A Legitimacy-Based Approach to Punitiveness:
An Analysis of the Influence of Political Legitimacy on Citizens' Attitudes Towards Punishment in Latin America

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Summary

Latin America has experienced a serious increase in public punitiveness in the past decades. Although many factors explaining people's attitudes towards punishment have been identified and empirically tested in previous research efforts, these have had a distinct focus on the Global North, thus leaving the Global South and Latin America in particular, void of adequate contextually relevant explanations for this rise in public punitiveness. In this thesis, I build on research from comparative politics and criminology to introduce a novel theoretical framework that places political legitimacy as an important determinant of public punitiveness in Latin America. With this *legitimacy-based approach to punitiveness*, I examined the extent to which, and how, political legitimacy influences public attitudes towards punishment in Latin America.

Using data from the AmericasBarometer (LAPOP) survey, I first tested the model empirically from a cross-sectional standpoint, looking at 10 countries in South America. Results from multinomial logistic regression showed that political legitimacy was a consistent predictor of citizens increased punitiveness in the region. These results further indicated that the link between political legitimacy and punitiveness was specific to certain dimensions of legitimacy, particularly those associated with institutional legitimacy. A second empirical exercise was conducted to test the model over time focusing on the specific case of Chile. Results from this time-series analyses supported the findings from the cross-sectional study and indicated that decreased political legitimacy was also a consistent predictor of increased punitiveness in Chile.

Overall, this thesis highlights the impact that context-specific factors may have in influencing citizens' support for crime control policies in Latin America. The findings from this thesis also bring to light the importance of the multidimensionality of political legitimacy, and suggest that not accounting for the multiple dimensions of political legitimacy may potentially obscure important relationships that may appear evident only when disaggregating the construct.

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CHAPTER 1: Introduction

1.1 Background

Public punitiveness, or the public's preferences for the harsher punishment of criminal offenders, has rapidly increased in most Western societies in the last few decades (Kury and Shea 2011). The findings from research on public opinion continue to show that the public demand for the harsher punishment of offenders largely remains the preferred choice in many countries, despite the decline in crime rates (Ramirez 2013; Sprott 1999; Kury and Ferdinand 1999; Unnever and Cullen 2010; Messner, Baumer and Rosenfeld 2006; Nivette 2016).

Criminologists and sociologists, primarily, have embarked in arduous research endeavors to identify the causes for this rise in punitiveness and to understand its related implications. In doing so, a variety of theoretical perspectives have emerged. In particular, two main schools of thought currently dominate the literature on punitiveness. On the one hand, scholars argue that punishment originates from elements that are directly related to crime. These *instrumental theories of punishment* suggest that factors such as actual experiences of victimization, fear of crime or even perceptions of crime salience lead to increased punitiveness. On the other hand, scholars indicate that aspects of societal life and its related social anxieties are much better at predicting punitiveness. These *symbolic theories of punishment* encompass social anxieties such as economic or political concerns, which ultimately create a sense of uncertainty that, through various mechanisms, culminate in higher levels of punitiveness.

However, many (if not all) of these theories have been developed, tested and further replicated in large industrialised nations such the UK, USA, Canada, Germany and Australia (Unnever and Cullen 2010; Gerber and Jackson 2016; Kury and Ferdinand 1999; Hirtenlehner 2011; Garland 2001; Garland 1991; Roberts and Indermaur 2007). The field has often been quick to generalize the findings from these theoretical models to other contexts, thus approaching most determinants of punitiveness as absolute in terms of their applicability. Although there are a few exceptions in the literature which take into account the global challenges that can potentially influence citizens attitudes towards punishment, these mostly take the route of testing these most traditional models and gauging their applicability rather than generating new explanations that might better fit the context under study.

Nevertheless, there is some evidence showing that context matters greatly when determining which factors increase punitiveness in any given society. While some of the most widely accepted correlates of punitiveness can be generalized to a certain extent, this might not be the case with regions that have experienced a unique set of conditions and circumstances that set them apart from other nations. For instance, citizens in post-war countries like Croatia and Kosovo hold highly punitive attitudes when punishment is presented in terms of prosecution for human rights violators, regardless of whether they have been victimized or not (Kiza 2008), and punitiveness in Japan is as high as that of Western nations despite it being an industrialized nation with extraordinarily low levels of crime (Kury and Shea 2011). Despite these efforts to account for contextual differences, one region that remains largely unexplored is Latin America. Punitive attitudes in Latin America have been on the rise for years now in the region (Fortete and Cesano 2009; Nivette 2016; Bonner 2018; Morales Peillard 2012), and while Latin America is not specifically exceptional in terms of its punitive rise, our understanding of this phenomenon there is indeed exceptionally limited.

This thesis draws on the comparative politics literature to introduce and empirically test a legitimacy-based approach that can account for the influence of legitimacy on the increase in punitive attitudes in Latin America, thus providing an appropriate explanation for this phenomenon. More specifically, this thesis posits legitimacy as a consistent determinant of punitiveness in Latin America.

1.2. This Thesis: A Legitimacy-Based Approach to Punitiveness

The central argument of this thesis is that, while instrumental and/or symbolic factors may potentially play a role in explaining punitiveness in Latin America, there are other aspects of the region's political and historical make-up that would suggest other factors might explain this rise in punitiveness better than these other conventional determinants. In other words, the reasons for the increase in punitiveness in Latin America are potentially tied directly to the way in which the states in that region have experienced democracy and governance. The wide range of distinctive characteristics present in the latter region in terms of its political history and trajectory, political culture, as well as systems and institutions (Bonner 2019) has been quite

overlooked, which renders the direct application of theories of punishment from other industrialized nations to the region rather inadequate.

Latin American countries, and more specifically South American countries, have experienced an important decline in political legitimacy in recent years. A state is essentially legitimate when citizens treat it as "rightfully holding and exercising its power" (Gilley 2006, p.48), thus the role of political institutions and their legitimacy should be a central property in the study of public attitudes towards punishment given the role these play in developing and implementing crime control policies.

As mentioned above, to date, the vast majority of the explanations offered to account for the rise in punitiveness in Latin America has centered almost entirely on the works developed and analyzed in the Global North. What we know about punitiveness in Latin America, then, mainly reflects what we have extracted from the theoretical developments of scholars in industrialized Western societies. Stemming from these lines of work, punitiveness in Latin America has been linked to victimization and crime salience (Malone 2010), fear of crime (Dammert 2012), economic anxieties (Singer *et al.* 2019), the influence of the media (Fortete and Cesano 2009), and most recently, to outgroup and racial animus (Lehmann *et al.* 2020a; Lehmann *et al.* 2020b). Although these determinants of punitiveness may be adequate explanations for the rise of punitiveness in the societies in which they originated, the current research in punitiveness in Latin America has fundamentally overlooked the relevance of the role that political processes have in shaping citizens' perceptions and attitudes towards institutions and their performance, as well as the policies that these enact.

The influence of these political processes on citizens' public opinion is evidenced by the crises of legitimacy that many states in Latin America have experienced in recent years. These crises of legitimacy, characterized by citizens' loss of trust and confidence in the state and its institutions, can often lead citizens to become cynical or even rebel against the state (Oquendo 1999). Thus, in a context where institutions are not trusted to perform as expected or deliver where appropriate, these cynical, rebellious, or even discontent citizens might lean towards policies that reduce their feelings of uncertainty and that hint at the potential restoration of social order, as do many of the retributive sentences handed out to criminal offenders by the criminal justice system.

Although a link between public punitiveness and policy-making has been well-established and recognized (Frost 2010), the exact nature of the direction of this relationship has been widely debated in the literature (Frost 2010). Some scholars argue that punitive public opinion has a direct influence on penal policy-making as a result of politicians' tendency to pander to the public in order to gain approval; a "populist punitiveness" that often times culminates in ineffective policies being enacted that have not been carefully deliberated (Frost 2010; Pratt 2007; Roberts *et al.* 2002). Other scholars stand behind the idea that policy-makers and political elites instead manipulate citizens' ideas on crime and punishment through the construction of crime as a social problem for political and ideological gains (Beckett 1997; Frost 2010). Regardless of which perspective they support, however, scholars do tend to agree with the fact that, whether from one direction or the other, in the end public opinion plays an important role in shaping public policy (Frost 2010). Still, not enough is understood about the relationship between the citizens' perceptions of these policy-making bodies and how that impacts their overall attitudes towards punishment.

In particular, while there is a vast amount of research on citizens' trust in government and institutions, citizens' perceptions of the legitimacy of these bodies have not been examined in terms of their impact on punitiveness. This gap in the literature thus leads to the research question behind this research: to what extent does political legitimacy influence punitive attitudes in Latin America? Empirical studies on punitiveness in Latin America have given special attention to the role of the media in shaping people's attitudes towards punishment, particularly highlighting the role of politicians' punitive rhetoric on the development of punitive populism (Fortete and Cesano 2009; Bonner 2018). Other studies have strongly emphasized the role that fear of crime and victimization play on the formation of these stronger attitudes towards punishment in the region (Dammert 2012; Llobet Rodriguez 2011). However, citizens' perceptions of the functioning of their institutions and the potential impact that this may have on their subsequent attitudes towards crime control measures is less understood.

Not only are political institutions responsible for the control of crime, but they also play an important role in its regulation by "enmeshing individuals in social systems that reduce their motivation to commit crime, by increasing the effectiveness of those who are informally and formally expected to regulate their criminal behavior, and by protecting individuals from the criminal behaviors of others" (LaFree 1998, p.77). While growing distrust in political

institutions has negatively influenced the effectiveness of social control mechanism in the US (LaFree 1998), in Latin America this erosion of the effectiveness of social control mechanisms seems to occur prior to the emergence of public distrust.

Thus, the aim of this thesis is to propose people's perceptions of political legitimacy as a correlate of punitiveness in Latin America by introducing a legitimacy-based approach to punitiveness. In doing so, this thesis effectively connects research on comparative politics and criminology to take a closer look at the role that political legitimacy plays in explaining citizens' preferences for the harsher punishment of offenders as a means to reduce crime in their country. With the legitimacy-based approach to punitiveness, I argue that the focus on instrumental or symbolic factors alone may not be adequate in explaining the rise in punitiveness in Latin America, given that punitiveness can also result from citizens' perceptions of the political conditions in their state. Crime is often perceived as a violation of the stability of the state, and criminals are seen as outsiders or as "deserters" of society (Garland 1991). In a region like Latin America, where democracies still display elements of authoritarian regimes and where most states are characterized by a lack of good governance, the delegitimization of the state and its institutions will be an important predictor of punitiveness given that their effectiveness and efficiency are what citizens will refer to when making the decision of whether preventative measures or increased punishment will be the better strategy to implement to reduce crime. As political and state legitimacy decline, citizens are then expected to show a stronger preference for the increase of punishment rather than for the implementation of preventative measures as a means to exert effective crime control.

More specifically, South American states share a history of pendulum effects between democracies and dictatorships, a to-and-fro trajectory, which has shaped the way citizens both perceive and experience democracy today (Power and Cyr 2009). Many of the dictatorships left a trail of authoritarianism which has kept authoritarian enclaves or pockets of authoritarian elements ingrained in the workings of democracies today (Garretón 2004). These authoritarian enclaves have, in turn, influenced the quality of governance in the region, which is often characterized by impunity, non-adherence to the rule of law and generalized corruption by government officials, political actors, as well as institutions (Iturralde 2010). These conditions further generate the perception that the law is simply unavailable, creating a sense of statelessness in most individuals (Nivette 2016), which, coupled with the increased fear of crime

generated by both the media and political discourses and rhetoric, contribute to the perception that governments and institutions are not efficient or effective in their ability to control crime and delinquency.

Governments in Western states have been known to make serious strides to attempt to gain back public confidence in political institutions (LaFree 1998). As part of these efforts, politicians and policy-makers have been quick to respond to public demands for security via the implementation of harsher sentences and the elaboration of a "tough on crime" rhetoric in order to appease the citizenry (Simon 2007). Without the knowledge of what factors influence punitiveness in Latin American citizens, the relationship between public opinion and crime control policy-making remains in the dark.

1.3 Thesis Structure

As mentioned above, to date, our understanding of what has contributed to the increase in punitiveness in Latin America is limited, especially in light of its specific regional characteristics. This thesis, then, introduces and empirically tests a theoretical model that explains citizens' preferences for the harsher punishment of offenders in South America while taking into account the unique characteristics of Latin America in order to identify and explain the factors that have contributed to the phenomenon of punitiveness in that specific region. In doing so, this thesis combines elements of research from comparative politics and criminology to bridge a gap between the two disciplines and develop a comprehensive theory of punitiveness.

This thesis is divided into seven chapters, including this introduction. Chapter 2 provides a historical and contextual review of democratization in Latin America. The purpose of this chapter is to familiarize the reader with the context in which this thesis and the subsequent empirical analyses are set. The theoretical framework introduced in later chapters takes into account the transitions to democracy in the region as well as the quality of governance that resulted as a consequence of these transitions.

Chapter 3 reviews the literature on punitive attitudes, highlighting the most prevalent theories and correlates associated with increases in punitiveness to date. The literature on punitiveness has been heavily reliant on criminological theories, as this chapter will show. However, I argue that these determinants of punitiveness have not provided sufficient

explanations for the rise of punitiveness in Latin America, as they leave out some fundamental aspects of the perceptions that citizens have of their institutions. Chapter 4 then gives a detailed account of the legitimacy-based approach to punitiveness, which is the theoretical framework proposed in this thesis. This chapter sets out to explain this theoretical model, which emphasizes the often-discounted importance of the role people's attitudes towards institutions play in shaping citizens' punitiveness. In Chapter 5, the legitimacy-based approach to punitiveness is empirically tested across the whole region of South America in a cross-sectional study. The aim of the study presented in this chapter is to test the key aspects of the theoretical model, thus establishing which aspects of the model are empirically supported. Following this empirical test in the whole South American region, Chapter 6 focuses on the most outstanding case from Chapter 5, which is the case of Chile. This chapter further tests the model and looks at the effects of the legitimacy-based approach to punitiveness in a longitudinal perspective. Chile stands out as a hard case (as will be noted in this chapter), and testing the legitimacy-based approach in this setting provides further clues as to how this model behaves in this context. Finally, Chapter 7 closes with a discussion of the findings as well as some concluding remarks, then giving an overview of the limitations and suggestions for further research.

1.4 Contributions

This thesis contributes to and extends the literature in both criminology and comparative politics by taking an in-depth look at Latin America's regional characteristics and introducing a theoretical framework that best explains punitiveness in the Southern-most region in Latin America, specifically. In doing so, this thesis addresses an important gap and contributes to scholars' knowledge of the correlates of punitiveness by introducing the concept of legitimacy as an explanation of punitive attitudes to their toolkit.

This thesis advances our understanding of the role that legitimacy plays in influencing citizens' punitiveness specifically by taking into account the complexity behind the inner workings of legitimacy in the region. Although the link between political legitimacy and punitiveness might seem simple at a first glance, the legitimacy-based approach introduced in this thesis illustrates the intricacies in this association, particularly in regards to the multidimensionality of the political legitimacy construct.

The empirical components of this thesis also provide an important contribution to the literature by sketching a multidisciplinary blueprint for the study of legitimacy in Latin America that considers the impact of democracy, governance, crime and the unavailability of the law on people's perceptions of their state and institutions. Furthermore, by introducing political legitimacy as an important determinant of punitiveness, this thesis also contributes to the research on punishment by establishing the importance of this concept for further research efforts looking to explain rises in punitiveness. While the legitimacy-based approach provides a particularly rich explanation for punitiveness in Latin America, this relationship between political legitimacy and punitiveness might not be limited to this specific context. In other words, although the legitimacy-based approach to punitiveness might be an essential determinant of citizens attitudes towards punishment in Latin American states, the role that political legitimacy plays in influencing punitiveness might not be limited to this region only. Indeed, political legitimacy may very well provide some answers to public punitiveness across the globe.

Lastly, this thesis also has important implications for policy, as a full understanding of this specific aspect of citizens' opinions could better inform the future direction of effective crime control and public security policies, particularly in light of how public opinion and public policy interact with each other.

CHAPTER 2: Historical and Contextual Review of Democratization and its Consequences in Latin America

In recent decades, Latin America has been shaped by major political developments, including the return to democracy, the 1980s-1990s decade of economic crises, and the generalised violence and conflict that affect the region. In this chapter, I review the impact of the return to democracy and the types of transitions in the region to a) better present the context in which this thesis is set, and b) recognize how these elements further influenced the trajectory of the region's political culture. The characteristics of authoritarian regimes and punishment trends in the region are also discussed as a way to introduce the key contextual elements that have helped shape the relationship between political legitimacy and punitive attitudes in Latin America. As previously mentioned, a state's legitimacy is maintained as long as its citizens believe that it rightfully holds and exercises political power (Gilley 2006), thus understanding the context in which political power developed in the region provides a blueprint for the mechanisms behind the relationship between political legitimacy and punitive attitudes.

2.1 Latin America's Return to Democracy

The third wave of democratisation reached Latin America in the 1980s and 1990s, and led to the widespread departure from authoritarianism in the region. By this time, many scholars had already made attempts to outline the conditions needed to establish a successful and stable democratic government. According to much of the literature, democracy is likely to be influenced by the following: a) the development of capitalism and the availability of economic competition, b) a political culture based on characteristics such as inter and intra personal trust amongst citizens, tolerance towards diversity, and the capability of political compromise, c) a combination of specific historical and political patterns (e.g.: the order of appearance of economic, social, or political crises), and d) influences and/or pressure from external sources and states (Karl 1990). Nevertheless, these assumptions became a challenge to Latin American scholars, as the region as a whole reached democracy in a variety of ways. In other words, democratization in Latin America did not advance as a "one size fits all" phenomenon; each

country in the region transitioned to democracy from different points and have consolidated at different rates.

As Remmer (1992) outlined in her piece on the processes of democratization in Latin America, the third wave has been the longest standing democratization wave and cast a wider net in terms of the countries that democratized during this time. The nature of democratization in Latin America during this wave also had a different level of depth in the sense that it was more inclusionary of citizens and their voice. Moreover, throughout this wave Latin American institutions made more active attempts to reach consensus, which garnered them more support. Aiming for consensus was also the result of the increased political moderation captured by surveys at that time. Overall, the author remarks how "the legacy of the 1980s was thus a set of competitive regimes that was larger, more durable, more inclusionary, and more consensually based than any in the past" (Remmer 1992, p.7).

The way in which democratization evolved in most of the Western world does not necessarily reflect the experience of Latin American states. The analysis of Latin American democratization from the sole perspective of Western societies tends to be narrow and often misses out on the nuances of the region (Caldeira and Holston 1999). Latin America's political history is characterized by a constant "to and fro" between periods of democratic rule and periods of autocratic regimes. Some scholars argue that this phenomenon of continual "pendulum swings" (Power and Cyr 2009) is rooted in the very early origins of Latin American authoritarian political arrangements, prior to the arrival of Europeans to the Americas (Vanden and Prevost 2006). Some of the earliest Latin American political systems dating back to the time of the Mayans, Incans, and Aztecs were already based on authoritarian and hierarchical rule (Vanden and Prevost 2006). These systems relied almost entirely on the "strong man rule", or the power of one leader or ruler, whose authority was undoubtedly recognized and respected by all citizens (Vanden and Prevost 2006). The pendulum swings between authoritarianism and democracy in Latin America, coupled with the fact that the escalation of authoritarian ideals have been supported by factions of the citizenry at specific points in history, suggest the presence of a deep-seated tolerance for authoritarianism in the region (Sznajder 1993). Latin America's authoritarian foundation has thus increased the likelihood of Latin American nations advocating for shifts to authoritarianism, even if temporarily.

These early patterns of political order have formed the basis of Latin American societies, and have also permeated deep enough to effectively influence the current political systems in the region today. Still, Latin American countries are not all painted with the same stroke, and the final characteristics of their democracies will be established in processes before and during the moment of the transition from the authoritarian regime. I now turn to an examination of the types and modes of transitions that Latin American states experienced, and how these influenced the course Latin American democracies have taken, as well as democratization's impact on the region's political culture.

2.2 Modes of Transitions to Democracy in Latin America

Although the presence of powerful and strong authoritarian (often military) agents has significantly marked Latin America's history, the legacy of these agents has played out differently throughout the region, especially in regards to the transitions to democracy. The influence that authoritarian bodies of power had on the transitions to democracy and the later consolidation of Latin American democracies shows much variability within the region. To name a few examples: Argentina's transition was motivated by the defiance of groups that opposed the military rulers during the dictatorship. This resistance came from several factions of society who took advantage of the weakened position of the military regime following the loss to the British in the Malvinas/Falklands. This substantial damage to the political power of the authoritarian agents in Argentina that resulted from the Malvinas/Falklands defeat gave way to Raúl Alfonsín's opposition government to establish and set, to a certain extent, the parameters for the transition itself (Sznajder 1993; Munck and Leff 1997). Chile, on the other hand, experienced a rather autocratic-led transition. Chile's transition was triggered by a plebiscite won by the opposition, yet despite gaining the majority of the votes during that plebiscite, the opposition still did not have enough power to fully challenge dictator General Augusto Pinochet's authority. Essentially, while the military did accommodate to allow a transition from the dictatorship to a democracy, they did so in a way where they were able to impose the conditions and terms of the transition (and eventual consolidation), including the stipulation that they remained visible and active in the country's politics and government.

These variations within the region stem from the power held by the authoritarian agents at the time of the transition, which influenced the type of transition that would follow as well as how the relationship between civil society, the military, and the political power of the opposition would eventually play out (Sznajder 1993). The key element here is the position of power the authoritarian agents holds at the time of the transition relative to that of the opposition. In situations where the opposition retains similar power to that of authoritarian agents, transitions are more likely to be negotiated as neither of the two parties can be certain of the outcome of the transition and whether they will succeed (Stradiotto and Guo 2010). Transitions that involve negotiations often fall into the category of *consensual transitions*, which are by nature less violent and maintain some level of participation from both the authoritarian agents and the opposition (Share 1987). Transitions that take place after conflict or a sudden loss of autocratic power are more prone to be *nonconsensual transitions*, and are less likely to run smoothly (Share 1987).

Consensual transitions are also characterized by some level of participation by the authoritarian rulers, either by allowing the transition to take place without resistance or by engaging with the process to avoid a less desirable outcome (Share 1987). This participation can take place in the form of agreements and pacts between the authoritarian agent (in many cases the military) and civil society, political parties, entrepreneurs and labour organizations (Juárez 2005). Consensual transitions can also result from more strategic moves from authoritarian agents who attempt to maintain and extend their rule even further. Many processes of democratization in Latin America started out as consensual transitions often initiated by the authoritarian regime. These transitions often aimed to advance political reforms that could alleviate some of the authoritarian regime's pressures (both internal and external), which is why they allowed small openings for some groups in society, as this would allow them to avoid making drastic changes, thus preserving their status quo (Juárez 2005).

Conversely, when the power differential between authoritarian agents and a substantially powerful opposition is evident, transitions are more likely to end in breakdown and lead to nonconsensual transitions (Share 1987; Stradiotto and Guo 2010). In nonconsensual transitions the relationship between authoritarian rulers and the opposition is much more strained and the opposition may potentially have more leeway to maneuver around negotiations. In these types of transitions, authoritarian rulers are much more likely to exert some resistance and oppose a

change of regime. Nonconsensual transitions often result from the breakdown of the authoritarian regime, which tends to speed up the process of transition (Juárez 2005). Due to this regime breakdown, nonconsensual transitions put the credibility of the authoritarian agents at risk as the democratic regime takes over. In these cases, political legitimacy tends to be a zero-sum game as they resolve into nonconsensual democracies. In other words, in nonconsensual democracies only one ruler is deemed to be legitimate, whereas in consensual democracies, both authoritarian and democratic rulers can be ascribed some level of legitimacy simultaneously (Share 1987). When an authoritarian regime loses legitimacy the probability of it nearing its end increases, as it becomes more vulnerable to strikes, riots, and general civil unrest. Grassroots groups leading demonstrations of public discontent can create enough pressure for the weakened regime to potentially be forced to be replaced (Juárez 2005).

States can experience a) *consensual* transitions led by the *masses* versus *nonconsensual* transitions led by the *masses* on the one hand, and b) *consensual* transitions led by the *elites* versus *nonconsensual* transitions led by the *elites* on the other hand. In other words, the relative power between the elites and the masses at the time of the transition will inform the strategy used to enact the transition and complete the process, and this strategy will further impact how much presence authoritarian agents hold in the new democracy (Karl 1990). These permutations of "elites versus masses" can then result in four different modes (see Fig 1). The first mode, c*onversion* or *reform from above*, is the combination of an elite led transition that uses compromise as a strategy. *Conversion* corresponds to situations where the power lies within the elite incumbency, and the transition is led by the government or the elites, with little to no input from the opposition. Examples of *conversion* can be seen in the transition of Brazil in 1986. Conversions are often cases where the initiative to democratize comes from a more powerful faction of the elite, which then triggers the process (Stradiotto and Guo 2010; Sznajder 1993; Juárez 2005).

Table 2.1. Stradiotto and Guo's (2010) Unified Approach of Modes of Transition

New Category	Previous Classification in the Literature	Countries
Conversion	Transformation; Transaction; Reforma Pact; Reform through Extrication; Reform from Above	Ecuador (1979); Peru (1980); Brazil (1986); Chile (1990)
Cooperative	Transplacement Extrications; Reform through Transaction; Pact; Reform from Below	Dominican Republic (1978); Bolivia (1982); Uruguay (1985); Honduras (1990); Nicaragua (1990); El Salvador (1991)
Collapse	Replacement; Ruptura; Breakdown/Collapse; Revolution/Imposition; Reform through Rupture	Argentina (1984); Paraguay (1991)
Foreign Intervention	Intervention; Imposition	Panama (1994)

Cooperative transitions, or *reform from below* are those in which a pact is enacted between the government and the opposition. These are the most common types of transition in Latin America, which required compromises between elites and the opposition. *Cooperative* transitions can also emanate from internal divisions within the elite, in addition to divisions between the elites and the opposition (Schmitter 2018). In most cooperative transitions, one of three elements are likely to be present: 1) a commitment from the elites against violence and foreign intervention, 2) shared office and policy-decision making based on previous arrangements, and 3) amnesty for the autocratic regime. Venezuela's pact between the military and the opposition in the late 1950s illustrated a clear cooperative transition. The pact was made between the two powers for the military to leave power and remain uninvolved in politics in exchange for amnesty for human rights violations and a secure economic situation. Another example is found in Chile, where the pact created between the elites and the opposition did not displace the military, but rather made them an active part of politics during and after the transition (Munck and Leff 1997).

Cooperative transitions are the result of both the incumbents' and the opposition's realization that neither side holds enough power to wholly determine the direction of the negotiation and the eventual transition, leading to a "cooperative compromise" where both sides

give way to an extent. Also, during cooperative transitions there is more awareness from the government that the pressures stemming from the resistance and discontent of the people (in the form of strikes and riots), and the loss of international credibility and support are simply no longer viable, as it was in the cases of Uruguay and Bolivia (Stradiotto and Guo 2010), as well as Nicaragua, Honduras, and El Salvador, where citizens were much more likely to express their demands to the government as they worked together at the communal level (Booth and Richard 1998).

Transitions can also emerge after *collapse* or *breakdown.* These transitions are led by an opposition that has experienced a shift in the balance of power in such a way that they have gained most of the control, overpowering authoritarian agents. The strategy used by the opposition in these transitions is force, and can be initiated at either the mass (*revolution)* or elite (*imposition*) level (Karl 1990). *Impositions* get their name from the imposition of power from the elites towards opposing elite members. These transitions are often triggered by internal divisions amongst members of the ruling elite, where the softer sections or factions of the elite start to exert dominance over the harder sections, resulting in a divided government that can eventually implement what many scholars refer to as either *dictablanda* (soft dictatorship) or *democradura* (hard democracy), whereby the government acts as an authoritarian regime with some democratic elements (Schmitter 2018), such as the case of Brazil, where the transition was advanced by the involvement of other elite members such as the church and entrepreneurs (Juárez 2005). The role played by the military in these types of transitions is quite important, as their reluctance to stand by the old regime is, partly, what allows for the demise of the old regime to happen in the first place (Stradiotto and Guo 2010). Argentina's transition would fall under this category, given the government's loss of power and legitimacy following the Malvinas/Falkland defeat, as mentioned in previous sections of this chapter.

Finally, the last category covers transitions led by external or foreign entities that are in a position of more power than the authoritarian regime in question. These transitions triggered by *foreign intervention*, usually take place when there is no domestic power capable of leading an opposition that is strong enough to remove the incumbent from power, and thus the involvement of external powers is required. These transitions can end in violence and a less than ideal future for the displaced authoritarian agent, as was the case for Noriega in Panama, who remains imprisoned since 1990 (Stradiotto and Guo 2010; Furlong 1993).

These various modes of transitions to democracy in Latin America had a direct influence in the presence of authoritarian agents during the later stages of democratic consolidation in Latin America. In the next section I examine the development of authoritarian enclaves in new democracies, as well as their impact on the democratic consolidation process.

2.3 The Actors: Military Regimes, National, and Subnational/Local Governments

Most Latin American military regimes were characterized by two key elements: their repression of civil mobilization and their solid ties with international economic actors (Collier 2001). These *bureaucratic-authoritarian* systems strongly valued the importance of economic growth and investment with foreign powers (Collier and Cardoso 1979; O'Donnell 1973). Bureaucratic authoritarian regimes also had a strong preference for a policy-making approach that emphasized technocracy and bureaucracy, rather than policy-making based on the demands from different actors and channels (Collier and Cardoso 1979; Collier 2001). Individuals in the highest positions of power in these types of governments had mostly transitioned from careers in the bureaucratic sector, as these were the skills necessary to continue developing the modernization of the state (Schamis 1991). This process of modernization included a whole host of strategies, such as the political and economic exclusion of the popular sector, the depoliticization of political issues deeming them technical ones through technocracy, the ruling of the armed forces, and the presence of a strong coalition formed by the state, foreign capital, and the elites (Schamis 1991; Collier and Cardoso 1979). Above all, bureaucratic-authoritarian regimes prioritized the development of industrialization at the expense of democratic practices (O'Donnell 1973; Collier and Cardoso 1979).

A particular form of bureaucratic-authoritarianism emerged in the Southern Cone of the region, including Argentina, Chile and Uruguay (Collier and Cardoso 1979). Scholars often make a distinction between the authoritarian regimes in Argentina and Brazil in the 60s and the authoritarian regimes in the Southern Cone in the 70s (Collier and Cardoso 1979; Kaufman 1979). Chile, particularly, adopted a form of authoritarianism that was neoconservative, which operated based on technocracy and free market trade. This model led to an increase in inequality and poverty, following a trend towards privatization and the reduction of welfarism (Collier and Cardoso 1979; Schamis 1991). Neoconservative economics became "a political device through

which to dismantle the apparatus of state intervention –the typical instrument of class compromise during populist or reformist governments –and establish a minimal state, shorn of its regulatory and redistributionist role" (Schamis 1991, p.210).

This type of authoritarianism had an important influence in the quality of Latin American democracy, as it maintained a tight grip on subnational or local governments in the region. While states nationally transitioned to democracy, authoritarian elites often remained positioned in local governments, exerting their impact on local institutions and structures, and resisting democratization through the formation of authoritarian enclaves (Gibson 2005; Sznajder 1993). Consequently, a situation of *regime juxtaposition* occurs, where the rights and liberties granted to citizens at the level of national government vary greatly from those granted by those granted at the level of local governments (Gibson 2005; 2010). Military regimes often used their power over local governments not just to resist democratization, but also to make greater changes in the state's politics, economy and society (Eaton 2006). In other words, regime juxtaposition created a context where undemocratic practices at the local level were able to run parallel to democratic national democratic regimes, fostering the emergence and consolidation of authoritarian enclaves (Gibson 2005; O'Donnell 2004).

