles, the daily newspaper continuously incorporated political actors' statements confirming this diagnosis. For example, in the article titled "Insecurity: It Has Admittedly Reached a Critical Level" (*La Nación*, July 31, 1996), the Head of the Federal Police, Adrián Pelacchi, stated that "the streets are full of repeat offenders, men of anti-social behavior and, as seen in these peaks of violence, a total lack of respect for human life". For its part, following the diagnosis made by the then-Governor of the Province of Buenos Aires, Eduardo Duhalde, the article entitled: "Duhalde Acknowledged That the Police were Overwhelmed in the Northern suburbs" (*La Nación*, August 21, 1996) stated that:

> In all districts, main streets or on the periphery of neighborhoods, all types
> of crimes and all hours of the day are suitable for theft, robbery and injury
> to the victims. For two coins or a good haul, police or no police, dogs,
> alarms or fencing, nothing is enough to stop crime, which increases gradually
> and steadily [...] [so] the reigning public feeling is insecurity.

Thus, between 1996 and 1997, insecurity was thematized on multiple notes and defined in a way that can be summarized as follows: first, as a growing "sense", "climate", or "feeling" of "helplessness" or "vulnerability", which in turn generates "restlessness", "anxiety", "fear", or "terror" in the "people"; and, secondly, as a "state" of society characterized by a steady "increase" or "regrowth" of "violence" or "crime" that has the characteristics of a "wave" and is linked to the "deterioration", "crisis", "overflow", or "lack" of public safety.

The Offensive against Insecurity: Mano Dura and "Zero Tolerance"

In this context and within the contours defined by this discursive matrix, during the second half of the nineties, insecurity entered the political scene, starting along a path that would finally lead to it becoming a major public-political problem and a priority area for state policies. The legislative elections of October 1997 were the turning point in this regard. They were the first elections since 1987 in which the ruling Justicialist Party (PJ) was defeated, this time at the hands of the ALIANZA, formed by the Radical Civic Union and the new left-wing party FREPASO. The success of the ALIANZA in the elections had a substantial impact on the construction of insecurity. Since discomfort around this topic, mainly among the urban middle class, was considered the main reason behind the PJ defeat, insecurity was given unprecedented relevance in the face of the 1999 presidential elections.

Immediately after the election, President Menem incorporated the problem of security into his agenda, defining it in his public statements as a "central question of his government" and "one of the main focuses of his last years in office" (*Clarín*, November 29, 1997). To support his statements, he launched an "offensive against crime", which marked the decisive entrance of insecurity into the public-political arena as a priority topic, and therefore defined the form that state policies would take on to "end crime" as well as the framework in which political disputes would occur.

The campaign was launched immediately after the murder of a policeman

during a bank robbery in a middle-class neighborhood of the Capital City area, an event that had a huge impact on the press and caused public outrage. In fact, while attending the funeral, covered live by television media, Interior Minister Carlos Corach took the opportunity to announce the addition of the *Gendarmería*[4] and the *Prefectura Naval* (Coast Guard) to urban security tasks in order to "place more policemen on the streets" (*Clarín*, November 5, 1997). The decision was made effective the next day by Presidential Decree and had the support of the ALIANZA, since according to its leader, the then-Major of Buenos Aires City and future President of the Nation Fernando de la Rúa, "it is urgent to meet the increasing social demands of security" (*La Nación*, November 7, 1997). From that moment onwards, the main focuses of the National Government's political and mass media campaigns against crime would be the addition of more police officers for street patrols, and the reform of the Penal Code, incorporating stiffer penalties and expanding the prison system.