The juxtaposition of national and local regimes also created further variations in the relationships between the military and the judicial system. Most authoritarian regimes in South America still believed it was necessary to legitimate their rule with "some kind of appeal to the law" (Pereira 2008, p.55), and the degree of consensus, cooperation and integration between the military and the judiciary had important implications for the level of repression exerted by the regime. Pereira (2008) noted that repression was more likely to be gradual and incremental when the military and the judicial elites had a cooperative relationship. On the other hand, when the ties between the military the judicial system were severed, repression was often radical. In between these two extremes lie cases in which the military and the judicial elites were separated yet had limited forms of cooperation, and where repression advanced the same way. In many instances, however, the courts allowed authoritarian agents to act above the rule of law. Military regimes were able to exert their arbitrary power and repression without constraints, as the courts took a bystander role while they remained incapable of checking the military. The courts eventually became complicit in human rights violations and state violence, as was the case in Chile and Argentina (Barros 2008). Essentially, "military authoritarianism in Argentina and

Chile destroyed the ordinary context of judicial activity in the realm of protecting individual liberties" (Barros 2008, p.178).

Military regimes not only produced long-standing consequences for the judicial system and its relationship with society, but they also created an overarching legacy of authoritarian enclaves that has managed to infiltrate most Latin American democracies.

2.4 The Legacy: Authoritarian Enclaves and Incomplete Democracies

Research has consistently shown that authoritarian elements are likely to carry on throughout the process of democratization in many types of transitions (Juárez 2005; Sznajder 1993; Garretón 2004; Pérez 2003; Caldeira and Holston 1999). This is particularly true for consensual transitions that operate through conversion or a pact. In the following section, I briefly examine some of these authoritarian enclaves and go over the ways in which they can potentially permeate into later stages of democratic consolidation. More specifically, I will focus on five of these elements often mentioned in the literature, including: authoritarian agents, legal and constitutional structures, socio-economic model, civic-military relations, and records of human rights violations during the authoritarian period (Sznajder 1993).

Authoritarian agents rely on the application of policies that allow them to control societies at large, such as the implementation of extra-legal politics where authoritarian regimes are allowed to repress any opposition at any given time (Sznajder 1993). The lack of parliamentary control in these cases exacerbates the power of these regimes. This increase in control creates a situation of diminished accountability, which contributes to a loss of legitimacy. The issue of accountability is an important one in Latin America. According to Sznajder (1993), the classic dilemma that democratic transitions and consolidations face is knowing the extent to which democratic authorities can demand accountability from authoritarian authorities, and understanding what the consequences are for not demanding accountability in terms of political culture and legitimacy. An example of this situation can be found in the negotiations that took place in Chile, where several agreements that granted amnesty to perpetrators of human rights violations during authoritarian regimes were accepted and respected during the process of transition. This constitutes, in and of itself, a decrease in the range of democracy (Sznajder 1993).

One of the most serious consequences that stem from a lack of governmental accountability is that these (in)actions can restore the legitimacy of the authoritarian actors after the transition, while reducing the legitimacy of the new democratic regime (back to the zero-sum situation). Essentially, the legitimacy of the democratic regime rests on the amount of legitimacy that the authoritarian enclaves retain. Pacted transitions are more likely to be perceived as legitimate since they require some level of compromise between the elites, which is in and of itself perceived as a legitimate act. On the other hand, imposed transitions to democracy will depend entirely on the legitimacy the regime is granted by its citizens (Schmitter 2018). This last point can cause problematic consequences as the active presence of delegitimized authoritarian agents sends the message that they might still play a relevant role in the new post-transition regime (Sznajder 1993). In the event of a nonconsensual transition, demands of accountability are more likely to increase when the opposition reaches higher levels of political power compared to that of the authoritarian agents, as these authoritarian agents have more to lose in the face of society in terms of legitimacy. Conversely, if the authoritarian agents retain their power during the transition, then the negotiations will be such that they can stronghold the opposition, thus maintaining their positions of power intact. In other words, if the regime that is leading the democratic process is perceived to retain non-legitimate elements or actors, then the process of transition and democracy itself will have legitimacy issues down the line (Schmitter 2018).

Legal and institutional structures are another form of authoritarian enclaves that can extend deep into the democratization process, as authoritarian agents can further extend their power by tapping into these bodies. Authoritarianism is often passed on through an inherent ideology of limited democracy that takes hold via actual instruments of control, such as the constitution. A clear example of the consequences of the inheritance of these authoritarian legal and institutional structures is the case of Chile, where the revised constitution of 1980 reflects the interests of the military at the time, which included the full overarching power of the president as executive leader (Sznajder 1993; Oppenheim 2018). In this particular example, certain institutions such as the supreme court of justice and appointed senators (rather than elected) continue to operate like authoritarian enclaves, and endorse the principles of the limited and controlled democracy that the authoritarian regime in Chile negotiated at the time of the transition. This is also true in the case of Mexico, where authoritarian enclaves are found in

institutions such as "the federal bureaucracy, the judiciary, and portions of the mass media, as well as local fiefdoms dominated by unreconstructed elements of the ruling party" (Lawson 2000, p.268).

More importantly, perhaps, is the fact that the existence of an authoritarian enclave via legal and institutional structures contributes to the loss of legitimacy of the democratic regime, as the enclave ensures that institutions remain tied to ideals that repress the development of a full democracy (Sznajder 1993; Garretón 2004). For instance, the implementation of many proposals in Chile was obstructed in the immediate period after the transition due to existing tensions between politics and the military (Dammert 2009). Most recently, public opinion towards the enactment of coups suggests that some authoritarian ideals remain present in many Latin American countries. The most recent wave of the LAPOP survey in 2016/17 indicates that, in countries such as Mexico and Peru, more than 50% of individuals support a military coup when corruption is high. This adds up to the lukewarm sentiment towards democracy in the region, with at least 45% of citizens in Mexico, Guatemala, El Salvador, Honduras, Panama, Colombia, Ecuador, Bolivia, Peru, Paraguay, Chile, Brazil, Venezuela, and Dominican Republic reporting not feeling satisfied with democracy overall. Likewise, beliefs that democracy is better than any other form of government remain ominously low. The only two countries in Latin America whose citizens believe that democracy is better than any other form of government are Argentina and Uruguay, both from the Southern Cone, with 47% and 51% of individuals strongly supporting this statement respectively. Strong support for democracy as the best form of government among the rest of the countries in the region ranges from 12% to 33%. These general figures indicate that, despite the overarching reach that democratic governments have had with the transitions in Latin America, the legacy set-in place by the authoritarian regimes and dictatorships that affected the region has left an important mark that has implications for various aspects of both government and society, especially for the legitimation of democracy.

Another relevant authoritarian enclave commonly found in new democracies in Latin America is the choice of economic model employed by the authoritarian regime, as it is expectedly interwoven with both authoritarian agents and institutional structures. An authoritarian regime is likely to determine which economic model they will adopt during their regime, and how it will be implemented (Sznajder 1993). The performance of said economic model set during the authoritarian period will have important implications for how the transition

evolves (Sznajder 1993); the more economically stable the state is, the more political power an authoritarian regime acquires, both in the practical sense (in terms of resources), and in terms of the image it projects towards the citizenry as well as other nations (Sznajder 1993; Pérez-Liñán and Polga-Hecimovich 2017). Authoritarian regimes are prone to conjure performance-based narratives which they use as a domestic legitimizing strategy (von Soest and Grauvogel 2017), and public perceptions of a successful economic performance can inhibit civil unrest.

Chile provides a good illustration of how the economy and the legitimacy of an authoritarian regime relate to each other, as Pinochet's military regime gained much political power and political legitimacy following the implementation of the neoliberal model in the early years of the dictatorship. This model, introduced and incorporated by a group of Chilean technocrats who studied at Harvard known as *The Chicago Boys*, led to an increase in privatization and decrease in welfarism. This new model resulted in what was perceived to be a remarkably stable economy in the region, yet it also contributed to Chile's serious levels of inequality (Oppenheim 2018). This paradoxical situation of a stable economy coupled with severe inequality tends to be further reinforced by the increased consumerism in Latin American societies (Sznajder 1993), as it evidences the lack of access and spending power of some groups.

A good economic performance alone is not enough to bring over authoritarian elements to a democracy, nor is it in and of itself a legitimizing element for government (von Soest and Grauvogel 2017). As mentioned earlier in this chapter, the imposing presence of the armed forces was one of the common elements in most authoritarian regimes or dictatorships in Latin America. The military has been the most challenging obstacle for democratic rule in the region (Vanden and Prevost 2006). The role of the armed forces during these authoritarian regimes was multifaceted, and their power was far-reaching: they could govern directly by exercising their power, they could control civil actors or institutions and rule through them, or they could link with political parties as a means to legitimate the power of the military while eliminating any potential opposition (Sznajder 1993). These varying ways of exerting military power would also determine the degree of institutionalization of authoritarianism in South America particularly, where formal rules were established for the regime to regulate its own power and allowed for a much more stable military governance (Aguero 1998). The more stable the military regime was, the more influence it had over the level of subjugation of both the opposition and the citizenry,

which in turn would influence the way in which transitions would enfold (Sznajder 1993; Aguero 1998).

The future path of a transition could also be shaped by another form of authoritarian enclave that emerged from civic-military relations. More specifically, the dynamic of civic-military relations helped establish how a transition would unfold. Civic-military relations could determine if the conditions of the transition to democracy would be established by a stable authoritarian regime, as was the case of Chile, or if the transition could culminate in the delegitimization of the military government, as was the case of Argentina. In the case of Chile, the military was so powerful at the time that even to this day their legacy lingers. In his role of President for the whole duration of the dictatorship, Pinochet was able to create the most stable military regime in the region by effectively separating the factions of the military involved in government from those acting as institutions (Aguero 1998). This overarching control was one of the interests and conditions set by the military as part of the pact with the opposition reflected in the current Chilean constitution (Garretón 2004; Sznajder 1993).

Finally, new democracies inherit a substantial record of human rights violations by authoritarian regimes (Sznajder 1993). A major issue in Latin America revolves around the inconsistencies between the inherent principles of democracy and its implementation in practice following the transition from authoritarianism. More specifically, any violation of human rights is unacceptable under any democratic regime, and perpetrators of atrocities should be punished, yet this intolerance hinders any potential compromise or negotiation between authoritarian agents and the opposition (Sznajder 1993). Given this situation, many democratic governments found themselves granting impunity and amnesty to military perpetrators of human rights violations during dictatorships, such as in the cases of El Salvador, Chile, Argentina, Honduras, Guatemala, Uruguay, and Brazil (Popkin and Bhuta 1999; Sznajder 1993; Lutz and Sikkink 2001).

This attitude of acceptance of human rights violations and the impunity that surrounded it for many years after the transitions brought about significant challenges to the nature and legitimacy of democracy in the region, often times opening up the door for skepticism and doubts about how legitimate the transitions themselves were, given the objectionable conditions under which they took place (Sznajder 1993). Moreover, democracies had to face the issue of addressing the atrocities committed when many of the perpetrators still held a substantial amount

of power in government (Zalaquett 1991). It was not until the late 1990s that the seriousness and perniciousness of granting impunity to perpetrators of abuses of human rights in Latin America was recognized, and that external organizations such as the International Criminal Court (ICC) decided to get involved in holding perpetrators accountable (Lutz and Sikkink 2001). The involvement of foreign and international bodies in the justice processes of human rights abuse perpetrators further contributed to a series of trials that took place in the region, and which saw authoritarian agents begin to lose the impunity that had been granted years prior, allowing for some sense of justice to be restored (Roht-Arriaza 2015).

Despite much of the progress that has been made towards democratic consolidation in Latin America in recent decades, the existence of each and one of these elements outlined by Sznajder (1993) have constituted the most critical roadblocks towards the full development of democracies, as they interfere with the mending relationship between the state and civil society. The next section discusses how the balance between power and legitimacy of political actors impacts the prevalence of authoritarian enclaves as well as the survival of democracies in the region.

2.5 After the Transition: Political Power, Legitimacy, and Democratic Survival

Transitions to democracy and the resulting quality of democracy will depend largely on the balance of power between the authoritarian agents and the opposition, as well as on the type or mode of transition experienced by each state. Democracies are also more prone to survival when the political actors involved in policy-making processes keep a healthy distance from extreme policies, and they are also more likely to survive when these political actors hold an inherent preference for democratic ideals as opposed to any other type of government (Mainwaring and Pérez-Liñán 2013). Research has shown that transitions that are more cooperative in nature, and that result in a more balanced distribution of power between the government and the opposition tend to lead to democracies that are characterized by having a better quality and long term stability (Stradiotto and Guo 2010; McFaul 2002). This suggests that a balanced distribution of power between the actors is more likely to lead to a more successful process of democratic consolidation.

A practical illustration of this balance of power between authoritarian agents and the opposition can be found in Sznajder's (1993) axial model of political power and political legitimacy, where governments are placed in one of four quadrants based on how much legitimacy or power they hold (see Fig. 2). This model conceptualizes the relationship between political power and political legitimacy in Latin America and shows a country's placement at any given time. The placement is not fixed, as countries can move at any point given changes of regimes or other events. The most ideal scenario according to this model would be for a country to fall anywhere within the first quadrant, with high levels of both political power and political legitimacy. The second quadrant corresponds to governments that are high in political power but low on political legitimacy, such as an authoritarian regime that rules by force without the support of the people. On the other hand, falling somewhere within the third quadrant, where levels of political power and political legitimacy are low, qualifies as the worst possible case as extended periods of low political power coupled with low political legitimacy can potentially lead to violence and regime disintegration. The fourth quadrant would then likely correspond to an opposition government that has earned high levels of legitimacy, yet remains under the power of the authoritarian regime and thus possesses limited political access (Sznajder 1993).

Figure 2.1. Sznadjer's (1993) Axial Model of Political Power and Political Legitimacy in Latin America.

The ability for political regimes to shift around the quadrants depends on certain dynamics drawn from their power and legitimacy. For example: while authoritarian regimes protect themselves when they hold more power than the opposition, they can also increase their legitimacy through populist messages and a political discourse that targets popular goals in order to gain full electoral support. This is true even under circumstances where governments fall in the second quadrant and do not have the support of society (Sznajder 1993). Regimes can also shift around as a response to the economy. A solid economy-based spike in political power with just enough political legitimacy can make a relatively delegitimized state rise quickly to the first quadrant.

Once Sznajder's axial model is linked to the types of democratic transitions in Latin America, it becomes more clear that consensual transitions in which authoritarian agents negotiate with the opposition from a position of power (e.g.: second quadrant) promote an ideal setting for authoritarian enclaves to be passed on, eventually limiting some aspects of democratic development and potentially leading to constrained democracies (Garretón 2004; Pérez 2003; Caldeira and Holston 1999). Authoritarian enclaves in Latin America remain active to such an extent that scholars refer to some governments as hybrid-regimes that blend an authoritarian foundation with repeated attempts to implement democracy (Brill Olcott and Ottoway 1999; Garretón 2004; Stokke 2018). As Vanden and Prevost (2006) aptly put it, "Latin American political culture in most countries is characterized by a nominal commitment to the practice of democracy and a deep seated reverence for authoritarian rulers with the strength to govern effectively" (p.176).

More specifically, researchers acknowledge that the various democratization processes that have taken place in the region have produced *incomplete*, *uncivil*, or *disjointed* democracies[1] (Garretón 2004; Pérez 2003; Caldeira and Holston 1999). These are democracies where elements of authoritarian regimes carry onto the democratic regime even after a regime change or transition. Uncivil democracies see a successful process of political democratization at the institutional level, but remain effectively disjointed from the public as social democratization continues to run under an authoritarian veil, in which citizens' rights might be violated and the rule of law not necessarily observed, preventing democracy from reaching the citizenry's core

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[1] These terms are used interchangeably.

(Garretón's 2004). Given that many factors come into play when determining the trajectory of a democracy following its transition, including the power/legitimacy balance between the political actors involved, as well as the type of transition that took place, it becomes less difficult to understand why democratization in Latin America has not been uniform. The next section looks at the current state of democracy in Latin America.

2.6 The Current State of Democracies in Latin America

According to Mainwaring and Pérez-Liñán (2015), most Latin American democracies have culminated in one of the following: eroded democracies, stagnant democracies, stable democracies, or high quality democracies. For the authors, democracies that have *eroded* do not meet all the conditions required for a regime to be considered authoritarian, yet these democracies show some evidence of a decline in their quality by way of developing into semi-democracies or competitive authoritarian regimes. Some examples of eroded democracies include Venezuela, Bolivia, Ecuador and Nicaragua, all of which have leaders that have held constitutional assemblies that led to the development of constitutions that both weakened accountability and enabled illegitimate re-elections. Aside from Venezuela, eroded democracies in Latin America tend to be found in countries that are rather small and poor (Mainwaring and Pérez-Liñán 2015). Democracies that have *stagnated* tend to be more stable than eroded democracies, but show severe levels of deterioration in terms of their limits to human rights in regions where marginal populations abound or where illegal armed actors can be found. Examples of these democracies include Colombia, Haiti, Guatemala, and Paraguay (Mainwaring and Pérez-Liñán 2015).

Conversely, some countries in Latin America have achieved relatively *stable* democracies, despite many of the issues they might present. This is partially because elections in these democracies remain open and fair, and are unlikely to veer off to an eroded path. The issues associated with these more stable democracies often centre around their levels of societal inequality and the protection of the rights of their more disadvantaged citizens. Mainwaring and Pérez-Liñán (2015) include Brazil, Mexico, Argentina, Peru, Dominican Republic, El Salvador, and Panama in this category. Finally, there is a smaller group of states that together form the most successful democracies in the whole region made by Chile, Uruguay and Costa Rica. These

democracies are characterized by their longevity as well as their levelled electoral field, the rights and civil liberties that their citizens have, the lack of intolerance towards the opposition, and the fact that the armed forces remain under civil control (Mainwaring and Pérez-Liñán 2015; Delgado 2018).

These democratic outcomes will also be influenced by the qualities of the transitions that precede them. Transitions that tend to be much more rapid, such as transitions by *collapse,* are more likely to lead to further conflict, as these breakdowns call for immediate measures to restore peace and stability, which is a lengthy process that rapid transitions do not allow for (Stradiotto and Guo 2010). Rapid transitions can then give way to democracies that are more likely to revert back to authoritarianism due to their weak evolution and weak rule of law (Stradiotto and Guo 2010), potentially leading to a process of *deconsolidation*, as has been the case with Venezuela, which has evidenced that state legitimacy might require more elements than just liberal democracy and the rule of law (Piccone 2019).

Garretón (2004) actually contends that the potential for a nation to revert and regress to an authoritarian regime once it has transitioned to democracy will depend on the "deepening, relevance, and quality of the regime" (p. 16). In the worst-case scenario, a democracy that has not been fully internalized might still be susceptible to be taken over by an authoritarian regime, and in the best-case scenario it might still be too fragile to eradicate the authoritarian elements or enclaves that allow for the rule of law to be violated. Also, many Latin American countries remain under the grip of inequality and marginalization, and despite qualifying as "fully democratic", their true ability to confront these issues will depend on how they face other serious scenarios, such as those of failed state capacity, threats to checks and balances, and the remnants of democratic challenges faced by the rest of the world (Kaufman 2018).

Studies have suggested that a stable democracy is likely to be the consequence of processes such as a state's modernization strategy as well as its implementation of democratic participation for state governance (Rose and Shin 2001). A modern Latin American state should have certain elements such as an active rule of law, effective civil society institutions, and an accountable government are in place (Rose and Shin 2001). However, starting the process of democratization by implementing democratic rights such as elections and government accountability becomes problematic when it takes place before modern institutions are effectively restored back to democracy from authoritarianism (Rose and Shin 2001).

The consequences of democratizing a state before its institutions have been restored back to democracy can eventually lead to both the substantial limitation of state capacity and the inability to establish an efficient and effective way to enforce the rule of law (Rose and Shin 2001), which is the case in most of Latin America. Democracy in Latin America is experiencing significant challenges that stem from many of its institutions and issues that have become deeply engrained in society: corruption, irreverence for the rule of law and lack of independence of the judiciary, violent crime, homicide, inequality, and citizen insecurity have all encouraged antagonism towards the elites as well as a higher tolerance for iron fist or *mano dura* rule (Piccone 2019). In other words, "this toxic combination of high rates of crime, corruption, impunity, and inequality is exhausting the region's historic shift over the last three decades away from military control to civilian-led liberal democratic systems" (Piccone 2019, p.3). In addition to this combination of factors, democracies in Latin America are grossly characterized by high levels of presidential instability (Pérez-Liñán and Polga-Hecimovich 2017) which, along with a loss of power of the elites, has encouraged the rise of populism and neo-authoritarianism (Piccone 2019), as demonstrated by the current political changes in Brazil.

Overall, state capacity and the current quality of democracies in Latin America have been decisively impacted by three core elements: the processes of democratization in each state, the constant shifts in power dynamics between political actors, and the pervasive presence of authoritarian enclaves. These elements, compounded by issues of citizen security, have further influenced the relationship between Latin American civil society and their governments as well as citizens' perception of the state's competency, which is discussed in the next sections.

2.7 The (in)Competent State: Citizen Security, Political Legitimacy and Punitiveness in Latin America

The role of the state has changed over time, and the elements that define a state's competency have shifted as well as a result of these changes (Blind 2007). A competent state is based on a strong and close relationship between communities and their governments, and some level of cooperation amongst both parties must be present. As this relationship forms, a culture of trust is also generated amongst citizens who feel that they have a say in the political decision-making processes of the state (Blind 2007), and this culture of trust, in turn, permeates to

citizens' perceptions of the government and their subsequent trust in it (Job 2005). Political trust is then one of the main markers of good governance, which can be understood as the "open and efficient way of conducting public affairs, managing public resources, and guaranteeing the realization of human rights", all done "in a manner free of abuse and corruption and with due regard to rule of law" (Blind 2007, p.16), or as Keping (2011) simply puts it, "good governance is the cooperative management of public life by both government and citizens, and it is a new relationship between political state and civil society, and the best state involving public and private actors and governmental and civil organizations" (pp.17–18).

Any links between political trust and good governance are, however, sustained by political legitimacy (Blind 2007; Keping 2011). A government is legitimate when citizens recognize its rightful power, and as such they are further bound to feel the responsibility to voluntarily follow the rules set by the governing authorities (Blind 2007; Hegtvedt and Johnson 2009). When elements such as good governance, honesty, and efficiency falter in a democracy, legitimacy will suffer as a result (Singer 2018). Political legitimacy then becomes an essential component that further shapes the dynamics of the relationship between authorities and citizens. Studies have shown that authorities depend on citizens' willingness to voluntarily follow rules if they want to achieve effective governance, as governance that is based on force or coercion is often ineffective and quite problematic (Tyler 1997). Yet, coercive power from an authoritarian source can still stimulate citizen's compliance with the rules when said power is perceived to be legitimate (Hegtvedt and Johnson 2009; Matveeva 2009). This is particularly relevant to the current situation in Latin America, where a number of states have not only been affected by authoritarian regimes, but they remain uncivil democracies with pervasive authoritarian enclaves. Governance under these conditions then is much more likely to lead to issues related to (il)legitimacy, especially when legitimacy relies on "the credibility and success of rule of law construction" (Domingo 2004, p.104). Still, political legitimacy (and institutional legitimacy particularly), is not as straightforward in the region. This is true in part because Latin American institutions have been characterized by their failure to successfully implement long-term institutional reforms, especially on their police and criminal justice systems. In fact, the inability to provide citizen security shown by most Latin American states has opened the door for many non-state actors to emerge as a solution to the crime problem in the form of a strong security industry, privatization and vigilantism (Sanjurjo 2017).

This government performance breakdown goes hand in hand with the region's inability to adopt both the principles of democracy and adherence to the rule of law, which has created an overall culture of corruption that has become ingrained in everyday life, and which has led to an overall decrease in institutional trust since the 1990s (Uildriks 2009; Piccone 2019). This situation is much more acute given the juxtaposition of national and subnational governments in Latin America which leads to the ineffective application of civil rights along with the obstruction of the rule of law (O'Donnell 2004).

Several factors contribute to the formation of the flawed rule of law in Latin America, as outlined by O'Donnell (2004): first, there is an incidence of laws, judicial standards, and regulations that promote discrimination against sectors of the population, and which also perpetuate the mistreatment of minorities, prisoners, or detainees. Second, there is a failure of the application of the law, in which the discretionary and severe use of the law can either become a means of political oppression of the weak, or an impunity tool for those in power. Third, there is a noticeable detachment between state agencies and citizens, which results in a further disconnect between the state and citizens. This disconnect makes violations of citizen rights much more prevalent, as they have to struggle to navigate a bureaucratic system that vaguely provides the conditions to uphold human rights. Fourth, the judiciary provides no easy access for the poor, and fair process is rare. Laws are difficult to understand, and the legal process is long and expensive, effectively discriminating against those without the resources to endure it. Finally, and perhaps more importantly, is the outright lawlessness that affects the whole region. O'Donnell emphasizes the absence of the legal state in the sense that "whatever formally sanctioned law exists is applied intermittently, if at all" and "this intermittent law is encompassed by the informal law enacted by the privatized – patrimonial, sultanistic, or simply gangsterlike – powers that actually rule those places" (2004, p.41). This absence of the legal state, also labelled "statelessness" (Nivette 2016), is especially problematic in Latin America, where conditions of statelessness and decreased institutional legitimacy have been associated with citizen support for lethal vigilantism in the face of a perceived crime increase (Nivette 2016).

The perceived risk of crime and delinquency in a context of decreased institutional effectiveness has made the levels of political legitimacy in Latin America plummet. The whole region tends to support for more punitive measures rather than progressive or preventive ones.

Although at a first glance it might seem like enhancing legal punishment would constitute giving the government more power, it might be quite the opposite: increasing formal punishment and making the state more active in the reduction of crime should decrease the involvement of non-state actors in public security, and should also hold the state more accountable, which would place a more careful eye on state actors' levels of arbitrary discretion and informality. Citizens potentially seek increased punishment of criminals via legal mechanisms as a way to put an end to the informality of the political and legal institutions that are deemed to be corrupt and ineffective.

Latin America's lack of good governance is troublesome, as it can lead to further issues of state capacity, as evidenced by several corruption scandals and increases in criminality due to drugs and trafficking (Kaufman 2018). Some of the characteristics of Latin American judicial systems that have created the conditions for corruption, include: 1) the high amount of discretionary power of judges that results in a lack of consistency in the application of the law, 2) the over-communication between judges, lawyers, and other individuals, which opens the door for more corruption and decreased accountability, 3) the lack of time standards or deadlines for the disposition of cases, 4) judges' high concentration of power, 5) the lack of external monitoring, 6) the poor professional training of judges, 7) career concerns among judges, 8) the procedural complexity of trials, and 9) the fragmentation of the political power (Buscaglia 1996; Basabe-Serrano 2013).

When corruption levels are high in the absence of good governance, the effects of authoritarian legacies on a state become much stronger (Hooghe and Quintelier 2014). This has predominantly been the case in countries like Mexico, Nicaragua, and Guatemala (Davis 2006; Cruz 2010; Pérez 2003). Also, state capacity seems to be reduced in certain areas, and even in those nations where it might not be a serious problem, public opinion does not reflect that. Latin American citizens experience widespread feelings of insecurity and lack of confidence in their governments' ability to provide basic protection (Dammert 2012).

Citizen reports from the most recent wave of the LAPOP survey conducted in 2016/17 indicate that most countries have little to no confidence in their justice institutions. Some figures indicate that trust in the police was at its lowest in Venezuela, with 38% of citizens reporting *not having any confidence at all* in the institution, followed by Mexico (32%) and Dominican Republic (32%). With a few marginal exceptions (such as Honduras and Nicaragua), the

countries with the least confidence in the judiciary are Venezuela and Chile, both of which topped the list with at least 55% of their citizens reporting having *no confidence at all* that the judiciary would punish the guilty, followed by Brazil (50%), Mexico (47%), and Argentina (47%). Along the same lines, the percentage of citizens who believed that *penalties for crimes should increase*[2] was more than 50% in Mexico, Guatemala, El Salvador, and Nicaragua, while the percentages actually surpassed 55% in Honduras, Costa Rica, Panama, Colombia, Peru, Paraguay, Venezuela, Dominican Republic, and Brazil. These figures clearly suggest that an issue of confidence and credibility in the judiciary looms large in Latin America, and this is problematic as the consequences associated with a judiciary that lacks credible actions likely involve the weakening of the rule of law (Kaufman 2018). Moreover, the lack of confidence and trust in the formal state mechanisms of public security has led citizens to resort to private institutions for protection, especially security guards (Muggah and Aguirre Tobón 2018; Sanjurjo 2017).

However, how reasonable are these perceptions of state incompetency in the region? Figures from a 2018 report by the Igarapé Institute show how Latin America is consistently placed as one of the most violent regions in the world, with as many as 17 Latin American countries making it to the top 20 of the most homicidal countries in the world (Muggah and Aguirre Tobón 2018). However, there is an important level of variation between and within countries, making generalizations more complex. Countries such as Brazil and Venezuela have some of the highest homicide rates in South America, with rates of 27.8 and 53.7 (per 100,000) respectively, while countries in the Southern Cone have some of the lowest in the whole region, reaching rates as low as of 7.6 in Uruguay, 6.0 in Argentina, and even 2.0 in Chile (Muggah and Aguirre Tobón 2018). Regardless of the actual rates, however, the citizens from all parts of the region still report high levels of fear. Fear of crime and victimization have significantly contributed to the deterioration of the legitimacy of the political system in Latin America: citizens who perceive that crime rates are high are at least 3% more likely to report a less favourable perception of political institutions compared to citizens who perceive that crime rates are low (Muggah and Aguirre Tobón 2018). Moreover, Latin American citizens' perceptions of crime tend to run much higher than the actual reported crime, especially in South America where citizens in countries like Chile and Ecuador report some of the highest levels of insecurity,

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[2] Chile and Uruguay were not asked this question in the 2016/17 wave.

despite the fact that those countries rank high on transparency and have some of the lowest rates of violent crime and victimization (Dammert 2012; Muggah and Aguirre Tobón 2018).

Given Latin America's context of fear and insecurity, the combination of ineffective institutions and the irreverence for the rule of law has fostered a culture where informal arrangements and systems now weigh more than formal ones. Bribes, for instance, are often perceived to be much more effective in getting things done in some countries, compared to other more conventional legal routes (Uildriks 2009). Several elements are here at play, simultaneously contributing to a context of unpredictability and statelessness, in which overall legal means are ignored and replaced by more informal mechanisms of conflict resolution where the law does not seem to be available (Nivette 2016). First, there is a heightened perception that crime has risen and there are not enough effective mechanisms to either reduce it or prevent it. As Uildriks (2009) pointed out, violence in Latin America has been democratized in the sense that what was once inflicted by authoritarian agents is now instigated by criminals that come from civil society. This shift translated into the agenda of security policies, which shifted from a focus on the meddling of the armed forces in politics to an agenda that centred around street crime and citizens' fear of crime and victimization (Dammert 2009). Second, the culture of corruption and non-adherence to the rule of law has led citizens to perceive institutions as ineffective bodies that cannot be trusted to provide security (Uildriks 2009; Nivette 2016; Piccone 2019). Although there are some exemptions, such as Chile's high levels of support for the police, despite citizens reporting increased neighbourhood insecurity and fear (Frühling 2009; Dammert 2016), the region's general perception that formal institutions are not effective in providing security further contributes to a context of statelessness, where people perceive that the law is simply not present nor available at all (Nivette 2016). Political legitimacy is diminished in stateless societies, and citizens are left to search for alternative ways to make justice happen, such us taking matters in their own hands, as is the case of vigilantism (Nivette 2016). Third, the fact that the main principles of democracy in Latin America have not been fully internalized by nations or citizens, has made individuals much more critical of it. In other words, when democracy fails to perform as expected, citizens are more likely to challenge it, and when good governance is not available, citizens' perceptions of the government legitimacy are more likely to decrease (Singer 2018).

Citizens in Latin America have generally been more tolerant of violations of human rights or the overall restriction of civil liberties in the presence of state failure to provide public security compared to citizens from other nations (Uildriks 2009; Piccone 2019). For example, the abolition of the discretionary power of Chilean police officers to stop and search citizens in cases of suspicion generated mixed feelings amongst Chileans, where part of civil society was not satisfied with the changes and rather demanded *mano dura* (iron fist) policies to be reinstated to fight crime more effectively (Dammert 2009).

In closing, this chapter has provided an overview of the contextual and political history of Latin America, paying particular attention to the ways in which the transitions to democracy paved the way for the current state of governance in the region. Understanding the ramifications of these transitions is essential in order to better place the context under which the rise in punitiveness has occurred.

CHAPTER 3: Review of the Literature on the Determinants of Punitive Attitudes

3.1 Introduction

In this chapter, I review the literature on the most prevalent factors often linked to the emergence of public punitiveness. In order to better understand punitiveness in Latin America as explained by the legitimacy-based approach to punitiveness that I introduce in this thesis, it is essential to first become familiar with the theoretical and empirical determinants of punitiveness already established by previous research. For decades now, scholars have turned their attention to the increase in punitiveness in many Western societies and, as mentioned in earlier chapters, the vast majority of the research on the subject derives from the work conducted in these more industrialized societies. An important step in understanding and further explaining punitiveness in Latin America then, necessitates a grasp of these links as they form the basis from which the legitimacy-based approach originates.

Previous studies have identified punitive trends at both macro and micro levels. Examples of macro level punitiveness include the rampant rate at which imprisonment has increased in nations such as the United States and the United Kingdom, as well as the severity of sentences dictated by judges relative to the offenses committed by criminals (Kury and Shea 2011; Tyler and Boeckmann 1997). On the other hand, micro level punitiveness has been demonstrated by the public's preferences for the harsher punishment of offenders, along with their prioritization for security and control over other alternatives such as rehabilitation or prevention to deal with the problem of crime and delinquency (Ramirez 2013; Kury and Shea 2011). In the literature, public punitiveness is often used to refer to citizens' attitudes towards punishment, which is better understood as the "tendency to demand from the criminal justice system harsh punishment for convicted offenders" (Hough *et al.* 2013, p.2). According to several scholars, this *punitive turn* or increase in punitiveness originates from a wide range of sources, including a) the dominance of the "tough on crime" rhetoric in political and public discourse, and b) the rapid popularity that crime reporting gained in media outlets (Gelb 2008). Crime reporting in the media has particularly contributed to showcasing the incidence of crime in such a way that has led to the misconception and misperception of crime rates and their nature, making fear of crime an even more prevalent (Kury and Shea 2011; Beckett and Sasson 2004).

Previous research also suggests that, as a result of measurement choices and/or strategies, fear of crime has sometimes been conflated with other more abstract and generalized fears such as that of poverty, unemployment, and other socially-driven conditions that may potentially lead to instability and/or insecurity (Kury and Shea 2011). Combining fear of crime with other fears has made punitiveness a much more complex concept to tap into. However, as complex as punitiveness can be, the literature has made important attempts to provide a general understanding of what punitiveness represents, while managing to reveal potential factors that may influence its incidence in civic society. While this area of research is quite extensive, some efforts have garnered an important amount of support over time, both in their theoretical and empirical contributions. It is these cases I turn the attention towards, with the final aims of explaining where research stands today in regards to punitiveness and identifying the gaps in our knowledge that need to be addressed.

Two approaches dominate the punitiveness literature: the instrumental approach and the symbolic approach. Briefly stated, the instrumental approach suggests that punitiveness results from actual crime related factors such as increased crime rates or victimization, while the symbolic approach proposes that punitiveness is rather the result of a mixture of anxieties and fears related to social changes that are channeled together (Tyler and Boeckmann 1997; King and Maruna 2009). Other potential correlates of punitiveness have been suggested by studies that attempt to reach beyond the two main approaches, and which also provide a more interdisciplinary link between criminology and other subjects such as political science and psychology. It is at this junction that I recognize that scholars have provided explanations that take into account the influence of other essential correlates of punitiveness, such as the public's perception of government, being a political loser and political legitimacy. However, these specific relationships have gone particularly unnoticed in Latin America. Latin America is a region that often suffers from being academically overlooked as much as it suffers from being the recipient of generalized theories that have been developed for and/or have been empirically tested in other Western societies. The findings from these studies might not accurately represent the realities of the Southern-most region, given its particular history and experiences, as was mentioned in the previous chapter.

In this chapter, the instrumental and symbolic approaches will be examined and discussed in the context of the broader literature on punitiveness. Other explanations will be also discussed

as a way to provide a more extensive and richer overview of where punitive attitudes sit in relation to other factors and correlates not necessarily considered in those two central approaches.

3.2 Instrumental Approach

The first criminological approach attempting to explain why citizens advocate for the harsher punishment of criminal offenders is based on the assumption that crime is, indeed, a real and concrete threat that individuals need to seek protection from (Gerber and Jackson 2016). According to this approach, the underlying sentiment at the basis of people's punitive attitudes is that the world is an insecure, dangerous place, which simultaneously emphasizes both the seriousness of the problem of crime, and the ineffectiveness of the criminal justice system (Tyler and Boeckmann 1997). This feeling of widespread insecurity and fear further influences citizens' concerns about potentially becoming an actual victim of crime, thus shaping their motivations to reduce the likelihood of harm (Tyler and Boeckmann 1997; Gerber and Jackson 2016). Most research conducted on the instrumental approach has examined the relationship between punitive attitudes and factors that are directly related to crime, such as citizens' perceptions of increasing crime rates, actual experiences of direct victimization, and fear of crime (King and Maruna 2009; Gerber and Jackson 2016; Tyler and Boeckmann 1997). Many of these studies, however, have failed to offer substantial empirical support to the instrumental approach. If punitiveness were to be directly associated with crime victimization, a noticeable difference should be expected between individuals who report having been victims of a crime and those who do not. However, while there are studies that link victimization to public support for iron fist policies (such as the use of state repression) to reduce crime in Latin America (Visconti 2019), the vast majority have found that victims of crime from different regions of the Western world including the United States, Germany, and Argentina are no more likely than non-victims to demand punitive measures to reduce crime[3]. In other words, victimization itself does not result in increased

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[3] An important distinction should be made between *iron fist* policies and *punitiveness*: the former involves the use of state repression and violations of the rule of law, while the latter is not intended to affect citizens' rights (Visconti 2019).

punitiveness (Kury, Brandenstein and Obergfell-Fuchs 2009; Kuhn 1993; Fortete and Cesano 2009).

The instrumental approach literature also exposes major inconsistencies between actual crime rates and their effect on public punitiveness. In a cross-national comparison, Savelsberg (2008) made a case for this discrepancy by looking at this relationship in the United States and Germany. His findings showed that punitive attitudes were clearly on the rise in the United States, even though the nation's crime rates were not that much higher than those of Germany. Public punitiveness increased substantially in the United States between the 1970s and the 1990s and has remained high since (Enns 2014). On the other hand, Savelsberg found that crime rates in Germany actually increased right after WWII, but support for capital punishment has remained stable and has not experienced major changes despite said increase. Other research has shown that these inconsistencies are also found in other nations such as the United Kingdom, which has become one the most punitive countries in Europe (Côté-Lussier 2016) even though figures from the most recent Crime Survey for England and Wales show a decrease of at least 5% in homicides between 2014 and 2019, as well as long term decreases in violent incidents since 1995 (Office for National Statistics 2019).

Altogether, these findings seem to bring home the idea that crime rates alone might not be enough to explain the rise in punitive attitudes. Instead, scholars have suggested that the *fear of potentially becoming a victim of crime* is what might ultimately influence individuals' demands for crime control and punishment (Nellis and Lynch 2008). On the one hand, fear of crime tends to be identified as one of the most influential instrumental predictors of punitive attitudes (Sprott 1999; Sprott and Doob 1997; Dowler 2003; Kury, Brandenstein and Obergfell-Fuchs 2009; Nellis and Lynch 2008; Gelb 2008), yet fear of crime itself is often shaped by a combination of other factors that can also have an impact on punitive attitudes, such as individual level characteristics (i.e.: age, gender, and race), and contextual dynamics (i.e.: civil disorder and social disintegration) (Henson and Reyns 2015). The same predictors of fear of crime might predict certain levels of punitiveness, which might render the relationship between the two concepts spurious. A number of studies have indicated that the direct link between fear of crime and punitiveness is either weak or non-significant (Baron and Hartnagel 1996; Ouimet and Coyle 1991; Roberts and Stalans 2000; King and Maruna 2009). Conversely, other studies have anticipated that any negative findings of the relationship between fear of crime and

punitiveness may be the result of measurement and of the way both fear of crime and punitiveness have been operationalized (Nellis and Lynch 2008). Ultimately, while there is an association between fear of crime and punitiveness, the extent and nature of this relationship net of other factors remains inconclusive.

Criminological research has also established a consistent link between harsher and longer incarceration and penal populism (Pratt 2008; Jennings *et al.* 2017). Penal populism is "the way in which an array of law and order lobby groups, the tabloid press, talkback radio hosts and callers, right-wing think tanks, a few academics such as James Q Wilson and some evangelizing police chiefs spreading the message of 'zero tolerance' have become influential on government policy" (Pratt 2008, p.364). Pratt (2008) argues that the loss of legitimacy of criminal justice elites after the 1970s led to some realignment in power relations, which allowed for penal populism to gain strength. Penal populist discourses are of great importance to punitive attitudes, as they tend to legitimize the nature of punitiveness itself, which has been the case for many European nations (Boda *et al.* 2015). In turn, penal populism is problematic given that the public demands for punishment are often at odds with criminal justice realities such as overcrowding (King and Maruna 2009). In other words, the public can possibly demand more than the actual system can give.

The findings from research efforts that have tried to disentangle the relationship between penal populism and punitive policies are not conclusive. This is particularly true for the direction of this relationship. As Frost (2010) aptly indicated, some scholars support the idea that public opinion drives policy, others suggest that policy influences public opinion instead, and still others argue that the relationship might be reciprocal. There are scholars though who have stated that a weak link between public opinion and punitive policies might be the result of inadequate measures of punitive attitudes (Enns 2014). This further suggests that "citizen preferences can directly influence the incarceration rate through ballot initiatives, and indirectly through the behavior of legislators" (Enns 2014, p.859). The potential power that public opinion might have on actual criminal justice policy makes the case for understanding the sources of public punitiveness and its consequences all the more pertinent.

In sum, the empirical work conducted on the instrumental approach suggests that crime related factors are not consistent predictors of public punitiveness. In other words, these studies indicate that punitiveness might not be the result of crime related concerns such as direct victimization or rising crime rates (Tyler and Boeckmann 1997; Gelb 2008). Instead, this literature seems to call attention to the idea that punitiveness might stem from individuals' subjective perceptions and experiences with other societal concerns. Citizens' interactions with others as well as any exposure to crime information via mass media, and the generalized sense of insecurity created by the social conditions individuals' find themselves in might be a stronger catalyst for the demand of harsher punishment of offenders than crime-related factors (Costelloe, Chiricos and Gertz 2009; Hogan, Chiricos and Gertz 2005; Unnever and Cullen 2010). These more abstract concerns are then better explained by the symbolic approach, which is discussed next.

3.3 Symbolic/Expressive/Relational Approach

At the heart of the instrumental approach is the idea that social demands for harsher punishment in Western societies are linked to citizens' beliefs that crime is always on the rise, even though in many regions crime rates seem to be on the decline (Savelsberg 2008). However, research suggests that this discrepancy between citizens' beliefs and actual crime rates is compounded by a more generalized feeling that crime is an ever-present threat to social order and cohesion, amplified by the perceived leniency of crime control policies and the criminal justice system (Basombrío and Dammert 2013). Yet, what actually triggers citizens' fears might correspond to something that goes beyond increasing crime rates.

Emile Durkheim was one of the first scholars to treat public reactions to crime and deviance as a socio-emotional response to the threat that crime posed to the norms and values of society (Durkheim 1893). For Durkheim, crime was essentially a moral issue, and the goal of crime control was to restore the rules of community as a means to protect social cohesion (Garin 2012; Garland 1991). Current research supports this idea and maintains that the rise in punitiveness that many Western nations have experienced in recent decades is not a response to actual crime rates, but that it is rather a reaction to wider social changes such as economic crises

and political tensions (Wacquant 2008; Garland 2001; King and Maruna 2009; Tyler and Boeckmann 1997). More specifically, this line of research suggests that public punitiveness is a reaction to the anxiety that results from these social changes and the uncertainty that results from them (Garland 2001; Tyler and Boeckmann 1997; King and Maruna 2009; Gerber and Jackson 2016; Kury and Ferdinand 1999; Hirtenlehner and Farrall 2013). This last point becomes the backbone of the symbolic approach[4], which taps into how perceptions of crime are linked to non-crime related factors, such as generalized concerns about broader societal conditions and lack of societal cohesiveness (Tyler and Boeckmann 1997).

Many scholars have established their views on this relationship between abstract societal conditions and punitiveness. In their earlier work, Tyler and Boeckmann contended that "people want to punish rule breakers because rule-breaking behavior poses a threat to the moral cohesion of society and because punishment reasserts social values and the obligation to obey social rules" (1997, p.240). Similarly, according to Kury and Shea, when fear generalizes to other aspects of life and society "punitiveness loses its link to crime and criminal law becomes a general social problem. The wish for harsher punishment becomes a symbolic battle against social insecurity" (2011, p.14). This idea links punitiveness to the effect of social disorder, which is further supported by Brown, who remarked how "punitivity [in the United States] arose out of the experience of unsettled socio-political conditions and the desire to exert some form of control in a seemingly out of control world. This experience contributed to increasing support for harsh social control, an effort focused primarily on the traditionally marginalized members of society and to a sense of disenfranchisement with the welfare state" (2006, p.306). These views highlight the public's expressions of emotions in response to decisions made over how power and prestige are distributed in society. These expressions of emotions allow citizens to further express their impulses and anxieties (Freiberg 2001). Crime then takes the important role of generating an emotional response from citizens in the face of unreliable social conditions, while the role of crime control becomes to readjust the projection of these emotional responses. In other words, "criminal justice policy is but one player in this area which also 'trades in images, archetypes, and anxieties' (Freiberg 2001, p.267). Crime and crime control become a symbolic element that

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[4] The literature uses the terms *symbolic*, *expressive*, or *relational* synonymously to refer to this approach (King and Maruna 2009; Tyler and Boeckmann 1997; Gerber and Jackson 2016) . Throughout this thesis, I will refer to it as the symbolic approach.

triggers an emotional response from individuals who are already coming from a place of insecurity.

Focusing on how abstract anxieties can become a conduit for fear of crime to emerge and further progress into punitiveness, Hirtenlehner and Farrall (2013) distinguished two core research positions in the literature: (1) a broad *generalized insecurity approach* that highlights how abstract anxieties and fears that develop as a consequence of modernization, including social and economic changes, are projected directly onto crime, and (2) a more narrow *expanded community concern approach* that emphasizes how abstract anxieties make people more susceptible to worries about the breakdown of the community, which in turn increases fear of crime. More specifically, the generalized insecurity approach sees a direct relationship between abstract anxieties and fear of crime, while the expanded community concern approach establishes a relationship between abstract anxieties and fear of crime that is mediated by perceptions of the "health" of the community in terms of its social and moral cohesion (Hirtenlehner and Farrall 2013).

Many empirical efforts have been made to identify the abstract social conditions that foster anxiety and a sense of insecurity and disorder in most citizens that could eventually allow for punitive attitudes to emerge. In their seminal piece, Tyler and Boeckmann (1997) examined the effects of both instrumental and symbolic concerns on punitiveness. Their conceptualization of the symbolic approach aligned with the expanded community concern approach, with a focus on rule-breaking as the social condition that would provoke insecurities and social anxieties in citizens in the United States. More specifically, rule-breaking presented a threat to societal moral cohesion and to the social bonds established by the family, while punishment offered the key to restoring society's moral values as well as individuals' obligations towards the rule of law. This study compared the effects of the instrumental approach and those of the symbolic approach on citizens' support for punitive measures such as the "Three Strikes and You're Out" strategy, which allows for the state to decree life in prison for repeat felons. The findings from this piece indicated that citizens' evaluations of social conditions along with their underlying social values were much more influential on punitiveness than crime-related concerns were (Tyler and Boeckmann 1997). Citizens were more likely to support the Three Strikes and You're Out initiative when they felt that key moral institutions of society such as the family were

deteriorating, suggesting that the perception of declining social ties and bonds amongst people is a strong predictor of increased punitiveness.

Another recurring non-crime-related factor often linked to punitiveness is economic insecurity, or more specifically, an individual's level of economic anxiety. This line of research tends to align with the generalized insecurity approach, with studies that have examined the lived experiences of "situated actors" or individuals who are economically insecure, to better understand how structural conditions influence citizens' resentment and punitiveness towards other individuals. Citizens' individual economic insecurity, however, does not work alone. An inclination to blame the welfare system, affirmative action, and immigration for the decline of wages in the past decades has been deemed as one of the strongest predictors of punitiveness, even more so than an individual's own economic situation (Hogan, Chiricos and Gertz 2005; King and Maruna 2009). Citizens who feel that there are individuals out there who "get something for nothing" through immigration, welfare, and affirmative action are more likely to be punitive. Citizens' perceptions that the country's economy is getting worse rather than improving has also been associated with increased punitiveness, and this effect is also stronger than an individual's personal financial satisfaction (King and Maruna 2009). What these findings suggest is that punitiveness is not directly linked to citizens' perceptions of their own financial standing, but rather to their perceptions of a more abstract inadequate distribution of resources in the context of the global economic situation. Essentially, punitiveness is not directly affected by the economy itself, but it is affected by the social conditions that economic insecurity creates, thus leading to heightened social anxieties which are then projected onto crime and crime control.

Criminals and delinquents have also long been identified as a potential moral threat to current societies. Many criminologists have pointed out how increasing crime rates symbolize the moral decline and breakdown of societies (Garland 1991; Tyler and Boeckmann 1997; King and Maruna 2009). However, social anxieties can sometimes develop into a specific kind of deviant group stigmatization. These *moral panics* rely on the stereotyped subculture of the stigmatized group, and should be distinguished from threats that are more abstract such as a declining economy or political scandals (Klocke and Muschert 2010). The theory of *Moral Panics* suggests that all societies, at one point or another, go through periods in which "a

condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests" (Cohen 2011, p.46). This moral threat further causes a widespread reaction from various factions of society, including "the media, the police, the public, politicians, and action groups" (Goode and Ben-Yehuda 1994, p.155). More importantly, however, is that "not all constructions of a social problem can qualify as a moral panic, nor can it apply to all situations of public anxiety in a risk-focused society" (Klocke and Muschert 2010, p.299).

Moral panics and social anxieties are not synonymous, and several elements distinguish a moral panic from social worry or anxiety. Scholars have identified at least five of these components (Cohen 2011; Goode and Ben-Yehuda 1994; Goode and Ben-Yehuda 2009; McDermott 2013). The first element is *concern.* For a moral panic to occur, there must be a heightened concern about a potential or imagined societal threat. As mentioned above, this threat is distinct from a more generalized public anxiety in that it is attributed to a specific stigmatized subculture. The second element is *hostility*. The public must feel a high level of hostility towards the threat. This hostility should, in turn, trigger their deep-seated moral outrage. This element is quite important, as this is where a separation between "us" and "them" takes place (Goode and Ben-Yehuda 1994). This is a moral separation between those who abide by the rules, norms and values of society, and those who are a liability to the state. Once both are identified, the hostility spans towards both sources; to the criminal for becoming a threat, and to the responsible agents for either failing to act upon said threat (Cohen 2011).

The third element is *consensus*. A minimum level of agreement must be in place in a society whereby the threat is determined to be serious, real, and the result of the actions or behaviors of the deviant group. The agreement does not have to be held by the majority of the population, but it needs to be widespread enough so that a shared feeling that "something should be done" surfaces (Cohen 2011; McDermott 2013). The fourth element is *disproportionality.* Essentially, this element highlights the disproportional nature of the concern relative to its objective risk. In other words, proponents of the moral panics theory maintain that there is a pronounced exaggeration of the concern in relation to the real threat it poses to society (Goode and Ben-Yehuda 1994; Cohen 2011). This is particularly true in some South American states, where the fear and anxieties related to crime and victimization are significantly pronounced, yet crime rates have not increased and in some instances they even have decreased over time (Dammert 2012; Dammert and Malone 2003). Finally, there is an element of *volatility* in the

creation of a moral panic. They can rapidly erupt and subside, or they can remain dormant only to resurface under certain conditions. They can also become a more permanent fixture of society by ways of policies or institutionalization (Goode and Ben-Yehuda 1994; McDermott 2013). Goode and Ben-Yehuda (1994) do specify that "moral panics that are sustained over long periods of time are almost certainly conceptual groupings of a series of more or less discrete, more or less socialized, more or less short-term moral panics" (p.159). Such is the case of crime and delinquency, which have become institutionalized moral panics in Latin America. This process has been aided by the delegitimization of institutions that constantly make crime a relevant, fundamental issue that has become a permanent societal fixture.

A moral panic could develop from the feeling of lawlessness generated by the state's delegitimization, which is essentially a "manifestation of anxieties in the general public" (Hier 2008, p.177). A loss of political legitimacy triggers the expressive component behind public punitiveness, and redirects those feelings of outrage towards government and institutions. In other words, in a context of illegitimacy, the government and institutions in charge of crime control and security might become offenders themselves in the eyes of disgruntled citizens. Moral panics have an important role in highlighting a potential threat to social morality. Perceptions of increased crime contribute to this sense of moral decline; low political legitimacy further enhances this feeling by simulating a context of perceived statelessness. Moral panics then lead citizens to demand answers and solutions to the problem of crime. These solutions often materialize as "strengthening the social apparatus of society – toughened or renewed rules, more intense public hostility and condemnation, more laws, tougher sentences, more police, more arrests, and more prison cells" (Goode and Ben-Yehuda 2009, p.35).

Empirical research has found support for the theory of moral panics in certain avenues. Some of the elements of moral panics consistently predict punitiveness towards sex offenders and sex offender registry, suggesting that there is a "perpetual" moral panic linked to the actual crime of sex offending (Klein and Cooper 2019). Moral panics have also been linked to the construction of the "criminal alien", or the idea that immigrants are to blame for crime and drug related issues, thus influencing the belief that they should be the recipients of harsher penalties in an effort to reduce social problems (Tosh 2019). Individuals who tend to be susceptible to moral panics often report some level of fear of crime, which further suggests a more complex link between abstract fears, crime and the likelihood to endorse a moral panic at any given point

(Schildkraut, Elsass and Stafford 2015). These findings suggest that moral panics in combination with fear of crime could create the ideal conditions for a predisposition towards punitiveness.

Overall, the underlying argument of the symbolic approach in all its forms is that punitiveness is a response to social anxiety and uncertainty more than it is a response to actual crime and delinquency (Tyler and Boeckmann 1997; King and Maruna 2009; Kury and Shea 2011; Hirtenlehner and Farrall 2013; Gerber and Jackson 2016; Brown and Socia 2017; Unnever and Cullen 2010). However, other factors outside the instrumental and symbolic approaches have been identified as predictors of public punitiveness as well, and it is important to place them in the context of the broader literature. The most prominent correlates of punitiveness are discussed in the next sections.

3.4 Other Determinants of Punitive Attitudes

The literature on the correlates of punitive attitudes is quite vast. Scholars have identified general patterns and themes over time, some of these receiving more empirical support than others. Of particular importance are the findings that Gelb (2008) summarizes in her attempt to showcase and dispel the most common myths and misconceptions about the public and their attitudes towards punishment. The author identified at least nine key findings in her review of the broader literature: (1) citizens tend to have low confidence in the courts, (2) individuals feel that sentences are too lenient, (3) people often lack precise knowledge about crime and the overall criminal justice system, (4) the main source of knowledge acquisition for all things crime and justice for citizens is the mass media, (5) people's levels of punitiveness tend to decrease when they are given more information about cases or offenders, (6) there is evidence that people do support alternative ways to reduce crime other than harsh punishment or incarceration, (8) victimization is not a strong predictor of punitiveness and (9) fear of crime as a correlate of citizens' increased punitive attitudes (although with inconclusive effects). While these findings are widely accepted within the literature, some of these statements have received more attention than others, making most research on punitive attitudes cluster around certain specific correlates which will be reviewed now.

3.4.1 Citizens' Knowledge of Crime and the Criminal Justice System

The general consensus in the literature is that citizens' understanding of crime and delinquency is rather limited. The process of attitude formation related to sentences tends to be based on partial information, which inevitably results in inaccurate perceptions of crime and punishment (Gelb 2008). People's opinions about punishment are shaped by several factors, including their own previous attitudes towards an issue or the way questions are asked on a survey or interview (Roberts and Indermaur 2007). The most common misconceptions held by the public point to a whole host of inaccurate views of crime. In general: (1) people think that crime rates are higher than they really are and that they have been increasing at much higher rates than they are, (2) people tend to think that crime is more violent than it is, (3) people do not have a good understanding of how the legal system works or what their rights are, and (4) people believe that increasing punishment will decrease crime (Roberts and Stalans 2000). These misconceptions often lead to a paradoxical scenario, as the number of offenders that gets sentenced is seldom large enough for sentencing to make an actual difference to crime rates (Roberts and Stalans 2000).

A potential explanation for this public misinformation is that most people inform themselves of issues related to crime and justice via the media (Dowler 2003; Fortete and Cesano 2009; Spiranovic, Roberts and Indermaur 2012). Public misconceptions about overwhelmingly increasing crime rates combined with perceptions that the criminal justice system is exceptionally lenient often arise from repeated media consumption and exposure. The types of crime that make it into most media outlets tend to be the ones that can effectively garner an audience (Gelb 2008). As such, people repeatedly see and hear reports of murder, assault, and other violent offenses, making it less surprising that apprehensions about violence and recidivism is what people think of when evoking images of criminals and offenders. Intense media coverage of high profile violent crimes is likely to contribute to a distorted picture of the actual threat that crime poses (Nagin *et al.* 2006), and there is evidence that individuals who tend to consume social media content related to punishment are more likely to have stronger attitudes towards punitive measures, although this relationship is mediated by their fear of crime (Intravia 2019).

There seems to be an important discrepancy and disconnect between the information about crime that most citizens in Western societies handle at both concrete and abstract levels. In

other words, there seems to be an inverse relationship between the concrete knowledge an individual has about crime and the justice system, and their attitudes towards punishment. Studies have indicated that individuals think that the courts are, for the most part, too lenient towards offenders (Zimring and Johnson 2006). When these questions are asked without providing any specific information about the situation discussed, individuals resort to their readily available image of the violent criminal that is reported by the media on a daily basis. However, most individuals hold little to no knowledge about how the criminal justice system works and how sentences are allocated, suggesting a potential reason why punitiveness tends to decrease when citizens are given more information about crime and justice in general (Gelb 2008). Indeed, research has shown that despite the general increase in public punitiveness and the general lack of knowledge on the subject, many individuals do contemplate other potentially viable options to reduce crime such as rehabilitation, education and other programs alternative to incarceration. These individuals are also more likely to favor these alternative approaches over criminal justice interventions when given a choice (Nagin *et al.* 2006).

Acquiring more information about crime and the criminal justice system seems to attenuate punitiveness (Kääriäinen 2019). This is particularly true when the information provided refers to: the record of the offender (i.e.: whether or not they are a first time offender), the offender's age group (citizens are more lenient towards juveniles), the type of crime (with non-violent crime naturally receiving less punitive sentence preferences), and the level of remorse shown by the offender and any restorative gestures made towards the victim (Gelb 2008). Research has also shown that, while punitiveness has indeed increased, citizens' sentencing preferences do not tend to differ much from those established by the courts (Gelb 2008), suggesting that individuals' preferences are often reflected in the actions of the courts.

These general findings on citizens' knowledge of crime and punishment points to several problematic ongoing processes that might be taking place. Of particular importance is the fact that concrete and specific knowledge of crime and justice issues tends to decrease punitiveness; meanwhile, a less informed and abstract image of crime and delinquency increases citizens' punitiveness towards offenders. When crime becomes a representation of uncertainty, it is more likely to generate a negative and more punitive public response based on fear, which is the key underlying idea behind the symbolic approach (Hirtenlehner and Farrall 2013). A useful illustration of this dichotomy is the weak or non-existent relationship between victimization and

attitudes towards punishment, as punitiveness does not seem to significantly vary between those who report having been victimized and those who do not (Fortete and Cesano 2009; Kury and Ferdinand 1999; Kuhn 1993). On the other hand, the more abstract elements of fear of crime can predict punitiveness amongst citizens in Western societies (Gelb 2008). This seems to provide the backdrop as to why most instrumental approaches to punishment may not have the same level of empirical support as symbolic approaches do.

3.4.2 Demographics

Although a broad range of demographic characteristics have been linked to citizens' punitiveness, these predictors have not received substantial empirical support (Sprott 1999; Roberts and Indermaur 2007). Some scholars even argue that the effect of individual demographic characteristics on punitive attitudes is conditioned by how the concept of punitiveness is both operationalized and measured (Hirtenlehner 2011). In other words, the influence of an individual's characteristics on punitiveness will depend on which variables/indicators are chosen to operationalize punitiveness and the sample being used (Roberts and Indermaur 2007). Individuals will judge punishment in different ways depending on how the options are framed. Ultimately, the results of this variability are illustrated by the fact that most research on the impact of demographic characteristics on punitiveness is mixed at best, and these relationships tends to weaken or disappear once other factors are taken into account (Tajalli, De Soto and Dozier 2013). A brief overview of the most prominent demographic correlates of punitive attitudes is provided as follows:

Age. Research on the relationship between age and punitiveness remains inconclusive. Findings range from support for the idea that punitiveness increases with age (Indermaur and Roberts 2005; Nellis and Lynch 2008), to support for a negative relationship between age and punitiveness (Ridener and Kuehn 2017), to a potential curvilinear relationship between age and punitiveness (Payne *et al.* 2004), and even to results that show no relationship between age and increasing punitiveness at all (Kury and Ferdinand 1999). Some studies suggest that the age of the offender could be a factor that either attenuates or amplifies citizens' punitiveness, but this predictor has weak predictive power (Payne *et al.* 2004). In general, age does not appear to be a

consistent predictor of punitiveness; its effects on punitive attitudes are weak and often lose significance in the presence of other predictors.

Gender. Studies suggest that gender does have an effect on punitiveness (Nellis and Lynch 2008; Van Kesteren 2009). Men are women tend to have diverging views on punitiveness (Applegate, Cullen and Fisher 2002), with men being much more punitive than females (Payne *et al.* 2004; Hough *et al.* 2013). Men tend to support the use of the death penalty much more than females do (Kury and Ferdinand 1999), while females tend to favor the use of treatment more so than the use of harsh punishment (Applegate, Cullen and Fisher 2002). Some explanations for these distinctions point to the differences in how men and women approach crime, as well as the varying experiences of socialization that men and women undertake (Hurwitz and Smithey 1998).

Race. Race has been consistently linked to punitiveness in industrialised Western countries like the United States (Nellis and Lynch 2008). Whites are more likely to be punitive than their Black counterparts, particularly when looking at their support for the death penalty (Dowler 2003; Messner, Baumer and Rosenfeld 2006). This is likely due to what Unnever and Cullen (2010) refer to as the *racial animus hypothesis*, which suggests that a large number of citizens often view crime through a racial lens, which results in them associating crime with Black men, especially. Unnever and Cullen (2010) further argue that racial and ethnic intolerance become strong predictors of public opinion about crime and crime control. Another explanation for the differences in punitiveness amongst Blacks and Whites can be traced to psychology's Attribution Theory or the *Fundamental Attribution Error*. Findings from this research suggest that individuals are more likely to support the death penalty when they attribute racial inequalities to the personal shortcomings of Blacks rather than to broader structural disadvantages (Trahan and Laird 2018).

Education. Punitiveness tends to decrease with higher levels of education, and this relationship seems to be quite robust and consistent (Kuhn 1993; Hough *et al.* 2013; Payne *et al.* 2004; Indermaur and Roberts 2005; Roberts and Stalans 2000; Kury and Ferdinand 1999; Van Kesteren 2009). Individuals who achieve higher levels of education are more likely to engage in a critical evaluation of how justice is undertaken, especially those educated in the social science fields (Costelloe, Arazan and Stenger 2018). People with more education may also have more opportunities to acquire information about crime and the criminal justice system that allows them

to make informed decisions about punishment, thus arriving to a less punitive stance once a fuller picture is provided.