The launch of the campaign would be accompanied by a series of statements by various political actors. For example, the then-Secretary for Security and former Head of the Federal Police, Adrián Pelacchi, stated that "the legal system fails. As things stand today, criminals go unpunished, and that old phrase that says offenders enter through one door and go out through the other is actually true. The laws are too lenient" (*Clarín*, November 5, 1997). In turn, Corach claimed that with the proposed reform, "those responsible for a crime shall not use the subterfuges of the law to go free" (*Clarín*, November 6, 1997). For his part, Minister of Justice Raúl Granillo Ocampo expressed the need to promote the adoption of the death penalty, since "the brutality of the crimes, and especially the fact that they are committed by repeat offenders, suggest that the chances of rehabilitation, reintegration and readaptation of these criminals are very slim" (*Clarín*, November 15, 1997). Thus, he outlined another of the characteristic topics of the new penology; that is, the criticism of the rehabilitative ideal. Similarly, the President of the Chamber of Deputies, Alberto Pierri, proposed a two-year cut in the age of criminal responsibility, and "support[ed] the creation of the economic and financial conditions necessary to bring more offenders to prison" (*Clarín*, December 30, 1997).

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4 The *Gendarmería* is a military security force of intermediate character originally created with the purpose of protecting the country's borders and other sites of national strategic importance. In a particularly suggestive way, starting in 2003, it has also been used to patrol the shantytowns' boundaries, and thereby control the spatial segregation of the marginal social sectors (Bialakowsky et al. 2006).

Menem himself blamed the legislative reforms that gave "impunity to organized crime" in an open letter published in the main newspapers on November 21. In it, he denounced the international pacts prohibiting the death penalty, and proposed to call a binding referendum to correct the codes of criminal procedures in order to punish some crimes more severely if the "speed of our legislators fails to meet the vital security needs of the Argentinians" (*La Nación*, November 22, 1997). At the same time, he called a meeting of the National Security Council, held in late November and mid-December, where three basic points were agreed upon: prison reform and changes to the Penal Code and the Penal Procedure Code, the incorporation of tougher laws to avoid prisoner releases, and improvements in police-community relations (*Clarín*, December 29, 1997).

During 1998, and as the 1999 presidential election approached, the offensive against crime accentuated its punitive approach. In February, the Executive sent to Congress a set of proposals to combat insecurity, which included: lowering the age of criminal responsibility; giving the police more powers to interrogate detainees; increasing the minimum penalties for some crimes to reduce the potential release of detainees; extending the period of incommunicado detention; tightening up the repeat-offender system; applying tougher penalties to those who resist authority; and implementing legislation to criminalize pre-crime figures, including "loitering", "suspicious behavior", and "criminal conspiracy".

In May 1998, the Union for the New Majority Studies Center, a leading think tank specializing in issues of politics and public policy, published the report on the research they had carried out for the Association of Argentinian Banks (ADEBA)(CENM 1998). The results, featured in all major newspapers, concluded that within a year, the issue of security had risen from sixth to second place on the agenda of social demands, just behind unemployment, and that it was possible to say that security was a major "societal demand" made on the state.

Some of the study conclusions are very revealing about the way in which the problem was presented. On the one hand, it was stated that about 70% of those polled feared being a victim of crime, while 30% reported having been an actual victim. Furthermore, unemployment and poverty, followed by drugs, were considered to be the main causes of crime. In turn, there was significant support for giving more power to the police to combat crime, as it was believed that having more police on the streets would help to solve the problem. Additionally, more than half of the respondents justified vigilante justice, while most of them agreed that the Criminal Code should have been amended to increase

penalties and lower the age of criminal responsibility; and although there was no consensus regarding the death penalty, 36% agreed with its implementation. The report highlights two central elements of the discursive matrix of insecurity: a) an awareness of the socioeconomic nature of the crime problem, which does not hinder the demands for law enforcement and punitive measures; and b) the huge gap between actual and perceived victimization risk.

With this diagnosis that society demanded tougher policies against crime, the rhetoric of the "official offensive against insecurity" was reinforced by directly incorporating terms such as *mano dura* and "zero tolerance"[5] into the public statements made by government officials. President Menem himself had referred to it: "zero tolerance, *mano dura*, there is no other option [...] Some human rights organizations may deplore these methods, but here a delinquent is granted more protection than the police or the people". Ultimately, he said, "we cannot leave this trigger-happy behavior to criminals" (*Clarín*, September 13, 1998). Meanwhile, as the elections in which he was presented as a candidate for the Presidency of the Nation approached, Duhalde was seeking political gain, and proposed "to take the bull by the horns", reopening the "debate" about the death penalty (*Clarín*, April 19, 1999). In the meantime, the Head of the Federal Police stated that "we are at war against criminals" (*Clarín*, May 2, 1999).