3.4.3 Ideology

Citizens' political ideology has also been consistently linked to punitiveness, with conservatives being more likely to support punitiveness than those individuals who identify more with liberal, democratic or more general left wing ideologies (Payne *et al.* 2004; King and Maruna 2009). Research on the influence of ideology on punitiveness has expanded beyond the left/right continuum and has explored the impact of more complex ideologies such as *right-wing authoritarianism* (RWA) and *social dominance orientation* (SDO). RWA encompasses beliefs about how people should behave and how the society around them should be structured, while SDO is another ideological belief system whereby individuals are characterized by beliefs in a hierarchical society where the strong rise to the top (Jost *et al.* 2003). More specifically,

> "RWA items express beliefs in coercive social control, in obedience and respect for existing authorities, and in conforming to traditional moral and religious norms and values. SDO items, on the other hand, pertain to beliefs in social and economic inequality as opposed to equality, and the right of the powerful groups to dominate weaker ones" (Duckitt 2009, p.81).

Studies have shown ample evidence of a strong relationship between RWA and punitiveness, especially. Scholars have indicated that an adherence to conservatism, authorities, and concerns about moral cohesion and security form the basis for punitiveness (Gerber and Jackson 2016). Individuals with high levels of RWA tend to support harsher criminal justice policy (Côté-Lussier and Carmichael 2018). The effect of SDO on punishment is contingent upon the situation, as individuals with high levels of SDO tend to be more punitive only in cases where crime has some level of competitive component for status or power against offenders (Gerber 2012).

3.5 Closing

In this chapter, some of the most prominent determinants of punitiveness featured in the current literature have been presented. While the criminological research on punitive attitudes is vast, scholars have not always considered people's attitudes towards institutions in shaping punitiveness, or how their perceptions of the state and its institutions might influence their decision-making processes in regards to crime control policies and general punitiveness. Given that most accounts of punitiveness and studies have not devoted much attention to what individuals think of state institutions, in the next chapter I introduce a theoretical explanation of the impact of political legitimacy on punitive attitudes, which effectively links public perceptions of state legitimacy to public punitiveness in the often-overlooked region of Latin America. In Chapter 4, I will show the theoretical importance of why it is necessary to take into consideration citizens' perceptions of state institutions, particularly in the case of Latin America, given that the current social and political climate in the region has some unique elements that set it aside from other nations.

Latin American countries are currently undergoing a serious crisis of political legitimacy, and many of the nations in the southern cone are experiencing high levels of public discontent and protests (Justino and Martorano 2019). Moreover, citizens from countries like Chile are experiencing the most severe case of social inequality and elite-led corruption in decades. These factors contribute to the decline of moral cohesion and social anxieties that the symbolic approach considers, yet many of these elements remain unexplored in Latin America, creating an important theoretical gap that omits what may be an important determinant of punitiveness in the region. The theoretical framework presented in Chapter 4 will be followed by empirical tests of this model in Chapters 5 and 6.

CHAPTER 4: Theoretical Framework and Methodology

The previous chapter surveyed the most prominent determinants of public punitiveness, yet many of these explanations often seem to overlook the roles that the political history and experiences of a region might have in shaping citizens' attitudes towards crime control and public security policies. Some of these political experiences can potentially become encapsulated in citizens' perceptions of the quality and effectiveness of their governments. This chapter provides a theoretical framework that sets out a novel potential explanation for how some of the political experiences unique to Latin America have carved the way for legitimacy to acquire a central role in influencing public attitudes towards punishment.

The main goal of presenting and explaining the legitimacy-based approach is to provide a rich theoretical account of the causal mechanisms behind the increase in punitiveness in Latin America. The legitimacy-based approach, however, intends to focus primarily on the theoretical relationships between factors and is not necessarily intended to be presented as a fully empirical model given the limitations associated with the current availability of data. This model is the first to elaborate on and flesh out each theoretical component behind the emergence of punitiveness in Latin America, yet this is done with the understanding that not every aspect of it will be able to be empirically tested immediately. The legitimacy-based approach should serve as a theoretical blueprint to provide explanations that can be tested for years to come as the empirical means to do so become available.

The theoretical underpinnings of this model go beyond just identifying general factors that might explain increased punitiveness. The core research question of this thesis—"how, and to what extent does political legitimacy influence public attitudes towards punishment in Latin America?"—elicits a different and more complex answer from simply asking "what makes the public more punitive?". While the literature has indeed made numerous attempts to answer the latter question, the idea that public punitiveness may also result from citizens' perceptions of the availability and performance of formal institutions in regards to public security (Nivette 2016) has not received enough emphasis. The theoretical foundations of these more recent explanations are examined in detail throughout this chapter. More specifically, the theoretical framework proposed in this thesis is founded on the recognition that citizens in Latin America have incrementally grown weary of the permanent state of unruliness they feel they live in. Simply

put, citizens in Latin America no longer accept the arbitrary and ineffective application of the law, and this condition has serious implications for a region where crime is consistently perceived to be on the rise. In this chapter I propose that it is this combination of a heightened sense of insecurity, lawlessness and state delegitimation that ultimately contributes to citizens' calls for more punitive laws. To support this argument, this chapter also introduces a theoretical model that identifies the active mechanisms behind this proposition.

This theoretical model breaks away from previous research on punitiveness in that it introduces citizens' perceptions of state legitimacy (as well as other structural and institutional elements that individuals come in contact with on a daily basis) as main explanatory factors of the increasing punitive sentiment in Latin America in recent decades. This legitimacy-based approach to punitiveness places greater emphasis on how the structural factors that shaped Latin American societies have created the conditions for citizens to believe that the best way to reduce crime in their country is through the implementation of more punitive measures, rather than progressive or rehabilitative ones. The current chapter presents a legitimacy-based theoretical model in which I establish the theoretical underlying causal mechanisms behind the relationship between legitimacy and punitive attitudes. In doing so, I will take a closer look at the elements that shape and define the current state of governance in Latin America. This will be followed by a discussion on the impact of governance on state legitimacy, and how this, in turn, leads to citizens' demands for the harsher punishment of criminal offenders.

This chapter also introduces the research design for the empirical portion of the thesis. In this brief discussion, the two empirical analyses that will be performed in this thesis are described. This section also highlights the rationales behind the chosen methods for each of the empirical analyses, which focus on testing a specific section of the theoretical model rather than the model as a whole, given the unavailability of data to perform this more complete analysis. The first test corresponds to a cross-sectional empirical exploration of the relationship between legitimacy and punitive attitudes in the South American region. The second analysis is a more in-depth, time series analysis of this relationship in the specific context of Chile. Implications for each of these studies are discussed at the end of the chapter.

4.1 Conceptualizations of Citizens' Attitudes Towards Punishment

Before delving into what a legitimacy-based approach to punitivity entails, it is important to clarify what punitiveness stands for in this thesis. Although much research has been published on the correlates of punitiveness across various disciplines including sociology, criminology, political science and psychology, to date the concept remains disproportionally vague and ambiguous relative to the volume of the literature available on the subject (Ramirez 2013; Hamilton 2014). Paradoxically, the one point of agreement within the vast literature on punitiveness is that *there is no agreement* on what punitiveness actually means at its conceptual as well as its empirical level. *Punitiveness*[5] can tap into an individual's motivation to punish criminals on the one hand, but it can also tap into citizens' attitudes towards sentences on the other (Roberts and Stalans 2000; Gerber 2012). Some scholars have defined punitiveness as "the aggregate public support for criminal justice policies that punish offenders" (Ramirez 2013, p.329), while others have emphasized punitiveness as those "attitudes towards offenders that have grown much stricter" (Oswald *et al.* 2002). Understanding punitiveness becomes a more complex task in the empirical domain, as the way it has been operationalized varies significantly across the literature on public opinion (Hamilton 2014; Roberts and Stalans 2000; Maguire and Johnson 2015; Kury et al. 2009). This is likely the result of the lack of understanding of which attitudes best represent the latent sentiment and views of citizens, which makes it all the more difficult to disentangle the inconsistencies that riddle the findings in this area (Kury et al. 2009).

Punitiveness has been operationalized as support for the death penalty (Kury et al. 2002; Messner et al. 2006; Beckett and Sasson 2004), which is often reinforced in countries where capital punishment is active and where most people tend to rely on the fact that "this is the way it is done" (Kury et al. 2002, p.94). Scholars have also operationalized punitiveness as the public perceptions of the leniency of the courts and the overall system. This operationalization is largely based on citizens' beliefs that crime occurs because the courts do not apply harsh enough punishment to criminals (Beckett and Sasson 2004; Zimring and Johnson 2006). A third operationalization focuses on the support for "get tough" policies, especially in the US. This

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[5] The terms *punitiveness*, *punitivity* and *punitive attitudes* are all used interchangeably throughout this thesis and refer to citizens' attitudes towards the harsher punishment of criminal offenders (Unnever and Cullen 2010; Ramirez 2013; Kury, Brandenstein and Obergfell-Fuchs 2009).

includes policies such as mandatory sentencing (e.g. "three strikes"), no parole or bail for violent offenses, and the trial and conviction of juveniles as adults (Beckett and Sasson 2004).

Punitiveness has also been operationalized in terms of the motivation for punishment, whether it is retribution, deterrence, incapacitation, or rehabilitation. This operationalization centers around the goals of prisons and punishment as a correctional outcome (Cullen et al. 2000; Gerber and Jackson 2017). Indicators for this operationalization include questions that focus on the reasons why the government and the criminal justice system should apply the sentences they administer to criminals (e.g. "the purpose of the legal system is to make criminals pay"; Beckett and Sasson 2004). Other scholars have argued that public preferences for the harsher punishment of offenders sit at one extreme of a broader continuum ranging from progressive on one end and increased punishment on the other. This operationalization often relies on citizens' perceptions of what they deem to be the best policies to reduce crime, usually contrasting preventative measures or rehabilitation with some form of incapacitation sentence (Nivette 2016). Finally, punitiveness can also be operationalized as an individual's support for the use of vigilantism (e.g. citizens taking justice in their own hands), or even extralegal violence (e.g. actions of police outside of the law) as crime control measures (Nivette 2016; Rossi 2017).

Taking into account the meaning of punitiveness and the many ways in which the concept can be operationalized, throughout this thesis punitiveness is specifically understood as citizens' endorsement of the harsher punishment of criminal offenders (as opposed to their endorsement of preventative measures) as a means to reduce crime in their country. As mentioned in the previous chapter, an individual's punitive attitudes can, in certain situations, coexist with their own progressive attitudes towards crime and crime control (Doble 2013; Maguire and Johnson 2015; Beckett and Sasson 2004). Citizens are more likely to support alternative options to punishment when they can place crime in a more holistic context where factors such as poverty, drugs, broken families, and neighborhood violence are considered in addition to the leniency of the courts (Beckett and Sasson 2004). This is because individuals who are able to see crime as the result of a conglomeration of factors tend to advocate for crime prevention and rehabilitation over harsher sentences (Beckett and Sasson 2004). However, in contexts where the system is expected to fail, citizens might not be so quick to consider the holistic nature of crime, and might instead just focus on what they believe is the only way to protect social order: the incapacitation or separation of the criminal offender from society. The understanding of punitiveness used

throughout this thesis assumes a general lack of trust in the effectiveness of preventative measures in Latin America. Subsequently, this theoretical model assumes state legitimacy to be central in shaping punitiveness. The rationale behind these assumptions is further explained in the following sections as part of the theoretical model that will be presented.

4.2 Theoretical Framework: A Legitimacy-Based Approach to Punitive Attitudes

A legitimacy-based approach to punitiveness suggests that citizens' evaluations of the level of political legitimacy in their state would shape their attitudes towards the punishment of criminal offenders. The background story told by the relationship between governance and legitimacy that precedes the punitiveness stage (see Fig. 4.1[6]) is a key element here.

Citizens' perpetual sense of insecurity, given the delegitimation of the state and the institutions responsible for providing security, may also have, in turn, severe political consequences for Latin American democracies as punitiveness increases. Figure 1 visualizes a putative model of the hypothesized causes, consequences and complex relationships between each of the constructs. Here, the model shows how perceptions of increased crime rates lead to more fear of crime and to a generalized public sense of insecurity (D). This relationship often leads to further increases in the public's needs for a change in the way the problem of crime is handled. These needs generally translate into higher demands for harsher and more repressive measures (J) to both prevent and reduce crime (Rico and Chinchilla 2002). Many politicians in Latin America have adopted zero tolerance policies, as these represent strength in leadership in the eyes of fearful citizens. These policies, enacted in the form of *mano dura* or iron fist approaches, however, are more likely to normalize discrimination against the poor, as they are the ones that tend to be more affected by them (Swanson 2013; Somma *et al.* 2020; Coimbra *et al.* 2019; Iturralde 2010). Even though policymakers do tend to justify the policies they enact in terms of the demands of the public (Piquero & Steinberg 2010), rarely any efforts are made to try to understand the nature of these public attitudes towards punishment, which is problematic as the policies that end up being implemented are based on populism rather than on actual knowledge (Roberts and Hough 2002).

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[6] Relationships outlined in the theoretical framework are identified by their corresponding letters throughout this chapter.
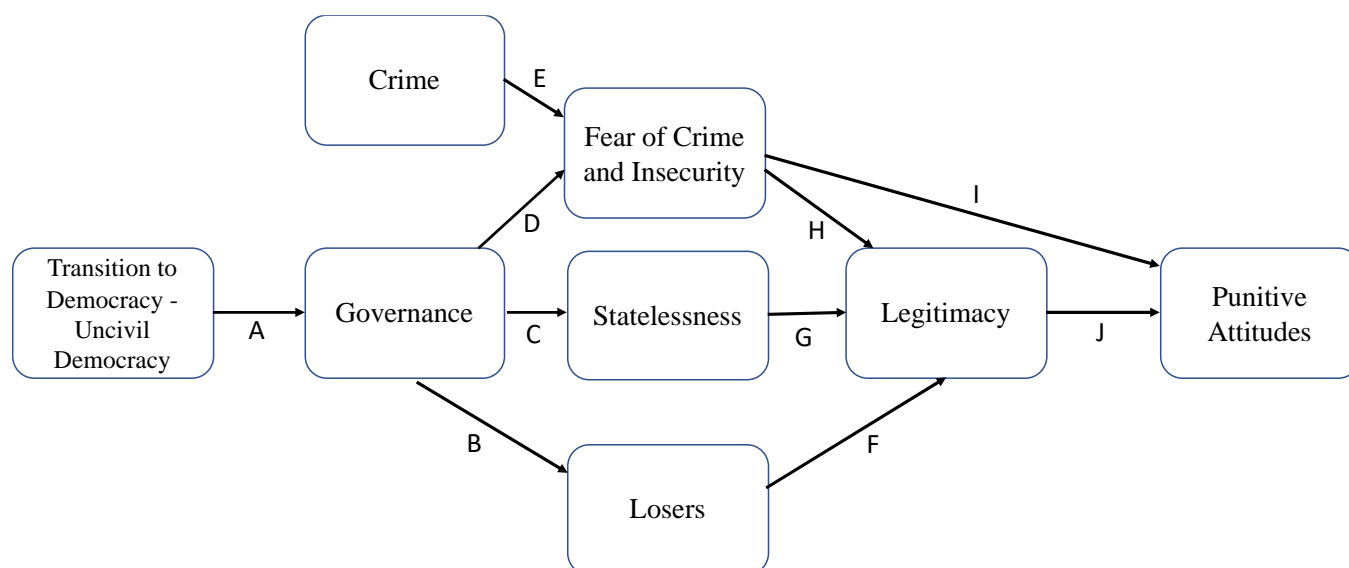
Figure 4.1. Theoretical Framework: A Legitimacy-Based Approach to Punitive Attitudes.

Thus, punitive attitudes may in essence emerge from citizens' decreased trust in government and the social changes that characterize the rapidly evolving nature of modernity (Simon 2007; Zimring 2006). "A world that changes at a vertiginous pace, and the sense of anxiety and fear that produces, has prompted a social demand for safety that governments tend to interpret as a problem of crime control" (Iturralde 2010, p.324). This gives way to a contradictory situation where, even though the authority of the government becomes more powerful with the capacity to create and enact punitive policies, citizens distrust its ability to protect society from crime and delinquency; therefore, decreased trust leads to preferences for more punitive policies to diminish the arbitrariness that characterizes legal authorities (Ramirez 2013).

While research provides evidence that many people endorse punitive attitudes as a result of their worries about crime and threats to social order (Armborst 2017; Dowler 2003), scholars have generally paid less attention to the role political legitimacy takes in contributing to the public desire for punishment. Political or state legitimacy can influence people's perceptions of their overall environment in regard to social order and the implementation of rules and impunity, resulting in a higher likelihood of endorsement of punitive measures when the evaluation of

legitimacy is negative (J). The main argument behind this theoretical model is that the poor quality of governance exerted by political regimes in Latin America has expedited the decrease in political legitimacy as perceived by the citizenry (C + G). The actual relationship between political legitimacy and punitiveness stems directly from the impact that the poorly regulated penal policies and rule of law has had on citizens' perceptions of how legitimate their state is (G).

Many Latin American democracies have their roots in authoritarian and exclusionist systems that remain highly embedded in current governments (A) (Iturralde 2010). This is even more pronounced in elite-led transitions to democracy from dictatorships (as was the case with Chile, Brazil, Ecuador, and Peru), which then developed into uncivil democracies. These uncivil democracies, in turn, created a system in which punishment is aimed at the "dangerous class" who are often the marginalized and the poor (Iturralde 2010). Under this system, Latin American elites are protected by a very evident net of impunity that often exempts them from having to adhere to the rule of law (A + C). It is at this junction that political legitimacy begins to exert its effects on citizens' attitudes towards punishment (G + J). Latin American penal systems have become much more punitive over time (Morales Peillard 2012), but their target remains the same. The elites who commit crimes with a wider reach (such as human rights violations, etc.) are seldom punished or held accountable (Iturralde 2010; Rodriguez 2019; Coimbra *et al.* 2019). This impunity takes place alongside citizens motivations for punishment, which tend to lie under the umbrella of retribution (Gerber 2012). Thus, with this underlying desire for order and retribution, citizens face a "stateless" and delegitimized government with a need for "just deserts", which can potentially be directed towards all criminals (G + J). The issue here is that the two types of criminals (the elites and the marginalized) are all put in the same box, and a distinction is not made. Citizens' needs for "just deserts" are channeled as demands for harsher punishment, partially driven by the desire to punish crimes committed under a system that is believed to perpetuate impunity.

A paradoxical situation exists in Latin America then, whereby citizens tolerate and accept state violence from democratic governments even if they act much in the same way previous authoritarian regimes did. One possibility is that this may be, in essence, Latin America's authoritarian culture manifesting through a more conservative dissatisfaction with the leniency of democracy rather than a more liberal dissatisfaction with a non-democratised system. Another

possibility that is postulated by this model, is that this paradoxical situation might emerge because fear of crime and the unavailability of the law (G+H) have been so inculcated into the citizenry that these larger forms of state violence are welcomed as a "necessary evil" (Iturralde 2010). Citizens in the region often feel as if their institutions are not available to and for them, and in many ways these perceptions are accurate, as the forms of governments that are responsible for overseeing security and the rule of law are themselves not abiding by either of these conditions, creating a context in which the rule of law is unavailable (Nivette 2016; Iturralde 2010).

Another argument that will be repeated throughout this thesis is that Latin American governments have a history of benefitting the elites, while perpetuating social and economic inequalities. This has exacerbated the breach between government and citizenry. This gap has resulted in a crisis of legitimacy, where citizens no longer see their governments as viable sources of trust and protection (C + G). As such, trust in the legal system and its performance has reached a well-pronounced low (Booth and Seligson 2009; Somma *et al.* 2020). This sensation, the feeling that the state does not have law and order, sets the stage for citizens to demand less arbitrariness and discretion from authorities. In this context, demands for harsher punishment by way of formalized policies would be seen as the most effective way to set some semblance of systemic order and balance, thus leading citizens to believe that the best way to reduce crime in their country is through the implementation of harsher punishment of criminals.

In many cases, the roots of public criticism of governments as well as those of citizens' discontent with the political system lie in the distance or detachment between the political elites and the citizenry (Somma *et al.* 2020; Rodriguez 2019). This detachment often becomes more apparent with the implementation of economic systems that tend to privilege the elites. The distance between political actors and citizens can also grow even wider when governments are unable to adapt to cultural changes related to gender, ethnicity, sexual orientation and age, which reject the traditional hierarchies that are so often embedded in many Latin American societies (Somma *et al.* 2020; Vanden and Prevost 2006). The move towards demands for public transparency has been very palpable in many Latin American cases, particularly in Chile, where elites and political actors as well as institutions have been involved in scandals of corruption, yet the elites have been the only ones to benefit from any reforms made to the legal institutions (Iturralde 2010). Often, these reforms result in the so-called "legal corruption", where the elites

get to make "the rules of the game" (Kaufmann 2004, p.83). The main outcome of these events has been an important decrease in the level of legitimacy that traditional institutions hold, making all other societal injustices linked to their performance much less tolerable (Somma *et al.* 2020).

People often agree to defer to some level of authority in exchange for protection and order as they engage in a social contract with the state (Rousseau 1998; Castiglione 2015). In this process, however, they are equally as likely to evaluate and scrutinize these authorities by questioning their right to exercise their power and their right to exert control over citizens' actions (Trinkner and Tyler 2016). If this line of questioning leads to the conclusion that the behavior of the authority source does not align with the values of the individual, then the authorities will not be viewed as a legitimate institution that has every right to exercise power (Trinkner and Tyler 2016). Research suggests that when citizens report low satisfaction with their governments, this dissatisfaction can actually expand into a more general and overarching negative attitude towards institutions and their performance (Salminen and Ikola-Norrbacka 2010). This might be particularly true for individuals who are political *losers* or simply put, citizens whose preferred candidate or party does not hold office (Anderson *et al.* 2005b; Dahlberg *et al.* 2015).

Losers are more likely to challenge their political system and report less satisfaction with the status quo (Anderson and Tverdova 2001; Anderson *et al.* 2005a), while winners are more likely to be satisfied with democracy, perceive that their government as more efficient, report higher levels of political support and are also more likely to be politically active (Anderson and Tverdova 2001; Dahlberg *et al.* 2015). Losers are much more critical of a regime that is not "their own", and to regard that regime and its institutions as less legitimate as well (B+F). These negative reactions might be stronger for losers in newer democracies, who may be even more critical than those in older democracies given their high expectations placed on the promise of change, whereas losers from older democracies may be much more accustomed to negative or non-consequential outcomes (Anderson *et al.* 2005c).

With crime and delinquency being reported as one of the most prevalent concerns of Latin American citizens in past years (Dammert 2012), then it is to be expected that citizens who are dissatisfied with the state, and especially losers, would find issues with its performance in regards to public security and crime control (B+C). In societies with delegitimized governments

and institutions, citizens would turn to a more punitive approach not because they are willing to give their state more power to punish, but rather because they use crime and delinquency as a route to channel their most expressive social anxieties and concerns. Citizens' generalized social anxieties can become all-encompassing and can make any ailments of the state more salient, which makes perpetrators of crime a likely source of focus given their association with social disorder. In other words, when people's social anxieties reach high levels, they might become more susceptible to society's problems, thus amplifying their perceptions of social disorder and criminality.

The public tends to criticize and shame offenders through *denunciation*, which is a form of deterrence that uses public condemnation as a way to morally educate society (Clarke *et al.* 2016). By punishing those who violate social rules, social values are reinforced and social cohesion maintained (Rychlak 1990). While denunciation is mostly aimed at law-abiding citizens, it conveys a general message that law-breaking behavior should be rejected on the basis of its moral grounds, rather than solely on the likelihood of receiving a certain, swift, and severe form of punishment (Clarke *et al.* 2016; Rychlak 1990).

However, through denunciation, an increased fear of crime and focus on law-breaking can generate demands for some form of punishment (or less impunity, at least). Citizens would normally expect for a delegitimized government to be less effective in providing security, leading to the view that increasing the punishment of criminals may potentially be the only way to reduce crime and delinquency or even prevent it without giving the state any more access to informal power beyond that of the law. The need for the increase of punishment would then be motivated by the need to sustain society.

Law abiding individuals who perceive that the state is failing them can also attempt to use political power to change things. Rychlak (1990) called this *reformation*, which is an individual's drive to change laws through mobilizing and exerting influence over the political sphere. The author also suggests that sometimes these demands may have punitive overtones, like in cases where offenders are freed as a result of their constitutional protections, leading to public calls for those protections to be revoked (Rychlak 1990).

Essentially, by failing to uphold their end of the social contract, delegitimized states may contribute to citizens' increased punitiveness by generating a frustrated response that demands changes. In the Latin American case, these demands for punishment would result in a systemic

loss of power given that actual institutional *power* comes from a perpetual state of impunity and irreverence towards the rule of law. Public demands for effectiveness and adherence to legal and formal mechanisms may potentially reduce the current widespread discretion characteristic of many Latin American institutions today. This partiality towards informal mechanisms comes from the culture of corruption and weak rule of law that has come to characterize Latin American political systems (Piccone 2019), and which are further promoted throughout the development of uncivil democracies, where civil liberties have remained curtailed and authoritarian enclaves remain active.

In order to better understand the mechanisms behind this general theoretical model, a more in-depth discussion of governance and statelessness is provided in the next section. The impact these two concepts have on state legitimacy is further outlined with the aim to indicate how they connect to punitive attitudes at each stage in the model.

4.3 Governance in Latin America: Concepts and Dimensions

As a result of their transitions to democracy, many Latin American governments attempted to reform institutions as a way to restore public trust while ensuring efficiency and maintaining respect for human rights (Fortete and Cesano 2009). However, the reality was that many of these institutions remained tied to their authoritarian pasts, which led to the development of incomplete democracies along with serious issues of poor governance and lawlessness (A + C) (Iturralde 2010; Nivette 2016). The lack of good governance has also led to the current crises of political legitimacy that currently affect the region at large. To better understand how a state's governance is linked to citizens' perceptions of political legitimacy it is essential to first clarify what governance stands for. While there is no definite consensus as to how governance should be defined (Kaufmann et al. 2011), the term *governance* is often used to capture a government's capacity to provide and deliver services to their citizenry while ensuring that certain elements such as transparency, accountability and the rule of law are present throughout this process (Rodriguez 2019). The concept of governance has also been envisioned as the tool or mechanism set in place to counter bad governmental practices such as corruption, nepotism or inadequate policies (Ruhanen *et al.* 2010; Kaufmann 2004). The most precise

definition of governance, however, derives from the Worldwide Governance Indicators (WGI) Project.

This definition of governance, which is the one used throughout this thesis, conceptualizes it as "the traditions and institutions by which authority in a country is exercised, [including] (a) the process by which governments are selected, monitored and replaced; (b) the capacity of the government to effectively formulate and implement sound policies; and (c) the respect of citizens and the state for the institutions that govern economic and social interactions among them." (Kaufmann et al. 2011, p.222). This specific definition of governance further comprises a set of six dimensions corresponding to each of the main areas: (1) *Voice and Accountability*, (2) *Political stability and Absence of Violence,* (3) *Government Effectiveness,* (4) *Regulatory Quality,* (5) *Rule of Law* and (6) *Control of Corruption* (see Table 4.1). Each of these dimensions reflect citizens' perceptions of government capacity, as well as governments' ability to maintain citizens' respect and trust.

All three areas of governance in Latin America, along with their corresponding dimensions, have been challenged by their own societies in recent years. Good governance can only proliferate if certain preconditions such as democratically legitimated authorities, well-organized civil societies, and identification with a national identity are in place (Zurbriggen 2014). While these preconditions are generally met in more industrialized and well-developed regions like Europe, the literature suggests that governance in Latin America has had an entirely different trajectory compared to that of other developed societies (Zurbriggen 2014). Latin America faces highly complex inherent challenges that have shaped the trajectory of the way governments run (Rodriguez 2019). In other words, specific characteristics of Latin America have made it much more difficult for good governance to be successfully implemented. Broadly speaking, Latin American governance has been unsuccessful due to a combination of interest groups, power-driven elites and politicians and weak state authorities that have been incapable of holding the elites accountable when appropriate (Iturralde 2010). Political instability, for instance, remains a significant challenge in the region (Rodriguez 2019; Zurbriggen 2014). What makes this dimension of governance potentially difficult to assess is its variability within Latin American states, with some ranging from critically unstable (e.g. Venezuela, Colombia and Mexico) on one extreme, and others (e.g. Uruguay, Costa Rica and Chile) ranking very high on political stability on the other (Rodriguez 2019; Kaufmann et al. 2008).

The most significant challenge to governance in Latin America, however, is the generalized lack of governmental and institutional effectiveness along with a non-adherence to the rule of law. This challenge is best explained by taking a closer look at Latin American criminal justice systems and crime control institutions. Latin American judiciaries have been deemed both ineffective and inefficient by citizens in many states, thus perpetuating the public belief that the law is simply not available. This unavailability of the law has been linked to and illustrated by institutions such as the police, who are characterized by weaknesses in training and professionalism, as well as by their ties to other militarized structures that have limited their ability to fully embrace reforms that would allow them to regain trust (Fortete and Cesano 2009). The ineffectiveness and arbitrariness of Latin American criminal justice systems is largely the result of the influence of the authoritarian enclaves still found in democracies. The complexity of the effect this aspect of governance effectiveness has on state legitimacy is perhaps best embodied by the following quote:

> "the inefficiency and lack of credibility of law and the justice
> system are crucial factors that at least partially explain the
> contested legitimacy of Latin American states and the feeble
> embeddedness of democracy in the region. But at the same time,
> the law and justice systems in many Latin American countries are
> ineffective and arbitrary precisely because the political regimes in
> which they are grounded have been traditionally authoritarian and
> exclusionist" (Iturralde 2010, p.310).

Iturralde is making reference to an important phenomenon that takes place in Latin America. The author is discussing what other scholars have referred to as "statelessness", or simply put, the unavailability of the law (Nivette 2016). Essentially, the law is unavailable when states cannot guarantee the enforcement of the law and the punishment of any violations (Nivette 2016). In the case of Latin America, the law also tends to be unavailable through the excess arbitrariness of the system and the impunity exercised towards those who belong to the elites. The condition of statelessness also illustrates the interweaving of several dimensions of governance: institutions are ineffective and thus are not trusted, yet they are ineffective because

there is a weak or non-existence adherence to the rule of law. A weakened rule of law, in turn, allows for more levels of corruption to emerge, thus affecting the state's political stability. Several dimensions of governance tend to be correlated, particularly "political stability, [which is] intrinsically intertwined with other dimensions such as corruption, low trust in government, and weak rule of law systems" (Rodriguez 2019, p.9).

Table 4.1. Kaufmann et al.'s (2011) Areas and Dimensions of Governance as specified in the Worldwide Governance Indicators (WGI) project.

Area of Governance	Corresponding Dimension
(a) Process by which governments are selected, monitored, and replaced	(1) Voice and Accountability (VA) – perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media. (2) Political Stability and the Absence of Terrorism (PV) – perceptions of the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means, including politically-motivated violence and terrorism.
(b) The capacity of the government to effectively formulate and implement sound policies	(3) Government Effectiveness (GE) - perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitments to such policies. (4) Regulatory Quality (RQ) – perceptions of the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development.
(c) The respect of citizens and the state for the institutions that govern economic and social interactions among them	(5) Rule of Law (RL) – perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. (6) Control of Corruption (CC) – perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as 'capture' of the state by elites and private interests.

In addition to statelessness, governance in Latin America is threatened by governments' lack of flexibility and corruption. Good governance, when understood as a "government's ability to deliver value-added services and innovative problem solving by promoting adaptability, flexibility, and collaboration while embracing an organizational culture that fosters transparency, trust, and power sharing for the pursuit of common public goals" (Rodriguez 2019, p.17) is severely incapacitated by lack of regulations and the distance this creates between the political sphere and civil society. Latin American governance is also characterized by its reluctance to be collaborative across the private and non-profit sectors, as well as its reluctance to respond to the challenges of today's societies with solutions of an appropriate democratic nature (Rodriguez 2019; Somma *et al.* 2020). Government actors in Latin America are often hesitant to engage in opportunities to innovate and to engage in positive change at the expense of delegating power, thus reinforcing the hierarchical structure that it is based on (Rodriguez 2019). Legal corruption is likely much more prevalent than other forms of corruption in situations where the elites manage "the rules of the game". This is true for both rich and poor countries (Kaufmann 2004), and it is particularly true in many Latin American states. Corruption has relevant implications for political trust, as citizens who perceive that their governments are corrupt are less likely to trust their local institutions, which often expands to other government level institutions as well (Blind 2006), and trust in the government continues to decrease when citizens feels that the state is distant and ineffective (Rodriguez 2019, p.11).

Several dimensions of governance seem to be correlated as they influence each other at the same time that they influence governance as a whole. Scholars have linked government effectiveness, for example, to the development of democracy, rule of law, political stability, low levels of corruption, and trust in the government (Rodriguez 2019; Iturralde 2010). Political stability holds a bidirectional relationship with the rule of law and corruption, while the rule of law is also directly related to corruption (Rodriguez 2019). Good governance also has implications for democracy, as citizens who perceive that their governments abide by good governance and representation will be more likely to support the democratic status quo in that moment (Singer 2018). Governance has also been linked directly to state legitimacy, with some studies arguing that good governance is one of the most important sources of political legitimacy (Keping 2011). This relationship is examined in more detail in the next section, following an initial discussion of state legitimacy.

4.4 State and Political Legitimacy

To better understand how governance influences legitimacy, it is important to first understand what legitimacy is and where the concept comes from. Legitimacy can be understood as the moral justification, or the acceptance of an entity's right to wield power without the need for coercion (Buchanan 2002; Beetham 2013). The earliest conceptualizations of legitimacy are often traced back to the work of Max Weber, who introduced three pure types of legitimate domination: rational-legal, traditional, and charismatic, all of which vary in terms of the claims they make regarding the validation of the legitimacy of the authority (Weber 1978). The rational-legal type was based on the belief in the legality of the rules and norms endorsed by the authorities. In other words, the rules themselves have qualities that make them legitimate. The traditional type highlighted the importance and value of traditions and the legitimacy of those putting it in place. In this type of legitimate domination, there was an established belief in the purity of the way things have been done all along. The last type, charismatic, focused on the character of the person who represents the authority and their personal qualities. Individuals trust this person and all that they symbolize due to their heroic, exemplary or even sanctified qualifications (Weber 1978).

Many scholars after Weber distanced themselves from the idea of the internalization of norms and approached the concept of legitimacy from a more systemic perspective. One of the earliest systemic conceptualizations of legitimacy is found in the work of Almond and Verba (1963). Their seminal piece, *The Civic Culture*, emphasized the importance of the congruence between political structure and political culture in maintaining system stability (Westle 2007). Political structure referred to the system regarding its institutions, while the political culture stood for the patterns of orientation individuals have towards political objects.

Further developments of the concept of legitimacy, and arguably the most influential contribution to this line of work in political legitimacy is that of Easton (1965; 1975), who introduced the concept of *political support*. Easton made the distinction between *objects* and *modes* of political support. The author outlined three types of objects: the *political community,* formed by a group of individuals "bound together by a political division of labor" (1965, p. 177), the *political regime*, or type of political system (e.g. democratic or authoritarian), and *political authorities* or incumbents. Easton further identified two modes, categorized as *diffuse* and *specific*. Diffuse support is, fundamentally, a more general evaluation of what the objects

represent. This type of support also interacts with each object creating different dimensions. In terms of the community, diffuse support is understood as an affective feeling, and regarding the regime, diffuse support can take the form of legitimacy (beliefs in the intrinsic morality of the principles of the system and institutions) or trust, which results from output evaluations and can also be directed towards the political authorities (Easton 1965; Westle 2007). On the other hand, specific support is more output and performance oriented. This mode is limited to political authorities and is based on daily evaluations of their performance and delivery.

Despite the influence that Easton's work had on the earlier developments of political legitimacy, the concept has been criticized on the basis that it was never properly set up for empirical research (Westle 2007). This lack of empirical direction and specificity has led to several interpretations and operationalizations with very little agreement amongst scholars, which remains problematic today. To reconcile the gap between what is considered to be a theoretically rich, yet empirically weak concept (Booth and Seligson 2009), scholars have attempted to refine Easton's concepts by implementing several modifications. A key significant contribution to the study of legitimacy following the development of Easton's conceptualization of political support was found in Norris' (1999) piece *Critical Citizens.* Norris refined and expanded the concept even further and argued that political support consists of a "fivefold framework distinguishing between political support for the community, regime principles, regime performance, regime institutions, and political actors" (Norris 1999, p.13), with the understanding that these levels were part of a larger spectrum that ranged from more diffuse types of support to specific ones.

In her discussion of these new dimensions, Norris specified each level according to their placement on the diffuse-specific continuum. The first level, corresponding to the *political community,* stands at the most diffuse end of the spectrum, and refers to a generalized bond with the state that goes beyond the current government and which implies political cooperation. The second level, *regime principles*, refers to the core values of the political system and the support they receive. The third level, *regime performance*, sits closer to the middle of the continuum and deals with the evaluations or support for political systems in practice. The fourth level, *regime institutions*, refers to the attitudes citizens have towards political institutions such as governments, the executive, legal systems or political parties. Finally, the fifth level or *political actors*, can be found at the most specific end of the continuum, and refers to the support given to the political class and their performance.

Norris' multidimensional conceptualization of political support, which gained much acceptance within the research community, was followed by a host of empirical studies that set out to test the validity of its dimensions in order to eventually define legitimacy as a whole (Dalton 1999; Klingemann 1999). Booth and Seligson (2005) also advocated for the multidimensionality of political support but also became interested in understanding what the impact of legitimacy was on citizen behavior. The authors explored the structure of legitimacy beginning with Norris' (1999) dimensions of political support and expanded them from five to seven, culminating in what to this day remains one of the most comprehensive measures of legitimacy (Power and Cyr 2009). To Norris' existing five dimensions of political community, regime principles, regime performance, regime institutions and political actors, Booth and Seligson added the dimensions of *system support* and *support for local government*. The items for *system support*, however, being so conceptually close to those of *support for regime institutions* ended up being incorporated into the latter. Effectively then, for Booth and Seligson (2009) political legitimacy is finally conceptualized into six dimensions, ranging from more diffuse to specific: 1) belief in the existence of a political community, 2) support for regime principles, 3) evaluation of regime performance, 4) support for regime institutions, 5) support for local government, and 6) support for political actors. This latter conceptualization of state and political legitimacy will be used throughout this thesis.

With this account of legitimacy in place, the next section now turns to an explanation of the way in which governance and legitimacy relate to each other.

4.5 The Impact of Governance on State and Political Legitimacy in Latin America

Latin American governance has been characterized by the adoption of political and economic models that originated in other regions of the world, namely North America and Europe (Iturralde 2010; Somma *et al.* 2020). The implementation of the neoliberal economic model is perhaps the most dominant feature in many states in the region today (Iturralde 2010; Somma *et al.* 2020; Garretón 2004). How this model was implemented in practice, as Iturralde (2010) argues, has important implications for the region's penal policies as well as for the way in which many states deal with crime. The author illustrates this point by demarcating some of these adopted characteristics (e.g. neoliberal political economy, high levels of inequality, violence, and high prison rates) in states such as Chile, Colombia, El Salvador, Mexico and

Brazil. However, while these systems have been internalized throughout the region, it is not realistic to have expectations that the neoliberal model would perform in exactly the same way as it would in North America and Europe, given that Latin America has its own characteristics that make the direct implementation of foreign models and policies problematic (Iturralde 2010). It is often the case that citizens' perceptions of the legitimacy of their government and institutions decrease when these behave in ways that are deemed "unjust, illegal, and untrustworthy" (Nivette 2016, p.145). Legitimacy also decreases when there is inequality in the provision of security in a society (Nivette 2016). In Latin America, the rule of law is certainly not the same for the different classes that make up each society. While people from less privileged sectors are more likely to come into contact with the law, the elites are practically impervious to the rule of law and the institutions that should enact it (Iturralde 2010).

Legitimacy is also likely to be affected by a state's level or quality of democracy. For a state to be democratic, however, certain conditions need to be met, particularly a guarantee of "political freedoms, individual civil liberties, human rights, and the rule of law" (Stockemer 2009). In other words, a democratic state is likely to foster the implementation of good governance (Stockemer 2009). This is problematic in Latin America, as full democracies have been limited due to the nature of the transitions to democracy, many of which were negotiated with authoritarian agents that held leverage over the opposition at the time (Stradiotto and Guo 2010; Sznajder 1993; Garretón 2004; Karl 1990). This brings forth the concern of whether or not good governance is even attainable in the region, given the conditions under which democracies developed. If the democratic principles held by the public are, in theory, precursors of good governance, and these democratic principles are limited in Latin America, then an assumption can be made that governance will inevitably suffer as a consequence. A state lacking good governance will also be a potentially delegitimized state. By definition then, a delegitimized state is also one in which the law is not necessarily available, as delegitimation is also a condition of statelessness (Nivette 2016). Given that "governance is not only tasked with collaboratively addressing multiple needs, but the regimes, political culture, mores, and institutional dysfunctions characteristic of Latin America threaten to wreck any chance of success even before governance is institutionalized" (Rodriguez 2019, p.8), it is not difficult to assume that the structural challenges the region faces are much too internalized for any reforms that might be implemented.

Although both governance and democracy may shape and influence legitimacy, it is important to then recognize that these perceptions may vary depending on *how* they are being evaluated and more importantly, *who* is evaluating them. The way in which governance and democracy are perceived will vary vastly between losers and winners. Naturally then, how legitimate a state is perceived to be should be different for citizens who support the regime compared to those who do not. This is when the concept of winner, losers and their relationship to state legitimacy becomes relevant. Winners and losers are examined in relation to state legitimacy in detail in the following section.

4.6 Winners and Losers

The relationship between political legitimacy and punitiveness may also be influenced by whether or not a citizen is in the political majority or in the political minority. As mentioned earlier in this chapter, *winners* are individuals whose preferred candidate/party is currently in office and are thus in the political majority, while *losers* are those individuals whose preferred candidate/party is not currently in office and fall therefore in the political minority (Anderson *et al.* 2005a). Studies have identified several differences amongst winners and losers. Namely, losers are more prone to feel discontent towards the system, and they are more likely to attempt to have their voices heard and to demand change rather than exiting the political system. Winners, on the other hand, are more likely to report an overall higher satisfaction with the system and are more prone to show support for it (Anderson *et al.* 2005a; Dahlberg *et al.* 2015).

The political sphere, then, is expected to be perceived differently by winners and losers, given that the lens it is seen under is different for each group, and all of these individual-level differences in opinions and attitudes between winners and losers are referred to as the *winner-loser gap*, and the wider the gap, the more friction and obstacles to democracy there will be, given the complicated relationship that develops between the political elites and society (Anderson *et al.* 2005b). Anderson *et al.* (2005a) indicated that winning or losing elections not only influences people's experiences and perceptions of political life, but it also shapes their beliefs in the political system as a whole. The authors argued that losers are less likely to ascribe legitimacy to a system if the outcomes are contrary to what they would have initially expected. In those cases, losers initially experience disappointment towards a political system they did not agree with, but if losing becomes a continuous event, these effects can be reinforced by

perpetuating the belief that the performance of the government supports the initial negative belief (Anderson *et al.* 2005a; Kern and Kölln 2017).

If people's political experiences are inherently different as a result of being on the winning or losing side of the divide, then how does the relationship between political legitimacy and punitiveness change for individuals whose ideology or preference (mis)aligns with the current administration? According to the legitimacy-based approach, perceptions of lower levels of political legitimacy are associated with higher levels of punitiveness, given that individuals who are primed to expect for the system to fail as a result of poor governance are more likely to be critical of it and to feel that they are under a perpetual state of statelessness. This, in turn, prevents individuals from considering the broad array of factors that can influence crime, thus leading them to focus more on removing criminals from society by exposing their preferences for harsher and more definitive measures, such as incarceration. Following the framework of the legitimacy-based approach then, punitiveness should be more pronounced in losers, as they will evaluate their political systems and government effectiveness negatively, and will also grant it less legitimacy than winners do (Anderson *et al.* 2005a; Dahlberg *et al.* 2015). Studies suggest that losers often tend to be more punitive towards leaders that fail to deliver on their promises (Gelpi and Griesdorf 2001) and on the basis of the legitimacy-based approach to punitiveness, demanding change as a result of citizen dissatisfaction with their current government would likely translate into demands for the harsher punishment of criminals as a way to control or reduce the crime and delinquency problem.

Losers, then, are more likely to be punitive than winners, considering the factors discussed in the previous sections as well. However, all of these relationships have yet to be carefully examined in the Latin American context. The following section discusses how all of the elements introduced up to this point interplay together and play a role on the influence that political legitimacy exerts on punitive attitudes in Latin America, featuring the associated implications that emerge from this relationship.

4.7 A Legitimacy-Based Approach to Punitive Attitudes in Context: Latin America

According to Oswald *et al.* (2002) the general goals of sentencing can be divided into two camps: just deserts and prevention. The idea of just deserts focuses on retribution and the idea that offenders should pay for their crimes, while this punishment serves as a deterrent for other

individuals (retribution). Prevention sets its efforts on reducing the likelihood of further offenses by keeping it at bay with punishments that are justified in the context of the betterment of society (utilitarianism). Studies have largely suggested that people's perceptions of justice tend to primarily support the principles postulated by the theory of retributive justice, which consists of a scheme in which the punishment of offenders must proportionally fit the crime (Carlsmith and Darley 2008; Carlsmith 2006; Keller *et al.* 2010). The attitudes of Latin American citizens tend to align with the idea that crime is committed by individuals who have made a rational decision to do so (Aguilar Chamorro and Sánchez Cea 2011). Moreover, evidence from Latin American studies suggests that punishment in the region has long followed this tradition of retribution (as opposed to rehabilitation) as shown by the implementation of *mano dura* (iron fist) policies (Coimbra *et al.* 2019).

On the other hand, while utilitarian principles seem to still exist in some criminal justice systems, there are still major discrepancies between this macro level justice perspective and citizens' individual retributive desire for justice (Carlsmith and Darley 2008), particularly in terms of the alignment between actual crime control measures in practice (e.g. reduced sentences, the right to appeal, etc.) and citizens' preferences for more punitive measures in some instances. The implications for this discrepancy are serious, as "the resulting divide leads people to lose respect for the law, which means that they do not rely on the law's guidance in ambiguous situations where the morally correct behavior is unclear" (Carlsmith and Darley 2008, p.194). This idea, consistent with the work of Tyler and Boeckmann (1997), suggests that crime creates the ideal conditions for society to feel threatened. This threat is particularly aimed at the values and rules set by the group (Oswald *et al.* 2002). From this follows that punishment is the ideal mechanism to restore the order of society and level down the potential threats that crime presents.

In the specific case of Latin America, crime interacts with the contextual characteristics of the region as well as its lingering authoritarian culture, leading citizens to demand harsher punishment in the face of low political legitimacy. Latin America is characterized by its poor democratic performance. As mentioned above, this is partially due to the way many of its states transitioned into democratic governments after long periods of autocratic rule. Many scholars have argued that the quality of democracies in the region remains low, and that many states simply have incomplete or uncivil democracies, which are democracies with elements of authoritarianism still embedded in them (Garretón 2004; Iturralde 2010). These authoritarian

elements, coupled with other characteristics of the region such as poor governance in the form of low accountability, weak rule of law and high levels of corruption have contributed to the retributive spirit of citizens in the face of crime, thus leading to public demands for harsher punishment (Oswald *et al.* 2002). When citizens are exposed to crime or crime rhetoric in the media or via politicians' speeches, their sense of threat is triggered, and any fears linked to broader societal issues (e.g. the economy, etc.) are then channeled into the more readily accessible enemy of the state: the criminal offender. The inner desire for retribution and societal restoration that citizens in Latin America have internalized will generate a paradoxical scenario where they will appear to be granting the government more power to punish as a response to its lack of ability to protect society. However, as mentioned earlier, the real power of Latin American governments lies not in their power to enact the law, but in their ability to go above it without consequences or repercussions.

Part of the legitimacy-based approach to punitive attitudes suggests that a mismatch between citizens' needs and demands for just deserts and their perceptions of what constitutes appropriate punishment from the view of the ideal legitimate state, can lead to citizens' increased preferences for the harsher punishment of offenders. As Oswald *et al.* (2002) pointed out, "people who fear that criminal deviance leads to the erosion of social norms and a loss of social cohesion are obviously less interested in the symbolic function of punishment, and want rather to see the actual offender punished and excluded" (p.97). At the same time, the rulings made by a legitimate state will not always be able to match citizens' expectations for "just deserts", as it must abide by the rule of law (Brettschneider 2007). The punishment exercised by a legitimate state might be different from the punishment sought after by a largely retributive citizenry, as "legitimate state conduct […] implies a commitment to the rule of law, in particular to the institution of a fair trial" (Brettschneider 2007, p.185). In a delegitimized state, however, this clash of expectations and reality might emerge from citizens' perceptions of authorities' bypass of the rule of law along with their selective levels of discretion, which can result in a rather arbitrary application of the law.

The fact that governance in Latin America has been so poor in recent decades has reinforced citizens' beliefs that the goals of punishment should lie in the realms of retribution and incapacitation (as opposed to deterrence or rehabilitation). A legitimate state that abides by the rule of law is not authorized to exercise punishment freely, and most certainly not without fair trial. In a context in which citizens perceive that crime is out of control while states have

become delegitimized due to their histories of incomplete democracies, poor governance, and non-adherence to the rule of law, then the mismatch of expectations occurs, leading citizens to demand harsher punishment because they perceive the state's limitations as leniency and incompetency. When governments are delegitimized, their limitations in terms of sentencing are further perceived by the public as incompetent and ineffective, rather than legitimate "contractual" punishment where the rights of the offender as a citizen are taken into account based on the principles of free citizenship (Brettschneider 2007).

At a first glance, the idea that the (in)actions of a delegitimized state would lead to higher levels of punitiveness in their citizenry might seem counterintuitive. Some studies have indeed shown that people who distrust their governments also do not trust in their ability to apply their authority justly in delicate cases such as those involving the death penalty, and thus would rather limit their authority (Sööt 2013). More specifically, this line of research suggests that citizens who trust their governments also trust and assume that the rights of offenders will be guaranteed, leading them to support their judgments on the death penalty, whereas those citizens who do not trust their governments are more likely to believe that innocent people could be wrongfully convicted (Sööt 2013). However, many of these studies have been mainly conducted in the United States, so these findings are not necessarily applicable to the Latin American region, where most states have either abolished the death penalty fully (e.g. Argentina, Bolivia, Colombia, Ecuador, Paraguay, Uruguay, and Venezuela), or have retained it only for exceptional crimes including crimes of war (e.g. Brazil, Chile, Peru) (Amnesty International 2018). On this last point, Sööt (2013) has highlighted how studies using the death penalty as a measure of punishment inevitably lead to results that differ from other studies that ask more general questions about individuals' attitudes towards punishment. The death penalty is the most extreme form of state punishment available, and it may not effectively capture the underlying nuances of citizens' punitive sentiment. Moreover, these differences become all the more relevant in contexts where capital punishment no longer exists.

At a more basic level, "the influence that institutional trust may exert on penal attitudes is explained mostly by fear of crime and the public's dissatisfaction with the justice system's ability to respond to crime" (Sööt 2013, p.540). However, this relationship might be much more complex, suggesting that the influence of institutional trust and legitimacy on penal attitudes follows a more expressive route. Ultimately, "society's interest in security legitimizes punishments that restrict criminals' freedom of action, but legitimate punishment also requires a

commitment to preserving criminals' moral status as citizens. This requirement entails limiting cruel and unusual punishments and preserving democratic rights to the greatest extent possible" (Brettschneider 2007, p.190).

The legitimacy-based approach suggests that increased public attitudes towards punishment result from perceptions of a delegitimized state. The way in which Latin American states transitioned to democracy post-dictatorships cemented the specific types of democracies characteristic of the region today. These uncivil democracies have retained elements of authoritarianism and have led to notoriously poor governance, where the rule of law is rarely adhered to, especially by authorities, political figures and the elites. As crime continues to become one of the most pressing issues in most Latin American states, and as fear of crime runs amok amongst citizens, higher expectations are placed on the sitting administrations to effectively deliver public security and ensure societal protection. While crime and delinquency might originate from a whole host of individual, social and structural factors, this will not be as salient to citizens who are distrustful and who see a delegitimized state. These individuals will rather look for a retributive, solution-based approach to crime that leaves no room for privileges or selective discretion. For these citizens, perceived crime calls for the increased punishment of offenders as the only way to restore social order and exert crime control in the face of a delegitimized state that has failed to effectively abide by their end of the social contract.

So far in this chapter, I have established a theoretical framework to explain the prevalence of punitive attitudes on issues of crime and punishment in Latin America. I argued that conditions of poor governance have culminated in the delegitimation of governments and states in the region. Further and crucially, this delegitimation is an important precursor for Latin American citizens' punitiveness. Citizens from delegitimized states may demand harsher punishment for criminal offenders as they will have no trust that the state will effectively restore social order given their history of corruption, non-adherence to the rule of law (at the level of the elites), general leniency and failure to provide public security.

As mentioned in earlier chapters, in situations where individuals may feel that their institutions cannot be trusted nor expected to perform their duties in terms of public security, discontent or cynical citizens might openly prefer crime control policies that provide feelings of certainty and the image of social order (Oquendo 1999). In the next section I will briefly outline the research design set up to empirically test this theoretical model, providing a justification for

each of the analyses presented throughout this thesis and highlighting their strengths as well as limitations.

4.8 Research Design

The purpose of the research carried out in this thesis is to examine the extent to which legitimacy influences punitive attitudes in Latin American citizens. In doing so, this thesis sheds light on the mechanisms behind this relationship through the application of a legitimacy-based model to the study of punitiveness in the region. In order to achieve this goal, this thesis takes a quantitative approach that applies an analysis of secondary survey data from the AmericasBarometer survey (LAPOP). Social surveys are particularly suitable for the study of public opinion and attitudes (Babbie 2013). Surveys are also widely used in both the study of how societies operate as well as in the testing of theories, particularly those of behaviour (Groves 2013). To test the core hypothesis set out in this thesis as well as the theoretical model described in the previous sections, I will be using these two surveys to analyze the extent to which legitimacy influences punitive attitudes in Latin America.

The first analysis, a cross-sectional examination of the theoretical model presented in this chapter, is a broad test of how legitimacy relates to punitive attitudes in the South American region. This analysis will look closely at the theoretical model proposed in this chapter, and will test the effect of political legitimacy on citizens' attitudes towards punishment based on the conceptualizations presented earlier in this chapter. This large cross-section study has the advantage of including the most robust measures of legitimacy as outlined by Booth and Seligson (2009), while also providing the means to test this relationship on a whole range of Latin American states. This particular study provides an excellent opportunity to test the legitimacy-based approach in the broader context of South America, therefore establishing the existence and strength of this relationship. Although the theoretical model presented in this thesis can be effectively tested with this cross-sectional study, there are noted limitations associated with this specific research design. Given that a cross-sectional study is a snapshot of larger and more continuous structural or historical processes (Jupp 1989), concerns about validity and causality can be raised. However, because this thesis provides a novel theoretical approach to punitive attitudes in Latin America, it is important that this relationship be tested with the most robust indicators available, which is the case with the AmericasBarometer survey.

Compensating for the limitations of cross-sectional analyses, the second analysis provides an opportunity to delve deeper into the over-time associations between

political legitimacy and punitive attitudes . Using data from the AmericasBarometer survey, this analysis takes the form of a case study of Chile, and has the advantage of allowing for changes over time to be closely examined given the availability of data spanning an extended period of time. The longitudinal analysis introduces an element of patterns that the cross-sectional continental analyses is not able to provide. The availability of multiple waves allows to test the repeated effect of political legitimacy on public punitiveness.

This analysis also tests the main propositions of this thesis on a country that has continuously stood out as the success story in Latin America (Oppenheim 2018; Garretón 2004). The impact of the dictatorship was not minor in Chile, and it has had severe ramifications that are still visible today, particularly on the dynamics between the elites and institutions. Still, Chile remains remarkably stable in the economic as well as the political spheres, even though public attitudes towards crime have reportedly gotten more and more severe (Morales Peillard 2012). This paradoxical situation makes the study of Chile all the more relevant. This analysis of Chile also provides the means to better understand how the relationship between legitimacy and punitive attitudes panned out during opposing political administrations (e.g.: the *Concertación* left wing coalition compared to the *Alianza* right wing coalition), giving some indication of the extent to which legitimacy influences punitive attitudes on both political winners and political losers. Some of the limitations associated with this specific analysis have to do with the robustness of the measures in comparison with those of the cross-sectional analysis, as well as with the availability of data. However, this analysis is an important first step towards introducing the legitimacy-based approach to the study of punitiveness over time in Latin America, and more specifically in a stable context and a hard case such as the Chilean one.

Details of both of these analyses, including their advantages as well as limitations, are presented in the next two chapters along with the corresponding results. Chapter 5 and Chapter 6 correspond to the cross-sectional and time series empirical tests respectively. These empirical chapters test this thesis' core hypothesis, which stipulates that declines in state and political legitimacy will be associated with increases in punitive attitudes in Latin America. These tests will provide a more comprehensive understanding of the legitimacy-based approach to

punitiveness in region, and will offer more information on the underlying workings of the theoretical model.

CHAPTER 5: Comparative Analysis

The main goal of this thesis is to empirically determine the extent to which political legitimacy influences citizens' attitudes towards punishment in Latin America. In doing so, this thesis seeks to provide a better understanding of how factors such as citizens' perceptions of the quality and performance of their government shape individuals' preferences for social control policies. This chapter introduces the first empirical test of the legitimacy-based model of punitiveness introduced in the previous chapter.

As mentioned in earlier chapters of this thesis, most research on punitiveness has taken place largely in portions of Europe and in other major industrialized societies, such as the United States or the United Kingdom. Many of these findings are often generalized and later adopted in Latin American policies, without necessarily taking into account that this region presents its own characteristics and challenges that make it unique in many ways (Rodriguez 2019; Kaufmann, Kraay and Mastruzzi 2008), thus potentially rendering these policies inadequate. The analysis presented in this chapter will address the issue of punitiveness in Latin America by looking at legitimacy as a relevant predictor of individuals' preferences for punishment, given the social and political history it has experienced. Essentially, the legitimacy-based approach can explain part of the increase in punitiveness in Latin America by looking beyond the factors that predict punitiveness in other societies. In doing so, the current analysis provides a closer look at what has been a largely overlooked correlate of punitiveness, thus expanding our understanding of citizens' perceptions of the role of structural entities on maintaining social order, as well as the extent to which these perceptions shape their opinion on matters such as public security.

In order to effectively test this proposition empirically, this chapter focuses on South America (or the Andean/Southern Cone region) specifically. The literature has shown that Central and South America often differ significantly in important aspects such as their levels of violence, perceptions of security, and transitions to and quality of democracy (Dammert 2012; Muggah and Aguirre Tobón 2018; Remmer 1992). In order to robustly test the legitimacy-based model, an assumption needs to be made that the states included in the sample are eligible for comparison based on the theoretical elements of this approach. In this thesis, great emphasis is placed on the shared experiences of individuals in states that have followed specific social and political patterns, such as those in South America, making the region all the more appropriate to test the legitimacy model.

  In the following sections I present a brief discussion on the research question of this thesis along with the main hypothesis. This discussion is followed by a section explaining the methodology and analytical strategy of this first empirical analysis in full detail. Finally, I present the full comparative analysis with its corresponding results, and close with a brief discussion.

5.1 Research Approach

5.1.1 Research Question. The research question this study provides an answer to is "to what extent and how does political legitimacy influence punitive attitudes in Latin America?" This empirical chapter focuses on the application and testing of the theoretical model presented in chapter 4 as a novel approach to answer this question, introducing political legitimacy as correlate of punitiveness. The legitimacy-based approach suggests that the delegitimation of a state or government will shape individuals' views of how crime control should be exercised. More specifically, the legitimacy-based approach explains how a perpetual lack of good governance contributes to the delegitimization of a state. Poor or bad governance triggers citizens' fears and exacerbates their perceptions of statelessness, under which the law is believed not to be available and government is seen as both ineffective and inefficient. In a delegitimized state then, fearful and distrustful citizens will support harsh retributive penal practices as the ideal means to restore order and provide assertive solutions to the problem of crime. In their eyes, exerting retribution and increasing the punishment of offenders leaves no room for the corrupt discretion or leniency that can be exercised by an unlawful and delegitimized source of authority.

  Many Latin American states have a long history of weak governance characterized by the impunity of the elites and widespread irreverence towards the rule of law. Citizens in these contexts have decreased trust in their state and its institutions, and are more likely to expect the system to fail. Individuals who expect the system to fail are likely to believe that the only way to protect society is through ensuring that offenders get the punishment they deserve. Ideally, this would be done in such a way that decreases the instances in which the system could detract from this task. Reiterating the point made earlier, citizens who believe their state has lost legitimacy will have a strong preference for the increase of punitive policies as a way to minimize the

chances for ineptitude, corruption or selective discretion in which the state itself could allow offenders to run free.

5.1.2 Hypothesis. Citizens who perceive lower levels of political legitimacy are more likely than citizens who perceive higher levels of political legitimacy to support the increased punishment of offenders in order to reduce crime in their country.

5.1.3 Cross-Sectional Research Design. One of the main contributions of this study to the literature is the ability to test the legitimacy-based approach on the wider South American region, which includes a number of relevant countries with shared characteristics. This study uses a cross-sectional design to facilitate the investigation of the association between political legitimacy and punitive attitudes in a large sample of Latin American citizens. Cross-sectional designs are often used to determine the prevalence of an outcome in a sample derived from the population of interest (Levin 2006). A key characteristic of these studies is that they are executed at one point in time providing, as previously mentioned, a snapshot of a larger picture (Jupp 1989; Levin 2006; Spector 2019). The combination of data collection from a sample at a specific point in time allows for the consideration of patterns or relationships between variables (Bryman 2016), which is what this study achieves with the use of survey research. More specifically, the study presented in this chapter employs a cross-sectional analysis of secondary data from a large public opinion survey.

This research design offers many advantages. First, high quality public opinion surveys are readily available, accessible and provide an efficient method to use when studying novel approaches as is the case with this thesis. The initial step of testing a novel theory or theoretical model is to establish covariation between concepts, and cross-sectional research designs are very useful and effective in doing so (Spector 2019). Cross-sectional designs, especially when using survey research, also allow for the testing of theories and concepts on large samples that are representative of the population while also providing the ability to examine several constructs and information simultaneously (Levin 2006), which in turn helps researchers rule out alternative explanations through the inclusion of control variables (Spector 2019). Thus, a cross-sectional design provides an ideal avenue to test the extent to which the relationship between political

legitimacy and punitive attitudes is present in the South American region, and the availability of a large representative sample increases the external validity of these findings to the wider South American population.

However, there are also limitations associated with the use of cross-sectional designs. The most common shortcoming of these types of research designs refers to their inability to establish causal connections (Levin 2006; Spector 2019; Bryman 2016). As mentioned above, cross-sectional designs are ideal when the goal is to establish patterns or associations, but the lack of a temporal element (characteristic of panel or longitudinal designs) limits the ability to determine causal relationships with confidence (Spector 2019). However, while causal inference is not always possible with cross-sectional designs, establishing (or rejecting) the covariation between key concepts remains indispensable (Spector 2019), thus rendering this study fundamental when testing the legitimacy based approach to punitiveness. The issue of causality is further addressed with the second empirical study presented in the next chapter.