Similarly, the then-Vice President of Argentina, Carlos Ruckauf, at the time also a governor candidate for the Buenos Aires Province, declared himself to be "in favor of the *mano dura* without torture" as a way to reduce crime, while attacking "the supposedly progressive parties that do not want to give us the harsh laws that the Argentinians need. Criminals must be punished and honest people defended" (*Clarín*, September 8, 1998). "Thieves have to be gunned down" (*Clarín*, September 14, 1999), he stated later, during the campaign that led to his election as Governor of the Buenos Aires Province. One of his first actions in office was

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5 The incorporation of the signifier "zero tolerance" was prompted by the visit of William Bratton, former Chief of the New York Police Department, to Argentina, invited by the Freedom Foundation, an NGO dedicated to the promotion of the neoliberal ideology (Mato 2007). Both *Clarín* and *La Nación* devoted significant space to publicizing the visit. The first published article was entitled "Insecurity: Interview with William Bratton. The Policeman Who Imposed *mano dura* in New York". He was the executor of the plan that cut the city's crime rate in half (December 1, 1998). Meanwhile, *La Nación* published the editorial entitled "Security: The New York Example" (December 2, 1998), where Bratton was described as "One of the principal architects of the strategy that in recent years managed to reverse the criminal crisis that tore that city apart" caused by the "liberalization of customs and the trend towards permissiveness [as a] product of the early sixties" (*La Nación*, December 2, 1998).

to name the head of the 1987 military coup attempt, and at the time, one of the political leaders of the nationalist extreme right, Aldo Rico, as his Security Minister.

Duhalde finally lost the 1999 presidential election to de la Rúa; however, this did not mean a change in the relationship between crime, the media, and politics. In fact, de la Rúa had used the same punitive populist resources during his presidential campaign. In one of his most memorable television commercials, under the slogan "Someone Is Thinking of the People", he was shown commanding a heavily armed SWAT team while stating, "I will be the one pushing the criminals into prison".

Insecurity, Punitiveness, and Populism

Acting as a nodal point around the signifier "insecurity", a discursive formation was constructed that became hegemonic and produced a form of problematization of social conflict articulating the following elements: an unprecedented increase in violent crime; the association between dangerousness and poverty through the location of crime in shantytowns or in the poorest areas of Greater Buenos Aires; the widespread helplessness and vulnerability of "the people" against criminals, which would subjectively translate as "fear of being a victim"; the alarming threat of social dissolution and of a relapse into a state of war of each against all through the legitimization of vengeance (vigilante justice) and self-defense; the deficiencies in crime repression as a cause of crime, provoked by the failure of the criminal law, the inability of judges to apply the law, and the powerlessness of the security forces; the need for crime prevention, understood as increased surveillance and more police presence on the streets; and the necessity of a strong and forceful response from the authorities to solve the problem.

This discursive formation is a deployment and expansion of the one that had emerged in the late eighties, and similarly it involves the development of political dynamics of the "penal populism" type that at that time had begun to emerge. The latter has been characterized from at least two different but not mutually exclusive perspectives. First, it has been defined as the strategies of political actors who adopt punitive policies under the assumption that they will be popular with the public (Roberts et al. 2003). In a broader sense, not limited to political opportunism, it has been considered as part of what Foucault called a "governmentality" (Foucault 2006) characteristic of contemporary societies, which involves a greater interaction between state and social actors from civil society. Therefore, penal populism involves multidimensional and multifaceted

approaches to guide the emotions, concerns, and opinions of the public, and to legitimize punitive responses against what is constructed as a common enemy that is segregated from the rest of the population, and whose presence unifies the rest in a community of condemnation against him (Pratt 2007).