5.2 Methodology

5.2.1 Data. The data for this study come from the AmericasBarometer survey, which is administered by the Latin American Public Opinion Project (LAPOP). The AmericasBarometer is a public opinion survey that has been collecting data since 2004 using a nationally representative probability sample of non-institutionalized adults aged 18 and older. These data are collected every two years in 26 countries, including all of Latin America, following a stratified multi-stage cluster sampling based on three factors: size of the municipality, urban/rural areas, and regions (LAPOP 2012). The survey asks respondents questions about their attitudes and perceptions of the conditions, characteristics, and current issues of their own countries. All interviews were conducted face-to-face.

This specific study uses data from the 2012 AmericasBarometer wave as it includes a robust indicator of punitive attitudes, specifically focusing on the respondents' preferences for either more punitive or more progressive outcomes (Maguire and Johnson 2015). The AmericasBarometer also provides one of the most comprehensive multidimensional construct validations for legitimacy to date based on the work of Booth and Seligson (2009). Unidimensional measures of legitimacy might render legitimacy theory flawed due to measurement and conceptualization error. The use of this survey provides a unique

opportunity to accurately operationalize and measure key concepts consistent with most research in the area of legitimacy (see Easton 1965; Norris 1999; Booth and Seligson 2009).

As mentioned in the introduction to this chapter, due to the political and historical differences between Central America and South America (Rodriguez 2019; Kaufman 2018), this study makes a distinction between the two regions with a specific focus on the latter (Southern Cone/Andean region). As described in Chapter 2, most South American countries share similar experiences of long military dictatorships and transitions to democracy (Sznajder 1993; Munck and Leff 1997), thus providing a context well suited to testing the legitimacy-based approach to punitiveness. Consequently, the sample is made up by citizens from the following countries: Colombia, Ecuador, Peru, Bolivia, Paraguay, Chile, Uruguay, Brazil, Venezuela, and Argentina (see Table 5.1), consisting of an initial overall sample of 16,646 individuals of voting age (18+).

Table 5.1. 2012 AmericasBarometer Individual Country Samples (South America).

Country	Sample Size
Colombia	1,512
Ecuador	1,500
Peru	1,500
Bolivia	3,029
Paraguay	1,510
Chile	1,571
Uruguay	1,512
Brazil	1,500
Venezuela	1,500
Argentina	1,512

Missing data from respondents who did not answer questions or who answered with "don't know" were excluded from all analyses via pairwise deletion, thus bringing the final overall sample in this study to 11,798.

5.2.2 Dependent Variable. Punitiveness is the main outcome of interest in this study, and it is operationalized with answers to the following question: "In your opinion, what needs to be done to reduce crime in a country like ours?" Respondents were given the following two options to choose from: "Implement preventive measures" or "Increase punishment for delinquents". Answers which recorded respondents' preferences for "Both" without a prompt were counted as a separate category. The categories were coded as follows: "Preventive Measures" = 0, "Both" = 1, and "Increase Punishment" = 2. All other responses including "don't know", "no answer", and "not applicable" were coded as missing values.

There is a considerable amount of variation in the types of punitiveness questions included in public opinion surveys, as well as in the way the construct is subsequently operationalized in the literature (see examples of survey measures in the Table 5.5 in the Appendix to this chapter, which appears at the end of the thesis). As mentioned in Chapter 3, this variability is primarily the result of the lack of consensus regarding how punitiveness should be conceptualized and what it actually means (Ramirez 2013; Kury and Shea 2011; Maguire and Johnson 2015). Thus, while there are scholars who have argued that punitiveness should be measured as a multidimensional concept whenever possible (Maguire and Johnson 2015; Kury and Ferdinand 1999; Sprott 1999), the reality is that data availability often limits the ways in which this can be done. However, the categorical punitiveness measure used in this study includes two of the most dominant dimensions (*punitiveness/retribution vs. progressiveness/prevention*) that comprise people's attitudes towards crime control and related policies (Maguire and Johnson 2015), and has been successful at tapping into these differences in previous research efforts (see Nivette 2016). This measure provides a clear distinction between citizens' preferences for retributive versus preventative policies, and thus allows for the differences in citizens' perceptions of punishment to be clearly measured.

5.2.3 Independent Variables

Political Legitimacy. The items in the AmericasBarometer surveys used in this study correspond directly to Booth and Seligson's (2009) operationalization of political legitimacy, thus yielding a more complete conceptualization using five dimensions. As mentioned in previous chapters, Booth and Seligson (2009) expanded on the work of Norris (1999) to conceptualize a more comprehensive measure of legitimacy by taking into account the multidimensionality of the

construct. Ranging from more diffuse to specific, the first dimension, *Existence of a Political Community*, taps into citizens' sense of belonging and pride of being part of their respective countries. The second dimension, *Support for Core Regime Principles*, looks at approval of political participation. In their discussion of this dimension, Booth and Seligson (2009) assert their preference to measure this dimension in terms of approval of political participation rather than with a measure of approval of democracy mainly because the latter has the potential to generate a social desirability response that can lead to confusion. Instead, they build upon political participation as the "essence of democracy" (p. 48).

The third dimension, *Evaluation of Regime Performance*, addresses individuals' perceptions of state performance in terms of the economy as well as the services delivered at the level of local government. Booth and Seligson (2009) reasoned that incumbent regimes are normally assumed to be responsible for the nation's economic performance, which would then make items related to economic performance a good way to determine support for the performance of the regime. The fourth dimension, *Support for Regime Institutions,* focuses on public trust in institutions, ranging from the courts to the municipality. Finally, the fifth dimensions corresponds to *Support for Political Actors/Authorities*, which examines citizens' perceptions of the efforts exerted by the government to ensure that issues like corruption and poverty are kept to a minimum.

For this study, a composite measure for political legitimacy was created using exploratory factor analyses (EFA) with oblique (oblimin) rotation to allow for correlations between the factors and to make the factor loadings clearer (see Table 5.7 in the Appendix for Chapter 5). Booth and Seligson's (2009) original political legitimacy items loaded onto six different factors following EFA; however, these same items loaded onto five different factors with eigenvalues greater than 1.0 for the 2012 AmericasBarometer wave sampling only countries from South America. The final political legitimacy measures analyzed in this study are presented in Table 5.2.

5.2.4 Control Variables. Research has shown that fear of crime, victimization (both direct and indirect), vigilantism, low levels of trust in the police, political ideology and media attention are all consistent predictors of punitive attitudes (Spiranovic et al. 2012; Nellis and Lynch 2008; Roberts and Indermaur 2007; Hough et al. 2013; (Nivette 2016; Van Kesteren 2009; Sööt 2013). Research has also shown that being a political loser is a consistent predictor of citizens'

perceptions of the delegitimization of a government (Anderson *et al.* 2005a; Dahlberg *et al.* 2015; Dahlberg and Linde 2016; Kern and Kölln 2017), thus all of these measures were included as control variables in this model.

Fear of crime was operationalized with the question: "Speaking of the place or neighborhood where you live, and thinking of the possibility of being the victim of robbery or theft, do you feel (1) Very insecure?, (2) Somewhat insecure?, (3) Somewhat secure?, or (4) Very secure?". *Direct Victimization* was measured as a binary variable responding to the question: "Have you been victim to an act of delinquency in the last 12 months?" (No=0, Yes=1). *Indirect Victimization* is operationalized as a binary indicator responding to the question: "Has anybody living at home with you been a victim to an act of delinquency in the last 12 months?" (No=0; Yes=1). *Vigilantism* was operationalized with answers to the question "Please tell me how strongly you would approve or disapprove of people taking the law into their own hands when the government does not punish criminals" (Strongly disapprove=1; Strongly approve=10).

Low levels of trust in the police have been linked to increased support for harsher punishment of offenders in Latin America. This stems from the lack of trust in the effectiveness of the police and their subsequent success in deterring or reducing crime (Fortete and Cesano 2009; Sööt 2013). However, there is much variation in the levels of trust in the police between Central and South America. Chile, for instance, is well known for having high levels of trust in the police (Dammert 2016; Cao and Zhao 2005), while other nations like the Dominican Republic hold some of the lowest in the whole region (Cao and Zhao 2005). To better grasp these regional differences, trust in the police is examined as a separate institution. *Trust in the Police* is measured with answers to the following question: "To what extent do you trust the police?" (1=Not at all; 7=Very much).

Political Ideology a single item measuring respondents' self-placement on a scale of 1-10 (Left=1 and Right=10) was used which is consistent with the indicators commonly used in the punitiveness literature (Unnever and Cullen 2010). *Media Attention* was operationalized with answers to the question: "About how often do you pay attention to the news, whether on TV, the radio, newspapers or the internet?". Responses were reverse coded, capturing the frequency of media attention (1=Never, 2=Rarely, 3=A few times a month, 4=A few times a week, 5=Daily).

To control for the *loser effect*, respondents' votes in the last election were matched to the corresponding government in 2012. Scholars have indicated that there is little to no empirical

difference between determining winners and losers by looking at past vote compared to future vote intention (Anderson *et al.* 2005). For the purpose of this study then, a past vote measure is used, with answers to the following question: "Who did you vote for in the first round of the presidential elections in [year]?". For each country, the responses corresponded to the name of each available candidate for that specific presidential election. The data collection time frame of the AmericasBarometer was taken into account in order to precisely match the question to the incumbent in office in each country at the specific time of the survey administration. This variable was coded as a dichotomous measure comparing all losers to the winning group (0=Winners; 1=Losers) [7].

Demographic indicators previously identified as predictors of punitiveness were also included in the model, including age, education, gender, employment, marital status, and race. *Age* is a continuous variable measured in years from 18-96 years old. *Education* is measured as No Education=0, High School Education=1, and Higher Education or University=2. *Gender* is dichotomized as Male=0 and Female=1, while *Employment* is a dichotomous variable coded Unemployed/Pensioners/Homemakers/Students=0 and Working/Employed=1 and. *Marital Status* is a binary variable coded Single/Widowed/Divorced/Separated=0 and Married/Cohabiting=1 .

Table 5.2. Dimensions of Political Legitimacy with Corresponding 2012 LAPOP Survey Items.

Dimensions	Items	Measurement
1. Existence of a Political Community	"To what extent are you proud of being [insert nationality]?"	1=Not at all to 7=Very much
2. Support for Core Regime Principles	"To what extent would you approve of people participating in demonstrations allowed by the law?"	1=Strongly disapprove to 10=Strongly approve

[7] Tests for multicollinearity between *Support for Political Actors* and *Losers* showed no issues (r = -0.25).

	"To what extent would you approve of people participating in an organization or group to try to solve community problems?"	1=Strongly disapprove to 10=Strongly approve
	"To what extent would you approve of people working for electoral campaigns for a political party or a candidate?"	1=Strongly disapprove to 10=Strongly approve
3. Evaluation of Regime Performance	"How would you rate the current economy in the country?"	1=Very bad; 2=Bad"; 3=Neither good, nor bad; 4=good; 5=Very good
	"Do you consider that the current economic situation of the country is… compared to 12 months ago?"	1=Worse; 2=Same; 3=Better
	"Would you say that the services the municipality is giving to people are…?"	1=Very bad; 2=Bad; 3=Neither good, nor bad; 4=good; 5=Very good
4. Support for Regime Institutions	"To what extent do you believe that justice courts guarantee a fair trial?"	1=Not at all to 7=Very much
	"To what extent do you have respect for the political institutions of your country?"	1=Not at all to 7=Very much
	"To what extent do you believe that the basic rights of citizens are well-protected by [country's] political system?"	1=Not at all to 7=Very much

	"To what extent do you think that the country's political system should be supported?"	1=Not at all to 7=Very much
	"To what extent do you trust the justice system?"	1=Not at all to 7=Very much
	"To what extent do you trust the parliament/national congress?"	1=Not at all to 7=Very much
	"To what extent do you trust political parties?"	1=Not at all to 7=Very much
	"To what extent do you trust the supreme court?"	1=Not at all to 7=Very much
	"To what extent do you trust your municipality?"	1=Not at all to 7=Very much
	"To what extent would you say that the current government fights poverty?"	1=Not at all to 7=Very much
5. Support for Political Actors and Authorities	"To what extent would you say that the current government promotes and protects democratic principles?"	1=Not at all to 7=Very much
	"To what extent would you say that the current government fights governmental corruption?"	1=Not at all to 7=Very much

Race was recoded into a series of dummy variables including all races reported in the survey (White, Mestizo, Black, Biracial[8], Indigenous, and Other), with White as the reference category. Country fixed effects were included to hold country characteristics constant. All countries were recoded as a series of dummy variables for Ecuador, Bolivia, Perú, Paraguay, Chile, Uruguay, Brazil, Venezuela and Argentina, using Colombia as the reference group due to its high levels of political and criminal violence (Booth and Seligson 2009). Table 5.3 shows the descriptive statistics for all the variables included in the analyses.

5.3 Analytic Strategy

While the dependent variable in this study is initially approached as an unordered categorical measure, its formulation in the AmericasBarometer does present some empirical challenges. Within this measure, the three preferences respondents could choose from were *Prevention*, *More Punishment* or *Both*. This last category, *Both,* could be considered an "in between" category that transitions between sole prevention and sole punishment, thus making punitiveness an ordered variable[9]. However, results from a Brant test (see Table 5.9 in the Appendix for Chapter 5) showed that the parallel regression assumption for the dependent variable *punitiveness* was violated. This means that the relationship between each pair of categories in this dependent variable was not the same, and thus ordered logistic regression analyses would lead to incorrect results. In these cases, multinomial logistic regression is a better approach to use instead (Mehmetoglu and Jakobsen 2016).

MNL expands from binary logistic regression and generalizes the analyses of dependent variables to include more than two categories (Mehmetoglu and Jakobsen 2016; Bayaga 2010). MNL rests on the *independence of irrelevant alternatives* (IIA) assumption, which requires that the odds of choosing a specific category does not change based on whether other categories are added or removed from the model (Glasgow and Alvarez 2008). In other words, adding or deleting a category in the dependent variable should not affect the initial categorical choice made

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[8] The term Biracial is used to denote individuals who identify as having both Black and Spanish heritage, whereas Mestizo is used for individuals who identify as having Indigenous and Spanish heritage.
[9] Although the three categories in the dependent variable are Prevention, Punishment, and Both, the latter is not theoretically meaningful due to its ambiguity, and thus it was included in the analyses for the purposes of maintaining cases, yet it was not further analyzed nor included in the results.

by an individual. To evaluate whether the IIA assumption is met, a Hausman test should be performed. The Hausman test essentially fits a full model with all categories on the dependent variable, followed by fitting more restricted models that discard one or more of the categories on the dependent variable (Glasgow and Alvarez 2008). A version of the Hausman test, the *seemingly unrelated estimation* (suest) test fits a model including all categories, and then fits restricted models for all multinomial permutations where one category is not included (Mehmetoglu and Jakobsen 2016). This version of the test deals with potential issues arising from the Hausman test. A suest test was performed where one full model including all three categories of *punitiveness* was compared to three other models with at least one of the categories omitted. The results of this test indicated that the IIA assumption did not hold (see Appendix for Chapter 5). In events when the IIA assumption is not met, a conventional solution to this problem has been to turn to multinomial probit (MNP), which relaxes the IIA assumption (Bolduc 1999). MNP models require more complex estimations that involve techniques that simulate maximum likelihood to approximate the distribution of multidimensional errors via a Monte Carlo technique (Glasgow and Alvarez 2008).

Despite MNP being the method of choice for models where the IIA assumption is not met, there is enough evidence in the literature to suggest that there are cases in which MNL is still appropriate to use despite these violations. Some scholars have argued that the IIA assumption can be fairly restrictive as well as unrealistic in scenarios that involve social and political choice (e.g.: public opinion), as these are situations where thinking of an alternative option or category as a potential replacement for something that has been already chosen makes it quite difficult for the IIA assumption to be met (Glasgow and Alvarez 2008). In other words, the very nature of public opinion often brings about the plausibility for individuals to consider other alternatives to the choices they have made, which makes the IIA assumption restrictions less realistic.

Table 5.3. Distributions for Public Attitudes Towards Punishment in South America (N=11,798)

Variables	Mean	Std. Dev.	Min	Max
Punitiveness	1.14	0.90	0	2
Legitimacy				
Political Community	6.37	1.20	1	7
Regime Principles	7.06	2.19	1	10
Regime Performance	2.67	0.57	1	5
Regime Institutions	3.89	1.20	1	7
Political Actors	4.00	1.59	1	7
Control Variables				
Fear of Crime	2.76	0.86	1	4
Direct Victimization	0.21	0.41	0	1
Indirect Victimization	0.22	0.42	0	1
Vigilantism	3.56	2.82	1	10
Trust in the Police	3.83	1.80	1	7
Political Ideology	5.43	2.46	1	10
Losers	0.60	0.48	0	1
Media Attention	1.61	0.99	1	5
Female	0.51	0.49	0	1
Age	39.9	15.7	18	96
Education (*Ref: No education*)				
High School	0.73	0.44	0	1
University	0.24	0.42	0	1
Employed	0.60	0.48	0	1
Marital Status	0.59	0.49	0	1
Race (Ref: White)				
Mestizo	0.32	0.46	0	1
Indigenous	0.05	0.22	0	1
Black	0.03	0.18	0	1
Biracial	0.05	0.22	0	1
Other	0.01	0.10	0	1
Country (Ref: Colombia)				
Brazil	0.09	0.28	0	1
Ecuador	0.09	0.28	0	1
Bolivia	0.18	0.38	0	1
Perú	0.09	0.28	0	1
Paraguay	0.09	0.28	0	1
Chile	0.09	0.29	0	1
Uruguay	0.09	0.28	0	1
Venezuela	0.09	0.28	0	1
Argentina	0.09	0.28	0	1

[a] Individual-level descriptive statistics based on a total sample of 11,798 South American citizens.

[b] The sample size corresponds to all variables in the model.

Other scholars also argue that MNL is a preferred method over multinomial probit in most cases. In their comparison of MNL and MNP models in voting research, Dow and Endersby (2004) found more support for MNL on the following grounds: (a) MNL provides a level of simplicity that makes it much easier to address theoretical questions where MNP cannot given its need for more complex computational procedures, (b) MNP is more likely to experience errors in estimation, particularly those linked to identification as a result of said computational complexity, and (c) the IIA assumption is not always relevant which the authors support by showing the nearly identical results from the two models. The results from both MNL and MNP analyses in this thesis support Dow and Endersby's (2004) argument in favor of MNL, as they did not show substantial differences in the coefficients between them.

Following these authors' reasoning, in order to provide a more intuitive analysis that is less prone to estimation errors, results from the MNL analysis of the 2012 LAPOP data for all South American countries will be presented and discussed in the next section. Results from ordinal logistic regression analyses are included in Table 5.6 in the Appendix for Chapter 5 to account for the potential ambiguity in the categorical nature of the dependent variable. Results for MNP analyses are also available in Table 5.10 in the Appendix for Chapter 5.

5.4 Results

5.4.1 Political Legitimacy and Punishment. The results for the MNL analysis can be found in Table 5.4. The coefficients are presented as relative risk ratios (RRR) along with their confidence intervals (CI). The choice of using RRR lies in the advantage these have over odds ratios (OR) in making measures of association more intuitively understood (Viera 2008). When RRR < 1 the outcome is more likely to fall in the reference group, rather than in a comparison category. RRR tend to be easier to interpret due to their *collapsibility*, which means that adjusting for a non-confounding covariate does not change their magnitude, thus allowing results to be interpreted as "the ratio change in average risk due to exposure among the exposed" (Cummings 2009, p.438). In other words, if an individual increases their score by one unit, the relative risk for preferring one category over the other either increases or decreases by the factor given by the RRR, all else equal. For example, if the absolute risk of voting for a right-wing party after watching a political documentary is 20.00%, yet it is 8.33% after watching a non-political documentary, the RRR is 20.00/8.33=2.40. Watching the political documentary, relative to watching a non-political

documentary, is then associated with a 2.4-fold increased risk of voting for that party (Andrade 2015).

These MNL results point to a substantial relationship between some dimensions of political legitimacy and citizens' preferences for the harsher punishment of offenders. The table columns present likelihood that citizens' will prefer increasing the harsher punishment of offenders compared to their preferences for the implementation of prevention alone. Preferences for punishment over prevention were higher for individuals who reported less support for core principles of the regime. For these individuals, decreased support for their core regime principles increased the risk of punitiveness by 9% (RRR=0.91, p<0.001). The risk of punitiveness was also increased by 8% for those individuals who reported less support for institutions (RRR=0.89, p<0.001). Citizens tend to be more punitive when their overall support for their institutions decreases. This finding seems intuitive, as crime control tends to be a highly institutional process given the entities involved.

The results show that some aspects of political legitimacy such as decreased support for core regime principles and decreased support for regime institutions are associated with punitiveness in the expected direction. The significant relationship between support for regime principles and punitiveness suggests that an element of trust and legitimacy might encourage citizens to support harsher crime control policies. The loss of trust and legitimacy might effectively rouse citizens needs for more forceful measures to reduce crime. In other words, in a context of decreased trust and legitimacy, citizens might steer clear of any ambiguity and might thus fall into the more punitive category. Simply put, not supporting the core principles of a regime may have some incidence in individuals being more decisive about what they believe needs to be done to reduce crime in their country.

Furthermore, the statistically significant relationship between support for regime institutions and punitiveness suggests that this specific link might be exclusively associated with punishment rather than with other forms of crime control. In other words, a decreased support for regime institutions coupled with a sense of insecurity might exclusively translate into support for harsher punishment rather than support for preventative measures to reduce crime. This might be the case particularly because, as citizens reach a stage where their trust in institutions is minimal, the most imperative course of action at that point is to restore their sense of order in society rather than to take a preventative/softer approach. If a need to restore law and order is prevalent, then punitiveness will become an essential matter.

Table 5.4. Multinomial Regression Models for Punitive Attitudes in South America: 2012 AmericasBarometer.

Predictor	Model 1 Preference for punishment relative to prevention	
	RRR(SE)	95% CI
Intercept	3.47 (1.082)	1.883- 6.396
Political Legitimacy *(IV)*		
Political Community	1.00 (0.193)	0.969- 1.045
Support for Regime Principles	0.94*** (0.010)	0.925- 0.965
Evaluation of Regime Performance	1.03 (0.043)	0.955- 1.126
Support for Institutions	0.89*** (0.022)	0.817- 0.928
Support for Political Actors	0.99 (0.017)	0.960- 1.029
Covariates and Controls		
Fear of Crime	0.89*** (0 .023)	0.847- 0.939
Direct Victimization	1.18** (0.023)	1.062- 1.313
Indirect Victimization	0.99 (0.052)	0.893- 1.099
Vigilantism	1.14*** (0.009)	1.129- 1.166
Trust in the Police	1.02 (0.015)	0.996- 1.056

Political Ideology	1.04***	1.022- 1.059
	(0.009)	
Loser	0.99	0.905- 1.084
	(0.045)	
Media Attention	0.94*	0.906- 0.994
	(0.022)	
Female	0.93	0.855-1.021
	(0.042)	
Age	0.99***	0.998- 0.996
	(0.001)	
Education (Ref: No Education)		
High School	0.63**	0.466- 0.874
	(0.102)	
University	0.35***	0.254- 0.488
	(0.058)	
Employed	0.91*	0.830- 0.997
	(0.042)	
Not Married	1.02	0.940- 1.122
	(0.009)	
Race (Ref:White)		
Mestizo	1.00	0.901- 1.130
	(0.058)	
Indigenous	0.94	0.759- 1.172
	(0.104)	
Black	1.06	0.834- 1.350
	(0.130)	
Biracial	0.99	0.801- 1.246
	(0.112)	
Other	1.44	0.933- 2.245
	(0.324)	
Country (Ref: Colombia)		
Ecuador	1.17	0.961- 1.435
	(0.120)	
Bolivia	1.45***	1.218- 1.748
	(0.134)	
Peru	1.52***	1.256- 1.847
	(0.149)	

Paraguay	2.08***	1.695- 2.563
	(0.219)	
Chile	3.69***	2.951- 4.632
	(0.425)	
Uruguay	1.31**	1.079- 1.605
	(0.133)	
Brazil	1.36**	1.090- 1.701
	(0.154)	
Venezuela	0.83	0.685- 1.017
	(0.084)	
Argentina	1.95***	1.590- 2.393
	(0.203)	

N=11,798. Base category for model is Prevention.

*p<.05, **p<.01,***p<.001. RRR = Relative Risk Ratios. SE = Standard Errors. CI = 95% Confidence Intervals.

Contrary to what was expected, not all dimensions of political legitimacy seemed to be important predictors of punitiveness. As Table 5.4 shows, there was no statistically significant relationship between the existence of a political community, evaluation of regime performance, and support for political actors and punitiveness. Moreover, the risk of punitiveness did not increase for losers (RRR=0.99, p>0.05) in model 2. Losers might be more ambiguous about punishment as they might be in-between support for prevention and support for punishment depending on where they stand in relation to their current regime and its policies. Some losers who ideologically support harsher sentences often linked to right-wing ideologies might find their current policies too lenient. Conversely, a loser who ideologically supports prevention often linked to left-wing parties may perceive the discretion to increase punishment as an excessive use of power.

This finding also highlights an important contrast between citizens' perception of the decreased legitimacy of state institutions and their having lost out on political arrangements by being in the political minority. What this suggests is that punitiveness is more closely related to an individual's concerns about and/or decreased trust in the abilities and capacity of the institutions that regulate public security, and it might not be as related to an individual's acute

sentiment towards a specific regime which they do not support at the time. In other words, these results provide further support for the legitimacy-based approach in that they suggest that punitiveness arises from a long-standing weariness towards the political regime rather than from the temporary dissatisfaction that emerges from being a loser. This finding also taps into the longevity and permanency of the influence that political delegitimation may have on punitiveness, which is especially relevant to policy-making.

Finally, individuals' preferences for punishment seemed to also be influenced by decreased fear of crime (RRR=0.89, p<0.001), direct victimization (RRR=1.18, p<0.01), increased support for vigilantism (RRR=1.14, p<0.001), a more conservative political ideology (RRR=1.04, p<0.001), decreased media attention (RRR=0.94, p<0.05), younger age (RRR=0.99, p<0.001), lower levels of education (RRR=0.63, p<0.01 for less than high school and RRR=0.35, p<0.001 for less than university) and being unemployed (RRR=0.91, p<0.05). Indirect victimization, trust in the police, gender, marital status, and race were not significant predictors of preferences for punishment.

In terms of country effects, citizens from Bolivia (RRR=1.45, p<0.001), Perú (RRR=1.52, p<0.001), Paraguay (RRR=2.08, p<0.001), Chile (RRR=3.69, p<0.001), Uruguay (RRR=1.31, p<0.01), Brazil (RRR=1.36, p<0.05) and Argentina (RRR=1.95, p<0.001) all had statistically significant preferences for punishment relative to Colombia, which was the reference group. Country effects were not statistically significant for Ecuador (RRR=1.17, p>0.05) nor were they for Venezuela (RRR=0.83, p>0.05). These effects were much stronger for Chile than for any other country in the region. For Chile, the risk of preferring the increase of punishment increased by 3.6-fold and the gap between this effect and that of the second-most punitive country, Paraguay, was again large, evidenced by a 1.61 difference.

Altogether, the results from this study highlight three main key findings: first, there is a clear association between political legitimacy and punitiveness in Latin America. This relationship remained present even when controlling for other important correlates of punitiveness such as fear of crime and the influence of the media, amongst others. The results from the MNL analysis further showed that at least two dimensions of political legitimacy were consistent with main hypothesis in this study in terms of the direction of the relationship. This hypothesis stated that the relationship between political legitimacy and punitiveness would be negative, yet the results indicate that this association may be more intricate and multifaceted. This suggests that different elements of political legitimacy pertaining to each dimension

influence punitiveness in their own individual ways, and that political legitimacy as a construct needs to be disaggregated and each dimension looked at carefully before making a conclusion.

Consistent with this first finding, a second finding suggests that the effects of political legitimacy on punitiveness are only present for certain aspects of legitimacy. Some dimensions of political legitimacy seem to be more relevant in explaining citizens preferences for the harsher punishment of offenders than others. More specifically, punitiveness seems to be closely related to political legitimacy in terms of support for both regime principles and regime institutions, rather than to political legitimacy as a whole, once again highlighting the importance of disaggregating legitimacy and taking into account the relevance of the effect that each individual dimension may have on punitiveness.

The effect of support for regime principles and support for regime institutions on punitiveness can be further explained by a third key finding, which is that the effects of political legitimacy on punitiveness are likely the result of citizens' general and long-standing concerns and/or discontent with the political system rather than the result of specific negative feelings towards an opposition regime or actors. This finding is evidenced by the significant effects of support for regime principles and support for regime institutions on punitiveness sitting in direct contrast to the non-significant effects on punitiveness of attitudes towards incumbent actors, and being a political loser.

These findings also suggest that citizens might be taking into account different factors when choosing either prevention or punishment, as indicated by the differing control variables that were statistically significant in either category. More specifically, while scholars have shown that there can be a direct relationship between instrumental factors such as fear of crime (Dammert and Malone 2003; Armborst 2017; Nellis and Lynch 2008) or victimization (this latter one with mixed results) (Fortete and Cesano 2009; Nellis and Lynch 2008; Kury and Ferdinand 1999) and punitiveness, the findings from the current study point to a direction where attitudes towards crime control and public security measures likely reflect citizens' perceptions and feelings towards the broader system and their corresponding institutions.

In terms of political legitimacy, the relationship between legitimacy and punitiveness is also consistent to different specifications of the depending variable. Measuring the dependent variable as either an ordered or an unordered categorical variable provided similar results (see Table 5.6 in the Appendix for Chapter 5), showing that the relationship between political legitimacy and punitiveness was consistent even when applying different analytical strategies.

The results from this study show that people's general attitudes towards the system and its institutions seem to have an important explanatory relevance. These results are consistent with the legitimacy-based approach presented in the previous chapter, particularly in that the trajectory set forth by the specific transitions to democracy that led to poor levels of governance may have also set the stage for what citizens perceive is the inadequate state and institutional handling of the crime issue. Yet, these results also show that the role losers have in contributing to the emergence of punitiveness may not be as key as the model initially predicted. In other words, the findings from this study suggest that punitiveness arises from citizens' broader concerns about the political system and not from their negative attitudes towards a specific regime or political actor. These findings and its implications will be explained in Chapter 7.

The next chapter focuses on the case of Chile. Chile has many characteristics that make it a difficult case for identifying the effects of symbolic and/or legitimacy-based effects on punitiveness: it is economically successful, internationally integrated (featuring as the only South American member of the OECD until 2020), and often scores highly on governance indicators as per OECD standards (World Justice Project 2020). The study presented in Chapter 6 is primarily designed to find out if the effects of the legitimacy-based approach to punitiveness are found even in a case like Chile.

CHAPTER 6: Political Legitimacy and Punitiveness in Chile: A Case Study

As indicated in Chapter 3, the literature reveals a substantial volume of theories and models that have been developed to explain increases in punitiveness in Western nations in the past few decades. Despite this vast amount of scholarly research, however, the link between citizens and government remains largely understudied when explaining the punitive turn. Even fewer studies have explored the dynamic between individuals' perceptions of their government and their attitudes towards crime control (Nivette 2016; Zimring 2006; Tyler and Boeckmann 1997; Gerber and Jackson 2016), and even fewer have done so in the context of Latin America (Fortete and Cesano 2009; Krause 2013; Krause 2020).

The study presented in chapter 5 contributes to the literature on punitiveness by bringing forth the importance of citizens' perceptions of government in their decision making, especially in regards to crime control policies. This was achieved by empirically testing the legitimacy-based approach to punitiveness, which effectively provides an explanation for how perceptions of political legitimacy influence citizens' levels of punitiveness. The findings from this empirical test of the legitimacy-based model to punitiveness in Latin America suggested that political legitimacy and punitiveness are indeed linked, yet this relationship is more nuanced than was expected. While political legitimacy can be conceptualized as a single construct, the individual workings of each of its dimensions make its multidimensionality evident. This was shown by the fact that some dimensions of political legitimacy influenced citizens' punitiveness more than others. Also, these findings indicated that this relationship manifested itself at various levels in different countries. One particular case stands out, and that is the case of Chile, given that the strength of the effects of political legitimacy in Chile was much higher than that of any other country in the region.

The current chapter extends the previous analysis by testing the legitimacy-based approach using Chile as a case study. Chile contrasts with the rest of the region in that it continues to show great stability and economic success, yet with some of the most punitive crime control policies, and with a citizenry who reports high levels of support towards the increase of punishment for criminal offenders (Dammert 2012; Morales Peillard 2012; Fortete and Cesano 2009). The analyses in the previous chapter supported these claims by showing that Chileans were significantly more in favour of reducing crime with by increasing the punishment of

offenders, as opposed to implementing preventative measures alone. This makes Chile an ideal case to test the legitimacy-based approach to punitiveness and its stability over time. Finally, the analyses presented in this chapter also extend the previous study by adding the element of time variation. To date, most research linking citizens' perceptions of government and punitiveness have been conducted via a cross-sectional design (Nivette 2016; Krause 2020). This study then provides an in-depth look at the relationship between political legitimacy and punitiveness, with the added element of the winner-loser dynamic over time, thus being able to better establish whether these effects remain stable over time.

6.1 The Case of Chile

This chapter turns its attention to Chile as a case study. Chapter 2 noted that Chile has been deemed to be a success story in Latin America as a result of its economic stability and overall security (Oppenheim 2018) and Chapter 5 highlighted Chile as the country with the strongest country effect in the relationship between political legitimacy and punitiveness. However, Chile has been subject to a paradoxical situation where, although the levels of crime are not nearly as high as those of other regions, the narrative of punitiveness is all-encompassing (Morales Peillard 2012; Dammert 2012).

Actual crime statistics in Chile show that between 2014 and 2018 there was a 9.3% decrease in *Delitos de Mayor Connotación Social* (DMCS) or *Crimes of the Highest Social Connotation*, which is the official label given to all crime of a violent nature that affects property, life and the goods of citizens, thus generating public impact (Amuch 2018). The offenses included in this definition are violent crimes (violent robbery, robbery with intimidation, surprise robbery, lesions, homicide and rape) as well as property crime (grand theft auto, vehicle accessory theft, robbery in an inhabited place, robbery in a non-inhabited place, any other violent assault and theft) as per the Chilean penal code.

Despite this decline, figures from the 2018 wave of the *Encuesta Urbana de Seguridad Ciudadana* (ENUSC) survey, conducted by the Chilean National Institute of Statistics (INE) indicate that an overwhelming majority of Chileans express concerns with public security: 77% of citizens perceive that crime and delinquency have increased, and at least 38% believe they will be the victim of a crime within the next 12 months. Yet, in 2018 only 9% reported having been actual victims of a crime in the last 12 months. In fact, these numbers remained low when

citizens were asked about frequent situations of violence that might take place in their neighbourhood, and only 16% reported that drug deals occurred frequently in their neighbourhood, followed by other violent situations such as hearing shots/shootings (10%), vandalism (7%), robberies or assaults in the street (7%), and presence of violent gangs (4%).

In Chile, these beliefs about increasing crime rates are coupled with low trust in the political system and perceptions that governments are not efficient at either preventing or reducing crime[10]. A survey conducted by the Diego Portales University in Chile (UDP) showed that between 2008 and 2015, trust in the government decreased by 14%, and a survey conducted by the Centro de Estudios Públicos (CEP) in Chile, showed that in 2019 only 25% of citizens agreed with the statement that the government exercised its power legitimately. Moreover, while in 2006 only 9% of Chilean citizens believed that the government efforts of fighting crime and delinquency were very bad, as of 2015, that number had increased to 36% (Universidad Diego Portales 2015). Conversely, the UDP survey reported that only 4% of Chileans in 2006 felt that the government was doing a very good job at tackling the issue of crime. This number had decreased to 3% in 2015 (Universidad Diego Portales 2015). This is also supported by findings from the CEP survey, which showed that in 2007, only 1% of citizens believed that the government had done very good job of fighting crime and delinquency.

Alongside these perceptions of fear and government inefficiency also emerges the belief that the best alternative to reduce crime is the increase of sentences or punishment in general. Figures from the UDP survey show that in 2005 the percentage of Chileans who believed that punishment was the best way to reduce crime was 35%, and by 2015, this number had already reached 57%. Figures from the CEP survey also support these findings, indicating that in 2007 at least 52% of citizens believed that the best way to reduce crime would be for judges to be tougher towards delinquents. Finally, results from the CEP survey also showed that 23% of citizens in Chile believe that one of the main causes of crime is the lenient sentencing criminals receive. This group sits only second to the belief that the main cause of crime is the consumption of drugs and alcohol.

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[10] Descriptive statistics on punitiveness in Chile are normally available in the form of public opinion surveys, which is what the analyses in this thesis are based on. Multiple searches did not lead to any data that could be used to create a graph/visualization that would best show descriptive statistics on the rise of punitiveness or decline of legitimacy in Chile. To make up for this lack of data, figures from the CEP (Centro de Estudios Públicos) survey were included to show citizens' perceptions of government legitimacy for 2019 (data for other years were not available). This survey was also used to add a few extra descriptive statistics for people's punitive attitudes in Chile, but these data were only available for 2007, so trends could not be shown.

These figures are quite problematic if the serious disconnect between perceptions of crime and actual victimization rates is taken into account (Dammert and Malone 2003). This paradox, then, motivates the following questions: why does Chile follow a similar pattern of increased punitiveness to other countries in the region despite its low crime rates and high stability? To what extent does the decline in political legitimacy motivate this increase in punitiveness in Chile? The analyses presented in this chapter provide answers to these questions by testing the legitimacy-based approach to punitiveness on a difficult case like Chile.

6.2 Methodology

6.2.1 Data. Extending from the results from the previous chapter, the data for the analyses in this chapter also come from the AmericasBarometer survey administered by the Latin American Public Opinion Project (LAPOP). This study is designed as a time series of repeated cross sections, thus the use of the AmericasBarometer is the most appropriate for these analyses given the robustness and consistency of the indicators for the two main constructs of interest, *punitiveness* and *political legitimacy* (Maguire and Johnson 2015; Booth and Seligson 2009), available in each wave. While two other relevant Latin American public opinion surveys do exist, they have been deemed inadequate to carry out the analyses in this chapter for a variety of reasons. The first survey, the Latinobarómetro, is a long-standing public opinion survey founded in 1995 by the Corporación Latinobarómetro, a non-profit organization based in Santiago de Chile. This survey includes data from all 18 Latin American countries spanning the 1995-2018 period and offers questions on a number of subjects including the economy, social issues, democracy and international relations (Corporación Latinobarómetro 2018). However, in terms of public security, this survey only contains items related to fear of crime and does not mention punishment or punitive attitudes, thus making it unfeasible for these analyses.

The second survey is the Encuesta Nacional Universidad Diego Portales (UDP). This is a public opinion survey conducted yearly by the Diego Portales University in Chile, which collects data focusing exclusively on Chilean citizens (Universidad Diego Portales 2015). This survey covers the 2005-2015 time period and also includes questions on many social, economic and political issues in the country, yet the items for political legitimacy and punitiveness change drastically from wave to wave, rendering this survey inadequate for a time series analyses.

Given the shortcomings of the abovementioned surveys and the fact that at the time of the writing of this thesis there are no other public opinion surveys that include the items needed to perform the empirical tests in this chapter, the AmericasBarometer is the best suited dataset to fulfil this task. The AmericasBarometer uses a nationally representative probability sample of non-institutionalized adults aged 18 and older. The waves used in this study correspond to the years 2012 (N=1,571), 2014 (N=1,571) and 2018 (N=1,638), as these are the only years that provide the exact combination of items required to perform the analyses in this chapter. Missing data and non-responses were excluded from the analyses via pairwise deletion, bringing the final sample of the full models to N=3,207 Chilean citizens. An important advantage provided by these specific waves of the AmericasBarometer is that they allow for the study of the effects of losers becoming winners and vice-versa, given the alternation of power between waves (Dahlberg *et al.* 2015). The years selected for this study coincide with changes in administrations going from a right-wing government (Sebastián Piñera for 2012), to a left-wing government (Michelle Bachelet for 2014) and then back to a right-wing government (Sebastián Piñera's second term for 2018). While this alternation of power may constraint the long-term study of the effect of one single specific administration over time, it instead provides an ideal opportunity to actually test the effect of being a winner or a loser on the legitimacy-based approach to punitiveness, as changes should be more tangible from one wave to the other.

6.2.2 Dependent Variable. The dependent variable in this study is *punitiveness.* For the 2012 and 2014 waves, the same question presented in the previous chapter was used. Respondents were asked "In your opinion, what needs to be done to reduce crime in a country like ours?". The following options were given: "Implement preventive measures", "Increase punishment for delinquent" or "Both". The punitiveness measure in the 2018 wave was slightly different. Respondents were asked "To reduce crime in a country like ours, penalties for criminals need to increase. Do you agree or disagree with this statement?" (1=Strongly disagree; 7=Strongly agree). In order to analyse three years of the AmericasBarometer survey to then effectively capture changes over time, it was essential to ensure that the measurement of the final outcome variable was comparable amongst all three waves. To facilitate this, all variables were dichotomized to reflect preferences for punishment. For the 2012 and 2014 waves, the categories were coded as follows: "Preventive Measures" and "Both" =0 and "Increase Punishment" = 1.

For the 2018 wave, standard median splits were used to categorize the dependent variable by making a division in the punitiveness variable based on cut-offs at the median. Losing information after dichotomizing a variable is less injurious for variables that are measured in a smaller number of categories and variables that are skewed (Farrington and Loeber 2000), as is the case with the punitiveness measure for the 2018 AmericasBarometer wave (see Figure 6.1). Accordingly, responses from individuals in the low group below the median were coded as "Preventive"=0 and responses from individuals in the high group above the median were coded as "Punitive"=1.

6.2.3 Independent Variables. Following the procedures carried out in the research presented in the previous chapter, items from the AmericasBarometer corresponding to Booth and Seligson's (2009) operationalization of political legitimacy were used to ensure consistent and robust predictors to test the hypothesis. Changes in questions from year to year in public opinion surveys pose a challenge for time series analyses, and this specific study was not the exception. While many of the items remained the same from one wave to the other, not all of the questions for each dimension were available in every year. As a result of this, a compromise had to be made where some dimensions had to be omitted altogether while others were implemented using only a single item. Table 6.1 shows the final items included in the analysis, corresponding to the dimensions of *Support for Core Regime Principles, Evaluation of Regime Performance, Support for Regime Institutions, Support for Local Government* and *Support for Political Actors and Authorities*.

Distribution of Punitiveness in Chile - 2018
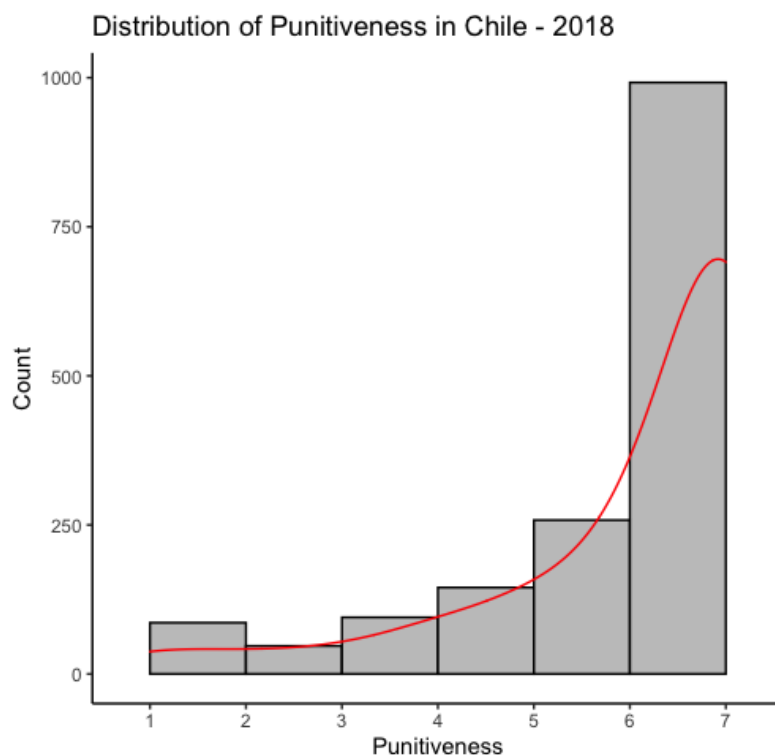
Figure 6.1. Distribution of Punitiveness in Chile for the 2018 AmericasBarometer wave.

Exploratory factor analyses (EFA) with oblique (oblimin) rotation were conducted to then create a composite measure of political legitimacy from the individual items selected. The items chosen for the EFA analysis loaded onto five factors with slightly lower eigenvalues than those from the cross-sectional study presented in the previous chapter. Results from this analysis can be found on Table 6.4 in the Appendix for this chapter.

Table 6.1. Dimensions of Political Legitimacy with Corresponding AmericasBarometer Survey Items for Time Series (2012, 2014 and 2018).

Dimensions	Items	Measurement
1. Support for Core Regime Principles	"To what extent would you approve of people participating in	1=Strongly disapprove to 10=Strongly approve

	demonstrations allowed by the law?"	

2. Evaluation of Regime Performance	"Do you consider that the current economic situation of the country is… compared to 12 months ago?"	1=Worse; 2=Same; 3=Better

	"To what extent do you believe that justice courts guarantee a fair trial?"	1=Not at all to 7=Very much
	"To what extent do you have respect for the political institutions of your country?"	1=Not at all to 7=Very much
3. Support for Regime Institutions	"To what extent do you believe that the basic rights of citizens are well-protected by [country's] political system?"	1=Not at all to 7=Very much
	"To what extent do you think that the country's political system should be supported?"	1=Not at all to 7=Very much
	"To what extent do you trust the justice system?"	1=Not at all to 7=Very much
	"To what extent do you trust the parliament/national congress?"	1=Not at all to 7=Very much
Support for Regime Institutions Continued	"To what extent do you trust political parties?"	1=Not at all to 7=Very much

	"To what extent do you trust the supreme court?"	1=Not at all to 7=Very much
4. Support for Local Government	"To what extent do you trust your municipality?"	1=Not at all to 7=Very much
5. Support for Political Actors and Authorities	"Speaking about the current government, would you say that the work of [President's name] is…?	1=Very bad to 5=Very Good

6.2.4 Control Variables. Many of the predictors that were controlled for in the cross-sectional model surveying South American countries were applied to this case study as well. Consistent with the findings of previous research (Spiranovic et al. 2012; Nellis and Lynch 2008; Roberts and Indermaur 2007; Hough et al. 2013; Nivette 2016; Van Kesteren 2009; Sööt 2013), this study controls for fear of crime, direct victimization, trust in the police, political ideology, media attention, as well as individual demographic characteristics such as age, education, gender, employment, marital status and race.

  Fear of crime was captured with the question: "Speaking of the place or neighbourhood where you live, and thinking of the possibility of being the victim of robbery or theft, do you feel (1) Very insecure?, (2) Somewhat insecure?, (3) Somewhat secure?, or (4) Very secure?". *Direct Victimization* tapped into respondents' direct experiences with crime or delinquency and is operationalized with the following question: "Have you been victim to an act of delinquency in the last 12 months?" (Yes=1; No=0). To measure *Trust in the Police*, respondents were asked: "To what extent do you trust the police?" (1=Not at all; 7=Very much). *Political Ideology* was a single item measuring respondents' self-placement on a scale of 1-10 (Left=1 and Right=10).

To control for being a *loser*, citizens' votes from the last election were once again matched to the corresponding government at the time of the administration of each survey. Chilean presidents are sworn in and assume office on 11th March following December elections (Political Constitution of Chile 1980), thus the AmericasBarometer data collection time frames were compared to this specific date to identify winners and losers in each wave. Data for the 2012 wave were collected between March and May of 2012, which made Sebastián Piñera the newly elected president at the time (0=Piñera; 1=Losers). Responses for the 2014 wave were collected between April and May of 2014, making Michelle Bachelet the sitting president at the time (0=Bachelet; 1=Losers). Finally, data for the 2018 wave were collected between January and March of 2019, with Sebastián Piñera acting as president once again (0=Piñera; 1=Losers). These variables were then recoded into a single dichotomous variable where Winners=0 and Losers=1. Figure 6.2 shows the percentage of losers for each wave of the AmericasBarometer used in this study at the time of the survey administration.
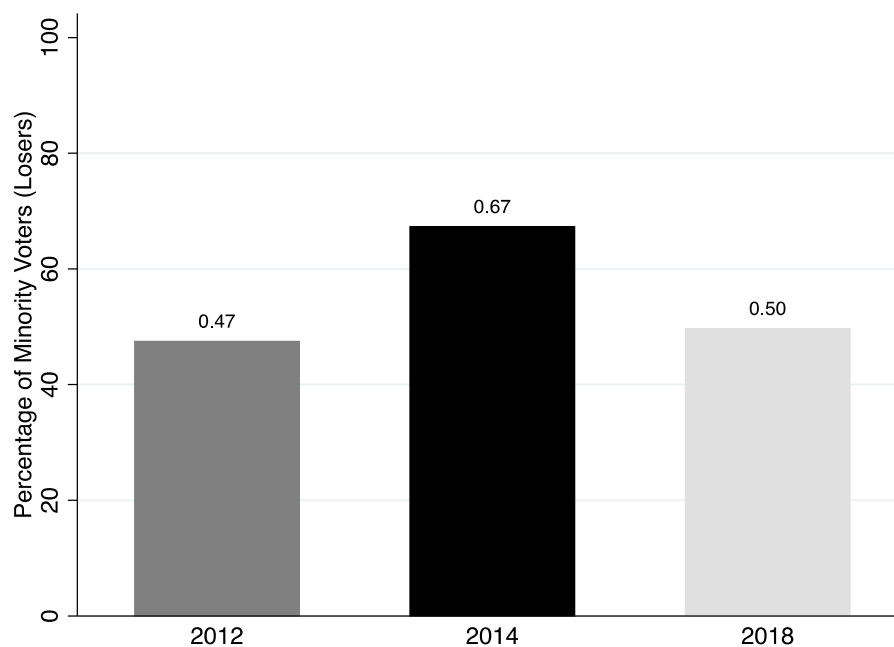
Figure 6.2. Percentage of Minority Voters (Losers) in Chile corresponding to each AmericasBarometer wave.

Media attention was measured with the question: "About how often do you pay attention to the news, whether on TV, the radio, newspapers or the internet?". Responses were reverse

coded, capturing the frequency of media attention (1=Never, 2=Rarely, 3=A few times a month, 4=A few times a week, 5=Daily). Given the unavailability of items to measure *Indirect victimization* and *Vigilantism* in the three waves of the AmericasBarometer survey this study analyses, these variables had to be excluded from the final model.

The demographic predictors included in this study are namely *Age* (18-96 years old), *Education* (No Education=0, High School Education=1, and Higher Education or University=2, *Gender* (Male=0 and Female=1), *Employment* (Unemployed / Pensioners / Homemakers / Students=0 and Working/Employed=1), *Marital Status* (Single / Widowed / Divorced / Separated=0 and Married/Cohabiting=1) and *Race* was recoded as a series of dummy variables including all races reported on the survey (White, Mestizo, Black, Biracial, Indigenous and Other), with White as the reference category. Table 6.2 shows the descriptive statistics for all the variables included in the analyses.

6.3 Research Design and Analytical Strategies

6.3.1 Analytical Strategy: Binary Time Series Cross Section with Interaction Terms. The purpose of the analyses in this chapter is two-fold: 1) to test the legitimacy-based approach to punitiveness in Chile and 2) to determine how consistent this relationship is over time. These questions present some empirical complexities that need to be addressed, as they inform both the research design and model specification in this study. First, *Punitiveness* was measured as a binary outcome variable. When working with binary or dichotomous outcomes, it is important to take into account that these types of variables do not meet assumptions of normality in their distributions, random coefficients or residuals (Crouchley, Stott and Pritchard 2009). Second, this study used three waves of the AmericasBarometer to look at the changes over time in the relationship between political legitimacy and punitiveness. Each survey wave was a repeated cross-section and not a true longitudinal panel. This means that each wave surveyed a different sample of individuals at different time points, as opposed to surveying the same sample of individuals at different time points. To analyse change over time, I pool the data across the three time-points.

The combination of these challenging intricacies mentioned above has important implications for model specification when measuring temporal changes in binary outcomes. Pooled data with binary outcomes, also known as *binary time-series cross-section* (BTSCS)

analyses, violate the assumptions of independence held by ordinary logit and probit analysis (Beck, Katz and Tucker 1998; Tucker 1999). These violations can lead to biased results with inflated t-values, inefficient estimates and incorrect standard errors (Beck, Katz and Tucker 1998; Beck 2001). Thus, in order to account for these challenges, the recognized standard way to analyse BTSCS data is the logit specification with time dummies or splines (Carter and Signorino 2010), which is the method chosen for the analyses in this chapter. Following the assumption that BTSCS data operate as grouped duration data, adding dummy variables to the logistic regression model then allows for a more accurate estimation of temporally dependent BTSCS models by performing grouped duration analyses where each dummy variable represents each year since the start of the sample period (Beck, Katz and Tucker 1998).

Some scholars have warned about the potential issues associated with the use of time dummies instead of splines when modelling BTSCS, particularly the presence of separation and quasi separation[11]. However, these authors also point out that this warning mostly applies to situations where *n* is relatively small (<10000) and when the maximum duration between two successive events is long (≈15 or longer units) (Carter and Signorino 2010). When separation is an issue, problematic time dummies would normally drop from the model during calculations. This was not the case with the time dummies used in this study, which confirms that their use to model BTSCS data was appropriate and non-problematic. Likewise, a likelihood ratio test was conducted to determine whether time dummies should be included in the models presented in this study (Beck, Katz and Tucker 1998). The results from this test (see Table 6.5 in the Appendix for this chapter) suggested that the temporal independence hypothesis should be rejected, and thus time dummies should be included in the models. Temporal changes were then modelled using the three waves of data (2012, 2014 and 2018), which were then defined as three separate time dummy variables (T2012, T2014 and T2018) to better estimate and capture changes in punitiveness over time.

6.3.2 Model Specification and Estimation. Five main models were specified to test the legitimacy-based approach to punitiveness in Chile. Each of these models accounted for the

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[11] Carter and Signorino (2010) indicated that *complete separation* exists when data points can be separated based on whether $\gamma_i = 0$ *or* $\gamma_i = 1$. *Quasi-separation* occurs when the abovementioned properties are weak. Conversely, *overlap* occurs when there is no such vector separating the data points. Overlap is the only scenario under which maximum likelihood estimation (MLE) can take place.

effects of time on each of the dimensions of political legitimacy separately to avoid collinearity. The specifications are as follows (using attitudes to regime principles as an example):

Model 1 - Support for Regime Principles and Time

$$
\begin{aligned}
punitiveness = \ & \beta_0 + \beta_1(RegPrinc) + \beta_2(RegInst) + \beta_3(RegPerf) + \beta_4(LocGovt) + \\
& \beta_5(PolActors) + \beta6(FearCrime) + \beta_7(DirVict) + \beta_8(TrustPol) + \beta_9(PolID) + \\
& \beta_{10}(Loser) + \beta_{11}(Media) + \beta_{12}(Gender) + \beta_{13}(Age) + \beta_{14}(Educ) + \\
& \beta_{15}(Employ) + \beta_{16}(MaritStat) + \beta_{17}(Mestizo) + \beta_{18}(Indi) + \beta_{19}(Black) + \\
& \beta_{20}(Biracial) + \beta_{21}(Other) + \beta_{22}(y2014) + \beta_{23}(y2018) + \beta_{24}(RegPrinc) * \\
& (Time) + \varepsilon_i
\end{aligned}
$$

where β_0 stands for the model intercept, β_2 through β_{20} represent each of the dimensions of political legitimacy followed by all other covariates, β_{21} and β_{22} are the two dummy variables corresponding to years 2014 and 2018 (using 2012 as the reference), β_{23} indicates the interaction between Support for Regime Principles and Time and finally, ε_i denotes the error term. This same exercise was repeated for each dimension of political legitimacy with β_{23} representing the interaction term between the corresponding dimension and time.

6.4 Results

Table 6.2 reports the results for the more complete BTSCS analyses. The coefficients are shown as odds ratios (OR) with their standard errors (SE) and confidence intervals (CI) at the 95% level. Mathematically, the odds represent the number of successes divided by the number of failures, and can range from 0 to infinity, unlike probabilities which range from 0 to 1. For these models, the odds ratios indicate that "for dummy coefficients, a unit difference in X_k is the difference between membership category X_k and membership in the omitted category" (DeMaris 1995, p.959). While the results on the table are presented as odds ratios, to ease interpretation the results are discussed as probabilities by transforming the logits to probabilities with the following formula where p is the probability and φ stands for the odds (Mehmetoglu and Jakobsen 2016):

$$p = \frac{\varphi}{1 + \varphi}$$

Model 1 in Table 6.2 shows the full model including the interaction between the variables Support for Regime Principles and Time. Looking at the direct effect of support for regime principles on punitiveness, the results indicate that individuals who reported less support for the principles of the regime were more likely to be more punitive as individuals who reported higher support (OR=0.92, p<0.05). In other words, as support for the regime principles increased, the probability of punitiveness slightly decreased by 0.1%. However, when this dimension is included as an interaction term with time, the direction of the relationship changes, suggesting that the effect of legitimacy on punitiveness actually strengthens over time (OR=1.03, p<0.05). More specifically, this finding shows that over the period measured by the surveys, the relationship between political legitimacy and punitiveness has increased, but with those individuals who report higher levels of legitimacy becoming more punitive in their attitudes.

Dummy variables were also included in this model to represent the three AmericasBarometer waves used in this study (2012, 2014 and 2018). In Model 1, the odds ratios for Y2014 and Y2018[12] showed the changes in punitiveness over time as a result of perceptions of political legitimacy. These results indicated that, although the effect size decreased over the years, time alone was not a significant predictor of punitiveness in Chile. However, turning to the interaction effect between support for regime principles and time, the results show that for every year that passed, the effect of support for regime principles on the probability of punitiveness increased by 4% (OR=1.03, p<0.05), and this effect was statistically significant. The direction of the relationship between political legitimacy in terms of support for regime principles and punitiveness runs contrary to the expected direction set forth by the hypothesis.

The second dimension of political legitimacy to be associated with punitiveness in Model 1 was Support for Regime Institutions. This relationship was also negative and showed that the probabilities of supporting an increase in the punishment of offenders decreased by 4% with each unit increase in support for regime institutions (OR=0.84, p<0.001).

Model 2 replaces the interaction term in model one with the conditional effect of Time on the relationship between *Support for Regime Institutions* and Punitiveness. Unlike in Model 1, no dimensions of political legitimacy were statistically significant in Model 2. In addition, Time had

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[12] Reference group: 2012

no statistically significant effect on the relationship between Support for Regime Institutions and Punitiveness.

In Model 3, Support for Regime Institutions was the only dimension of political legitimacy to have a significant effect on punitiveness, showing that, as support for institutions decreased, the probability of being punitiveness increased by 4% (OR=0.85, p<0.001). This model also included an interaction term with the conditional effect of Time on the relationship between *Evaluation of Regime Performance* and Punitiveness. Neither Time alone nor the effect of time on the relationship between the Evaluation of Regime Performance on punitiveness were statistically significant.

Turning now to Model 4, the results show that Support for Regime Institutions remained statistically significant. For citizens who reported higher levels of support for regime institutions, the probability of punitiveness decreased by 3% (OR=0.85, p<0.001). Time was not a significant predictor of the probability of punitiveness in this model, and it also did not show any significant conditional effects on the relationship between *Support for Local Government* and punitiveness.

Model 5 shows that the same variables that were statistically significant in Model 4 retained their effects. Higher levels of support for regime institutions decreased the probability of punitiveness by 3% (OR=0.85, p<0.001). Meanwhile, the effect of time on punitiveness was not statistically significant, as was the case for the interaction term between *Support for Political Actors* and Time.

Regarding the effects of political losers, the results from Model 1 also show that being a loser was significantly associated with being more punitive. For these citizens, the probability of being more punitive increased by 5% with a change in category in the loser variable. This was also the case with all remaining models, where the probability of being punitive also increased by 5% for losers and remained significant (Model 2: OR=1.25, p<0.01; Model 3:OR=1.25, p<001; Model 4: OR=1.26, p<0.01 and Model 5: OR=1.26, p<0.01).

In terms of the remaining covariates, in Model 1 individuals who reported having more trust in the police (OR=1.08, p<0.01) and those who identified with a right-wing political ideology (OR=1.06, p<0.001) were more likely to be punitive. In both cases, the probability of being punitive decreased by 1% with each unit increase in the predictors. Paying more attention to the media (OR=1.10, p<0.05) increased the probability of punitiveness by 2%, while this probability decreased by 27% for individuals with a university level education or higher (OR=0.28, p<0.05). Fear of crime, victimization, gender, age, marital and employment statuses

were not statistically associated with punitiveness in this model. In regards to race, the probability of being more punitive decreased by 26% for Black Chileans (OR=0.34, p<0.05), yet this relationship was not significant in any of the other racial categories.

In Model 2, the probability of being punitive increased by 1% for individuals with higher levels of trust in the police (OR=1.08, p<0.01) and who identified with a right-wing ideology (OR=1.07, p<0.001). This probability also increased by 2% for citizens who paid more attention to the media (OR=1.10, p<05). The probability of punitiveness decreased by 27% for individuals who had higher levels of education (OR=0.28, p<0.05) and decreased by 25% for Black Chileans (OR=0.35, p<0.05). All other control covariates in this model were not statistically significant in predicting punitiveness, however, the probability of being more punitiveness increased by 3% in 2014 (OR=1.55, p<0.05) and was statistically significant.

Table 6.2. Logistic Regression Models for Preferences for Punishment in Chile with Interaction Terms. AmericasBarometer Waves 2012, 2014 and 2018.

Table 6.2. Logistic Regression Models of Preferences for Punishment in Chile with Interaction Terms. AmericasBarometer Waves 2012, 2014 and 2018.