This perspective can be traced back to the classical analysis of Hall et al. (1978) on the neoliberal and neoconservative turn in the UK during the Thatcher administration, for which they coined the term "populist authoritarianism". Following this point of view, penal populism is understood as a way through which contemporary democratic societies respond to the economic and political crisis of advanced capitalism. Through these dynamics, crime as a public and political problem is constructed through an authoritarian public-political agenda focused on increasing repression and police control, which earns public legitimacy by guiding popular discontent through media campaigns that generate moral panics.

Laclau's (2009) analysis of populism is important to understand the singularity of the late nineties' penal populism in Argentina, considering that populist movements such as Peronism had a major role in the formation of the state and the political culture. According to his theory, "populism" can be understood as a particular form of construction of hegemony around the constitution of "the people" based on signifiers that manage to unify the community. It is characterized mainly for producing an extension of the inner boundary of a political space dichotomously divided into opposing camps. As such, populism differs from those forms of hegemonic constructions that Laclau called "democratic" because the latter assume and maintain a plurality of political spaces.

Now, considering this general logic, the punitive populism that developed during the nineties in Argentina was radically different to the populist formations of the past, particularly those driven by the Peronist movement. According to Laclau, in these latter cases, this type of articulation was the means by which the "popular classes" (i.e., those socially excluded groups) managed to enter the political arena. The Peronist movement was linked to the emerging middle and popular classes, whose democratic demands were not able to be absorbed by the hegemonic forms of the prevailing liberal state. Therefore, beyond certain illiberal components, it was a populism aimed at strengthening the national state in opposition to the ruling oligarchies, through implementing redistributive programs and democratic reforms relating to the recognition of citizens' rights for the popular classes. Hence, some of its central nodal points were "social justice" and a construction of the people based on the figure of the

descamisado ("without shirt" or "shirtless"); that is, the popular working class (Sigal and Verón 2003).

Instead, the punitive populist hegemony, firstly, did not organize the entire political field but operated in a specific space that was the response to social violence. But, following the political logic of populism, in this specific field, it produced a dichotomization of social conflicts that reinforced the division of social space into opposing camps. In turn, it formed a notion of "the people" around the victim of crime (i.e., the middle and upper class citizen who is the prey of predators from the underclass) and generated polar and irreconcilable subject positions (criminal-citizen), which resulted in punitive responses that promoted the social marginalization of one of the poles in conflict. Secondly, penal populism operated in the opposite direction to the populist formations mentioned above because it produced and introduced into the democratic public sphere demands of the dominant social sectors that reinforced the exclusion of the popular classes, thus deepening the discursive conditions of inequality and social conflict.

CONCLUSIONS

The processes of social change associated with the deployment of neoliberalism in Argentina were accompanied by cultural and political dynamics that manifested themselves in the ways in which crime was constructed as a public problem. It is possible to conclude that during the lootings of 1989, social insecurity and conflicts associated with the new social question were represented as a problem linked primarily to violence, urban crime, and public disorder. Using narratives that focused on the fear of victimization, the mass media covered the events through discourses that favored the articulation of marginality and violence, social exclusion and crime, and focused attention on the emotional impact of conflict on social sectors less affected by the crisis, and ultimately led to the proposal for the strengthening of policing and law enforcement as the only solution.

During the second half of the nineties, around the signifier "insecurity", a discursive formation was consolidated and was accompanied by the deployment of a political strategy based on the identification of political actors with the "victims" and their demands for law enforcement and policing, as can be observed in the campaigns against crime of the late nineties formulated in terms of *mano dura* and "zero tolerance". In the

arena of political disputes and on the path to the presidential elections of 1999, this punitive populism was an opportunistic attempt to seduce certain sectors of the electorate. But in a broader sense, it was a means through which to construct a populist hegemonic formation through which social conflict produced by the economic crises were managed in a way that reinforced social exclusion and inequality.

It was not the aim of this paper to demonstrate the existence of a necessary relationship between neoliberalism and punitiveness, but the research provides elements through which to establish and characterize the processes that, during the eighties and nineties in Argentina, complemented the reduction in the social role of the state with cultural and political dynamics that gave rise to a punitive discursive formation that legitimized the strengthening of its penal facet.

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