Variables	Model 1		Model 2		Model 3		Model 4		Model 5	
	OR (SE)	95% CI	OR (SE)	95% CI	OR (SE)	95% CI	OR (SE)	95% CI	OR (SE)	95% CI
Intercept	2.28 (1.474)	0.643- 8.096	1.40 (0.895)	0.405- 4.899	1.83 (1.215)	0.501- 6.719	1.56 (0.990)	0.454- 5.411	1.62 (1.021)	0.474- 5.567
Political Legitimacy *(IV)*										
Support for Regime Principles	0.92* (0.035)	0.859- 0.996	0.99 (0.014)	0.969- 1.024	0.99 (0.014)	0.969- 1.025	0.99 (0.014)	0.969- 1.025	0.99 (0.014)	0.969- 1.025
Support for Regime Principles*Time	1.03* (0.017)	1.002- 1.069								
Support for Institutions	0.84*** (0.035)	0.782- 0.922	0.92 (0.085)	0.772- 1.110	0.85*** (0.035)	0.783- 0.923	0.85*** (0.035)	0.783- 0.924	0.85*** (0.036)	0.783- 0.925
Support for Institutions*Time			0.95 (0.038)	0.887- 1.038						
Evaluation of Regime Performance	1.06 (0.064)	0.947- 1.200	1.06 (0.064)	0.947- 1.200	0.97 (0.156)	0.713- 1.336	1.06 (0.064)	0.947- 1.199	1.06 (0.027)	0.943- 1.201
Evaluation of Regime Performance*Time					1.04 (0.072)	0.908- 1.195				
Support for Local Government	0.99 (0.027)	0.943- 1.050	0.99 (0.027)	0.945- 1.052	0.99 (0.027)	0.945- 1.051	1.01 (0.065)	0.891- 1.148	0.99 (0.027)	0.945- 1.052
Support for Local Government*Time							0.99 (0.027)	0.939- 1.049		

Support for Political Actors	0.93 (0.039)	0.856-1.011	0.92 (0.027)	0.845-1.052	0.93 (0.041)	0.855-1.016	0.93 (0.041)	0.859-1.021	0.92 (0.111)	0.735-1.175
Support for Political Actors*Time									1.00 (0.056)	0.900-1.122
Controls										
Fear of Crime	0.97 (0.043)	0.891-1.061	0.97 (0.043)	0.889-1.059	0.97 (0.043)	0.890-1.060	0.97 (0.043)	0.890-1.061	0.97 (0.043)	0.890-1.061
Direct Victimization	1.16 (0.117)	0.954-1.419	1.17 (0.118)	0.962-1.431	1.17 (0 .118)	0.890-1.428	1.17 (0.118)	0.962-1.430	1.17 (0.118)	0.963-1.431
Trust in the Police	1.08** (0.028)	1.027-1.140	1.08** (0.028)	1.026-1.139	1.08** (0.028)	1.025-1.138	1.08** (0.028)	1.025-1.138	1.08** (0.028)	1.025-1.139
Political Ideology	1.06*** (0.018)	1.034-1.105	1.07*** (0.018)	1.035-1.106	1.07*** (0.018)	1.035-1.106	1.07** (0.018)	1.035-1.106	1.07*** (0.018)	1.034-1.107
Loser	1.27** (0.112)	1.071-1.513	1.25** (0.110)	1.055-1.490	1.25** (0.110)	1.059-1.495	1.26** (0.110)	1.061-1.498	1.26** (0.112)	1.061-1.505
Media Attention	1.10* (0.047)	1.011-1.197	1.10* (0.047)	1.016-1.204	1.10* (0.047)	1.016-1.203	1.10* (0.147)	1.016-1.203	1.10* (0.147)	1.015-1.202
Female	1.07 0.083	0.921-1.250	1.07 (0.083)	0.922-1.251	1.07 (0.083)	0.924-1.254	1.07 (0.083)	0.925-1.255	1.07 (0.083)	0.924-1.255
Age	0.99 (0.002)	0.994-1.003	0.99 (0.002)	0.993-1.003	0.99 (0.002)	0.993-1.003	0.99 (0.002)	0.993-1.003	0.99 (0.002)	0.993-1.003
Education *(Ref: No Education)*										
High School	0.47 (0.227)	0.182-1.216	0.47 (0.227)	0.183-1.213	0.46 (0.226)	0.182-1/209	0.47 (0.227)	0.183-1.213	0.47 (0.227)	0.183-1.214
University	0.28* (0.140)	0.109-0.747	0.28* (0.140)	0.111-0.751	0.28* (0.140)	0.110-0.747	0.28* (0.140)	0.110-0.749	0.28* (0.140)	0.110-0.750

	OR	CI	OR	CI	OR	CI	OR	CI	OR	CI
Employed	0.97 (0.075)	0.835-1.132	0.96 (0.075)	0.833-1.129	0.97 (0.075)	0.833-1.130	0.97 (0.075)	0.834-1.131	0.97 (0.075)	0.833-1.129
Not Married	1.02 (0.086)	0.944-1.286	1.11 (0.087)	0.951-1.295	1.11 (0.087)	0.954-1.299	1.11 (0.087)	0.954-1.299	1.11 (0.087)	0.955-1.300
Race *(Ref:White)*										
Mestizo	0.99 (0.078)	0.854-1.163	1.01 (0.079)	0.867-1.180	1.01 (0.079)	0.855-1.179	1.01 (0.079)	0.866-1.178	1.01 (0.079)	0.866-1.178
Indigenous	0.78 (0.135)	0.558-1.100	0.79 (0.137)	0.565-1.113	0.79 (0.137)	0.569-1.120	0.79 (0.137)	0.569-1.119	0.79 (0.137)	0.568-1.119
Black	0.34* (0.143)	0.149-0.777	0.35* (0.147)	0.153-0.800	0.35* (0.148)	0.153-0.802	0.35* (0.147)	0.153-0.801	0.35* (0.148)	0.153-0.802
Biracial	0.99 (0.290)	0.559-1.762	0.99 (0.291)	0.561-1.767	0.99 (0.290)	0.559-1.762	0.99 (0.290)	0.560-1.764	0.99 (0.290)	0.559-1.761
Other	1.09 (0.343)	0.588-2.023	1.08 (0.341)	0.583-2.008	1.07 (0.339)	0.581-1.999	1.08 (0.340)	0.582-2.004	1.00 (0.340)	0.582-2.003
Time (*Ref:2012*)										
T 2014	0.99 (0.161)	0.727-1.370	1.55* (0.302)	1.058-2.272	1.18 (0.228)	0.813-1.728	1.24 (0.212)	0.987-1.834	1.28 (0.244)	0.886-1.865
T 2018	0.79 (0.200)	0.481-1.298	1.81 (0.607)	0.938-1.038	1.08 (0.352)	0.572-2.051	1.28 (0.362)	0.827-2.312	1.26 (0.420)	0.656-2.427

Notes: OR: Odds Ratios with Standard Errors in parentheses; CI: Confidence Intervals at 95%. N=3,207

*p<.05, **p<.01,***p<.001.

Trust in the police, a right-wing ideology and paying attention to the media remained statistically significant in this Model 3, increasing the probability of being punitive by 1% (OR=1.08, p<0.01), 1% (OR= 1.07, p<0.001) and 2% (OR= 1.10, p<0.05) respectively. Much like in the previous model, having a university education or higher decreased the probability of punitiveness by 27% (OR=0.28, p<0.05) and this probability also decreased by 25% for Black Chileans (OR= 0.35, p<0.05).

The probability of being punitive also increased by 1% in Model 4 for citizens who reported higher levels in the police (OR=1.08, p<0.01), by 1% for right-wing citizens (OR=1.07, p<0.01) and by 2% for citizens who paid more attention to the media (OR=1.10, p<0.05). Likewise, in this model, the probability of being punitive decreased by 27% for individuals with a university level education or higher (OR=0.28, p<0.05) and by 25% for Black Chileans (OR=0.35, p<0.05).

Consistent with all previous models, in Model 5, the probability of punitiveness increased by 1% for citizens with higher levels of trust in the police (OR=1.08, p<0.01), by 1% for right-wing citizens (OR=1.07, p<0.001)) and by 2% for those individuals who paid more attention to the media (OR=1.10, p<0.05)), while this probability decreased by 27% for citizens with a university level education or higher (OR=0.28, p<0.05) and by 25% for Black Chileans (OR=0.35, p<0.05).

The results from the analyses presented in this chapter are broadly consistent with the results from Chapter 5. The two dimensions of legitimacy that were related to punitiveness for the whole of Latin America, namely support for regime principles and support for regime institutions, remained the same two dimensions of legitimacy that were associated with punitiveness in Chile as an individual case study.

6.5 Discussion

In this chapter, I conducted a time series empirical test of the legitimacy-based approach to punitiveness using Chile as a case study. To do this, I looked at three waves of the AmericasBarometer and assessing the changes in punitiveness over time as a function of political legitimacy. The results shown in tables 6.3 partially support the hypothesis regarding the relationship between political legitimacy and punitiveness established earlier in Chapter 5.

Political legitimacy was indeed associated with increased punitiveness, but mainly in terms of support for regime institutions. These findings are consistent with previous research that has documented the low levels of trust that Chileans have in their institutions and their political entities, despite being one of the most stable countries in the whole Latin American region (Dammert and Malone 2003; Fortete and Cesano 2009). The fact that Chileans who report lower support for their regime institutions are more likely to be punitive is consistent with the tenets of the legitimacy-based approach. In the case of Chile, it is not increased crime rates that influence citizens' preferences for the harsher punishment of offenders, as many instrumental approaches to punishment would suggest.

Rather, in the case of Chile, the lack of trust and belief in the effectiveness of governmental institutions is what increases the desire to punish those who deviate from the law. Individuals who ascribe low legitimacy to their governments are possibly seeing the issue of crime control through the lens of state leniency and inefficiency. In fact, reports from the ENUSC survey conducted by the Institute of National Statistics in Chile (INE) have repeatedly shown that between 2003 and 2019, the perceived causes of crime and delinquency most cited by individuals include a lack of police watch, the leniency of the sentences applied by the criminal justice system, and drug use (Encuesta Nacional Urbana de Seguridad Ciudadana 2018). These responses indicate that citizens expect a poor response (if one at all) from institutions or authorities in the face of crime. Given these low expectations, it makes sense that individuals would feel that the only way to restore social order would be by increasing punishment, as the fault lies in the failure of the state to control/reduce crime, and not on the state's responsibility to provide education, rehabilitation or other welfare measures to prevent crime from even emerging in the first place.

The results from the models in Table 6.3 are largely consistent with those from the rest of South America reported in Table 5.4 in Chapter 5. In terms of the dimensions of political legitimacy, the directions of the coefficients presented in the five models presented in this chapter are the same as those in the punishment model (Model 2) in Chapter 5. Support for Regime Institutions was a statistically significant predictor of punitiveness in four out of the five models for Chile, and it was a significant predictor in the punishment relative to prevention model for South America. This shows that the perceived effectiveness and trustworthiness of institutions was indeed a consistent predictor of punitiveness across the whole region. Support for Regime Principles, however, seemed to be a more relevant predictor of punitiveness in South

America as a whole than it was in Chile specifically. This last finding could stem from the fact that perhaps democracy has not eroded equally in all countries in Latin America (Mainwaring and Pérez-Liñán 2015). While many Chileans may be dissatisfied with how democracy has performed, many may still be well-committed to democracy in principle. Democratic values have continued to remain relatively stable since the return to democracy in 1990 (Navia and Osorio 2019), yet citizens may potentially conflated democratic principle with performance when answering public opinion surveys.

Additionally, the results showed a positive direction in the interaction between support for regime principles and punitiveness over time. This contradictory finding is likely the result of the specific question used to measure support for regime principles in Chile. The past decade has seen Chileans harboring high levels of discontent with the government and its institutions, and the wave of protests continued to grow, culminating in the Chilean Spring of 2019, where at least 1.2 million citizens embarked on peaceful protests against the neoliberal socioeconomic system and the political system, making it the largest protest ever recorded in Chilean history (Somma *et al.* 2020). This question asks citizens to report the extent to which they approve of participations in demonstrations allowed by the law, thus, it is not surprising to see a positive relationship between this dimension of legitimacy and punitiveness overtime, given that citizens' growing discontent towards the system in Chile has been simultaneously evidenced by their active participation in legal protests.

This statistically significant interaction suggests that, although Chileans' support for core democratic principles might be stable over time, the awareness of poor governance and the ineffective delivery from the state could be perceived to be at odds with the key principles of democracy. This specific finding shows that each year, the effect of support for core regime on punitiveness has increased. Overall, the relationship between political legitimacy and punitiveness may not be conditional on time, and other predictors may be more important when trying to better understand how these two constructs relate to each other. While the results from this study support the legitimacy-based approach to punitiveness, the unavailability of more time points does not allow for an extensive trend to be fleshed out in more detail.

That said, it is important to emphasize that each wave of the AmericasBarometer used in this study had a president from an opposing party in office. These effects were captured by taking into account how being a citizen in the political minority influenced perceptions of political legitimacy and, consequently, public attitudes towards punishment. Individuals who

voted for a candidate who was not in office at the time of the survey were labelled political *losers*. Being a political loser was statistically significant in all five models presented in Table 6.3. This suggests that losers were more likely to be punitive than winners in all conditions net of all other factors, including the interaction terms between political legitimacy and time. This latter point is consistent with some of the literature that has indicated how losers are more prone to report dissatisfaction with the current government and are generally more likely to find fault with the policies enacted by that administration (Dahlberg *et al.* 2015; Anderson and Tverdova 2001; Anderson *et al.* 2005b).

These loser status results are in contrast with those of the comparative analysis in Chapter 5, where being a loser was not a significant predictor of punitiveness in the main model. Although the findings from the analyses in Chapter 5 clearly indicate that being a loser did not shape punitiveness in the region as a whole, a closer look at Chile would indicate that individual country differences might play an important role. As previously mentioned, research has shown that losing repeatedly has more negative effects than losing just once. Losing repeatedly after only two or three elections negatively influences citizens' support for regime institutions, and corrodes the more general support for the political system, thus increasing the loss of legitimacy (Kern and Kölln 2017). Thus, this finding might be specifically pertinent to the Chilean situation, where the political climate has been severely polarized since the return to democracy in 1990. After the transition to democracy, the Chilean government was held by the *Concertación* left-wing coalition from 1990 until Sebastián Piñera's first term in 2010. In between, two election cycles carried through leaving citizens on the loser end repeatedly two full terms. This might have exacerbated the public discontent with all institutions, especially with the criminal justice system, prompting a severe loss of legitimacy and a subsequent preference for the harsher punishment of offenders as a way to restore social order.

In terms of the other covariates in the models, more trust in the police, identifying with a right-wing ideology, paying more attention to the media, and reporting lower levels of education were all consistent predictors of punitiveness in Chile. An interesting finding emerged here, as support for regime institutions was negatively associated with punitiveness, yet trust in the police was positively associated with punitiveness. That is to say, Chileans who do not support their institutions are more likely to be punitive as much as those Chileans who support the police are. This finding brings about a unique situation that takes place in Chile, whereby, at the time of the survey administrations, most institutions had lost their credibility except for that of the police.

Furthermore, fear of crime and victimization were not significant predictors of punitiveness in Chile. This is consistent with much of the literature on punitiveness that has favoured the importance expressive factors over instrumental ones as better predictor of punitive attitudes (Gerber and Jackson 2016; Hirtenlehner and Farrall 2013; Kury and Ferdinand 1999).

It is possible that fear of crime and victimization were specifically not significant in Chile because what drives punitiveness in Chile is more closely related to citizens' perceptions of social conditions and political legitimacy, rather than actual crime related factors. As previously mentioned, Chile has relatively low rates of violent crime and victimization compared to other countries in the region (Dammert 2012; Muggah and Aguirre Tobón 2018), so citizens' direct experiences with crime are understandably lower than those in other areas of South America. Thus, Chileans' discontent and dissatisfaction with the political system and its institutions are much more meaningful in explaining their attitudes towards the punishment of criminal offenders than fear or victimization are. In the presence of a legitimized state, which would reflect citizens' perceptions of a more general expressive sentiment towards the political system and its institutions, instrumental factors would be expected lose their explanatory influence. The implications for these specific findings are further discussed in the next chapter.

The results of the analyses conducted in this chapter should be understood in the context where they took place. The AmericasBarometer waves included in this study correspond to unprecedented times in Chile. During the 2012 wave, Sebastián Piñera was in office, making it the first right wing administration to be in power since the return to democracy in 1990, as mentioned above. During the 2014 wave, Michelle Bachelet was resuming her second time in office, but the surveys were conducted too early in her mandate to establish any effects from her performance. Yet, the timing of the data collection for this survey was ideal to capture the effects of being a loser on punitiveness, as any discontent following the elections would be fresh. Finally, the 2018 wave saw Piñera once again in power. This general to and fro between left and right administrations, and more specifically, between the same two candidates over an extended period of time (Michelle Bachelet 2006-2010; Sebastián Piñera, 2010-2014; Michelle Bachelet 2014-2018; Sebastián Piñera 2018-Present) may have more incidence in Chileans' public opinion than initially thought, and this might be the reason why time did not play such an important role as initially predicted. Suggestions for further research to be conducted in order to examine these points much closer are offered in the next chapter.

CHAPTER 7: Concluding Remarks

The main purpose of this thesis has been to determine the extent to which political legitimacy explains citizens' punitiveness in Latin America. This thesis emerged from the observation that citizens' attitudes towards punishment in Latin America are rooted in factors that go beyond those of the instrumental and symbolic approaches to punishment set forth by the literature. Indeed, the (il)legitimacy of the state plays a role in shaping these attitudes by sending messages to citizens regarding the availability and effectiveness of the law, social order and social control. Fundamentally, then, people's preferences for how harsh the punishment of criminal offenders should be are dependent not just on crime itself or the social conditions surrounding them, but are also largely dependent on their perceptions of the state and its institutions.

This specific situation is particularly relevant to the case of Latin America. In recent years, Latin America has been experiencing an important crisis of political legitimacy that has on occasions given rise to public unrest (Booth and Seligson 2009; Booth and Seligson 2005). This decline in political legitimacy has also changed the way most citizens perceive their institutions and their social policies, specifically those dealing with public security (Dammert and Malone 2003). This crisis of legitimacy, coupled with the historical and political trajectory that characterizes the region, create a unique set of conditions that together set the stage for punitiveness among the Latin American citizenry.

As mentioned in earlier chapters, scholarly concern with the rise in punitiveness in Western states has materialized into a vast amount of research on public attitudes towards punishment (Kury and Shea 2011; Ramirez 2013). However, the causes for punitiveness in large and industrialized Western societies are not necessarily the same as those in Latin America, and the literature has failed to effectively deliver a convincing causal story for this region. Perhaps one of the most important differences between the emergence of punitiveness in many Western states and that of Latin America lie in the different historical and political patterns that have shaped the relatively new democracies in Latin America. Still, a common practice has been for scholars to develop theories and empirical models that are primarily tested in these Western (and often Anglo) samples only to then be applied to Latin America by way of generalization.

Our understanding of the actual factors that influence public punitiveness in Latin America has then remained incomplete given that previous work has mostly neglected to

consider the specific characteristics of the region when devising explanations. This lack of understanding has given way to the puzzle introduced in Chapter 1, where we see punitiveness rise in Latin America, but where we have yet to provide satisfactory explanations for this phenomenon. So far, the current determinants of punitiveness developed and tested in other regions of the world have failed to successfully account for the punitive turn in Latin America, thus leaving many questions unanswered.

This puzzle, then, was the key motivator behind the main research question of this thesis, which asked: *to what extent and how does political legitimacy influence punitive attitudes in Latin America?* Given that a satisfactory theory and empirical model suited to answer this research question had yet to be developed, in this thesis I elaborated and empirically tested a novel explanatory theoretical framework, *the legitimacy-based approach to punitiveness*. This theoretical model is an important contribution to the literature as it emphasizes how the different ways in which states transitioned to democracy and the persistent lack of good governance all lead to the perceived delegitimization of the state which, in the face of a perceived increase in crime rates, is anticipated by the public not to rise to the task. Therefore, citizens in Latin America, give way to their underlying retributive leanings and voice their preferences for increased punishment to avoid any state failure that might potentially result from states exercising discretion in such a way that is detrimental to the maintenance of social order.

Not accounting for these processes that have shaped Latin American democracies and its societies can have serious implications for policy-makers when formulating a rationale for the public increase in punitiveness, as citizens' concerns and preoccupation about crime and violence in Latin America may directly influence the quality of young democratic institutions (Fortete and Cesano 2009). Moreover, in a context where citizens continuously cite crime as one of the most important and relevant issues affecting the region (Dammert 2012), failing to effectively account for the interconnectedness between their opinions regarding crime control policies and their perceptions of the state may have important consequences for our understanding of citizens' future support for policies and initiatives set forth by institutions and authorities.

In Chapter 4, I outlined the components of the legitimacy-based approach to punitiveness in detail, and showed how the theoretical story unfolded. In essence, this model suggests that the way in which the transitions to democracy in Latin America took place, with many of them being pacted with the military having the upper hand, led to limited democracies with authoritarian

enclaves which also suffer from a lack of good governance. Under this limited and inadequate government, several things happen simultaneously, some of which are more region specific than others: a) the emergence of a widespread sense of statelessness, evidenced by the perceived unavailability of the law, b) the perception that crime is out of control in a context where there is no law to hold criminals accountable, and c) the fact that many citizens are under governments they did not vote for, and are therefore losers who fall in the category of the political minority, thus making them less likely to support the policies and actions of a government they oppose.

All of these factors come together to delegitimize a state. Once the state has become delegitimized, then citizens feel as if they have no choice but to veer towards harsher or stricter policies that would both, symbolically and practically, bring a sense of order and effectiveness into society. Thus, the delegitimation of the state culminates in citizens' increased punitiveness in light of the sequence of events that is characteristic of the young democracies in Latin America.

The legitimacy-based approach to punitiveness was then empirically tested separately in the South American region as a whole and in Chile as a case study. The purpose of having these two separate empirical exercises in Chapters 5 and 6 was to deliver a clearer picture of how the model behaved in the region and then in the area where the strongest effects were found. Based on the theoretical framework, and taking into account the importance of people's experiences with their state, one central prediction was made for both studies: *citizens who perceived political or state legitimacy to be low were expected to be more likely to report higher levels of punitiveness*. To test this hypothesis, both studies used data from the AmericasBarometer survey. However, the limitations associated with the variables included in this dataset only allowed for the last section of the model to be tested in both studies.

The study presented in Chapter 5 was designed as a cross-sectional analysis that looked at the relationship between political legitimacy and punitiveness in South America using the 2012 AmericasBarometer wave. Chapter 6 delved deeper into the model and singled out Chile as a case study. This case study was designed as a time series cross-sectional analysis with the aim to examine the stability of the relationship over time, thus data from the 2012, 2014 and 2018 waves of the AmericasBarometer were employed and interactions between each dimension of legitimacy and time were introduced.

The development and testing of this theoretical framework is of significance to the discipline in a number of ways. First, the legitimacy-based approach is, to date, the only model to

link the political trajectory of a state and how this is perceived by citizens when making decisions regarding the punishment of offenders as a way to explain punitiveness. This is important because it highlights the impact that state institutions and decisions may have on citizens' perceptions of crime control policies. Second, this model is tailored (but not limited) to the political processes of younger democracies in Latin America, which addresses the gap created by the testing of Western models that might not necessarily explain all of the elements involved in the big picture. Political legitimacy and punitiveness, individually, both have important implications for the advancement of democracy, thus understanding how the two relate to each other can provide even more insights as to how these processes may continue to affect democratic development.

Lastly, this model expands beyond the instrumental and symbolic explanations of punitiveness, which allows for scholars to add more elements to their research on punitiveness. More specifically, this model provides a starting point for scholars to begin studying and understanding the nuances of the relationship between institutions and the citizenry in terms of punitiveness.

In the next section, I will summarise the main findings of the studies in this thesis. This discussion is then followed by the limitations of this thesis and further implications for future research.

7.1 Summary of the Findings

7.1.2 Political Legitimacy and Punitiveness

The main puzzle introduced at the beginning of this thesis highlighted the disconnect between the theories that explain punitiveness in many regions of the world and their ability to explain punitiveness in Latin America. On the one hand, many of these theories have suggested that punitiveness arises from concerns related to crime (Costelloe, Chiricos and Gertz 2009; Sprott and Doob 1997; Hogan, Chiricos and Gertz 2005), and on the other hand, theories suggest that punitiveness arises from greater concerns about general social conditions (King and Maruna 2009; Tyler and Boeckmann 1997; Kury and Ferdinand 1999), yet neither of these two major approaches adequately explained punitiveness in Latin America. The legitimacy-based approach

to punitiveness was then developed to bridge this gap and thus better explain the origins of punitiveness in Latin America.

Overall, the findings from the two empirical tests of this model conducted in this thesis supported the existence of a relationship between political legitimacy and punitiveness, thus suggesting that the legitimacy-based approach to punitiveness does, in fact, play an important role in explaining public punitiveness in Latin America. These analyses further showed that this relationship was much more nuanced and complex than it was initially postulated. More specifically, the link between legitimacy and punitiveness appears to be specific to certain dimensions of legitimacy rather than to the construct as a whole.

As shown in Chapter 5, in the broader South American region punitiveness is mainly explained by political legitimacy in terms of citizens' support for the core principles of their regimes as well as their support for regime institutions. Citizens who did not support the regime principles nor their institutions were more punitive than those who did. These findings are consistent with the legitimacy-based approach to punitiveness and suggest that a wider detachment between the citizenry and state institutions and government can create the conditions for punitiveness to arise. These findings also support previous research that points out how Latin America is characterized by a generalized mistrust towards the criminal justice system and high levels of public punitive attitudes that translate both into public preferences for higher sentences and a need to modify laws (Fortete and Cesano 2009). The results from the analysis in Chapter 5 emphasize the importance of approaching political legitimacy as a multidimensional construct with dimensions that can influence attitudes towards crime control in various ways.

These findings further add to the literature on punitiveness by showing how political legitimacy should be taken into account as an important correlate of punitiveness in Latin America and, potentially, in other contexts in which the political sphere might play an important role in shaping people's perceptions of the adequacy of public security policies, particularly in young democracies. This last point is also illustrated by the findings of both Chapters 5 and 6, which indicate that while punitiveness seems to be consistently and largely linked to political legitimacy in terms of *institutional legitimacy*. Support for regime institutions did not seem to be associated with prevention in any way, which suggests that this dimension is almost exclusively linked to punishment relative to other dimensions. More specifically, there are some aspects of punitiveness that seem to predominantly emerge from the delegitimization of the state at the institutional level.

Another important finding from Chapter 5 showed that being a loser was not meaningfully associated with punitiveness in South America as a whole. This is an important finding that suggests that punitiveness generates from deep-rooted discontent and dissatisfaction with the state and state institutions rather than from the acute or situational discontent that emerges from a situation in which an individual is a loser.

The Chilean case in Chapter 6 partially confirmed the findings from the comparative study in Chapter 5. The Chilean case study shows that citizens who reported less support for their regime institutions were much more likely to support increasing the punishment of offenders rather than implementing preventative measures as a means to reduce crime in their country, compared to those who reported more support for regime institutions. This finding is also consistent with the literature on vigilantism in Latin America, which shows that citizens in stateless locations, or in places where formal justice institutions are either weak or unavailable, tend to support the idea of taking justice into their own hands given the perceived ineffectiveness of the formal institutions that would otherwise be expected to achieve this specific task (Nivette 2016). Vigilantism itself is strongly predicted by punitiveness as well (Nivette 2016), which indicates that before committing to the act of taking justice into their own hands, individuals have to experience some sense of retribution and just deserts. These findings together suggest that perceptions of statelessness contribute to the delegitimization of the formal justice institutions that are expected to rise to the challenge of public security, thus increasing the public need for social order and control, which explains the link between feelings of legitimacy and punitiveness. While the case of Chile is likely more nuanced, given its "success" status relative to the rest of the region, the findings and implications of this chapter further highlight the importance of researching the Legitimacy-based approach model in Latin American countries on a case-by-case basis.

As mentioned above, the fact that each dimension of political legitimacy has its own distinct relationship with punitiveness suggests that attitudes towards punishment emerge from different sources within the political legitimacy construct. For example, the influence of a dimension like *support for core regime principles* on punitiveness may rest upon a more ideological basis of support based on the individual's beliefs of what the purpose of punishment is in light of democratic principles, whereas the influence of a dimension like *support for regime institutions* may be the result of individual objective and subjective experiences with the system. More specifically, the concept of *principles* may be ideologically associated with an individual's

normative preferences and beliefs of what democracy should or should not be, while the concept of *institutions* may speak to citizens' direct experiences with the system and their expectations of how institutions should or should not be performing. This differential dynamic has been identified in countries from the Southern Cone (i.e. Argentina, Chile and Uruguay), particularly in regards to support for vigilantism, which is rooted on individual experiences, and in support for police protocol, which comes from personal beliefs and philosophy of life (Rossi 2017). The presence of a differential dynamic in the relationship between political legitimacy and punitiveness also suggests that the origins of public support for either legal or extra-legal punishment varies depending on what specific attitude forming mechanism is at work for each individual dimension of political legitimacy. Essentially, each dimension of political legitimacy is potentially rooted in different underlying aspects of an individuals' worldview, which in turn would explain why each dimension is linked to preferences for punishment and/or prevention in different ways.

7.1.3 Instrumental Factors and Other Correlates of Punitiveness

In regards to the effect of instrumental and other demographic factors on punitiveness, the findings from Chapters 5 and 6 show some differences that are worth noting. When looking at the South American region as a whole, the results from Chapter 5 indicate that many of the instrumental correlates of punitiveness identified in previous research were important predictors of punitiveness in this analysis. Those individuals who felt less secure, who had been directly victimized, who supported vigilantism, who identified with a right-wing ideology, who were younger and with less education were more likely to support an increase of the punishment of offenders as the best way to reduce crime in their country. Although the literature on the instrumental correlates of punitiveness remains largely inconclusive (Tyler and Boeckmann 1997; Gerber and Jackson 2016; Nellis and Lynch 2008; King and Maruna 2009; Roberts and Stalans 2000), the findings from Chapter 5 support the influence of these crime-related factors on punitiveness for South America. However, those who had experienced victimization indirectly and those who paid less attention to the media were likely to support a combined crime control approach that included both prevention and punishment, which highlights some level of ambiguity for these specific instrumental factors.

Despite said ambiguities, instrumental factors seem to hold some explanatory value for South America as a region. However, when turning to the Chilean case study in Chapter 6, this is no longer the case. Chileans who trusted the police, who identified with a right-wing ideology, who were losers, who paid more attention to the media and had lower levels of education were all more likely to support punishment. Interestingly, fear of crime and victimization were not relevant predictors of punitiveness in Chile at all, which aligns with the research that shows no direct relationship between fear of crime and punitiveness (Baron and Hartnagel 1996; Ouimet and Coyle 1991; Roberts and Stalans 2000; King and Maruna 2009). In particular, in the context of Chile, decreased support for institutions, trust in the police, and identifying with a right-wing political ideology were the most consistent predictors of punitiveness, net of all other factors. This is a very important finding, as it evidences that many criminological explanations of punitiveness may be failing to consider the relevance of political and institutional factors in tackling our understanding of how citizens align or do not align with public security policies.

Moreover, in contrast with the findings from Chapter 5, being a loser was a significant predictor of punitiveness. This finding supports the legitimacy-based approach to punitiveness and suggests that this model might work particularly well in countries like Chile and Uruguay[13], which have higher levels of economic and political stability, and where the transitions to democracy were agreed upon rather than forced or imposed, yet these are still countries with high levels of public punitiveness. However, more empirical tests should be conducted to identify or determine any potential mediation effects of legitimacy in this relationship.

7.2 Implications and Contributions

The legitimacy-based approach to punitiveness has proved to fill in some important explanatory gaps regarding the theoretical origins of punitiveness in Latin America. Furthermore, the empirical tests of this model have allowed us to better understand the limitations of the instrumental and symbolic approaches in explaining punitiveness in other regions of the world, and has given us an effective framework from which to understand the role

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[13] Individual country analyses revealed that Uruguay was the only other country in South America to have significant loser effects. This might be linked to Chile and Uruguay's many shared similarities, ranging from their histories with democracy, their levels of economic development, and their overall stability (Pribble 2006).

the legitimacy of the state plays in shaping citizens' preferences for the harsher treatment of criminal offenders.

While the expectation was to find a broad negative relationship between political legitimacy and punitiveness, the findings actually show a much more interesting picture that highlights the nuanced links between each dimension of political legitimacy and attitudes towards punishment. Largely, these findings have important implications for theory, research and policy. Particularly, these findings contribute to and have implications for the empirical study of public attitudes towards punishment as well as for the understanding of public attitudes towards crime control practices.

First, the results from this thesis emphasize the importance of approaching the study of political legitimacy and punitiveness with the view that these two constructs are multidimensional. In the case of political legitimacy, it is especially important to differentiate how and to what extent each dimension of political legitimacy exerts an influence on other outcomes, which in the case of this thesis was punitiveness. Support for regime institutions is strongly linked to citizens' preferences for crime control policies, yet dimensions such as evaluation of regime performance or support for political actors were not. These differences amongst the effects of each dimension on punitiveness suggest that this multidimensionality is indeed critical and should be further studied, as treating legitimacy as a singular concept rather than attending to its specific aspects/dimensions may thus obscure important relationships that only appear when the concept is treated in a more differentiated manner.

Second, this thesis effectively established a relationship between political legitimacy and punitive attitudes, which suggests that political legitimacy should be consistently added to the list of correlates of punishment. The results from the empirical analyses clearly showed that the importance of support for regime institutions remained present net of other instrumental or demographic factors being added to the models. This indicates that scholars should consider adding the legitimacy-based approach to their vocabulary when researching public punitiveness, especially in Latin America, as this theoretical framework helps explain some aspects of public punitiveness in the region that has, to date, eluded criminologists. These findings further contribute to the literature on punitiveness by emphasizing the role of the delegitimization of formal institutions in increasing citizens' punitiveness, and also contribute to the literature on comparative politics by providing another bridge through which politics and criminology connect in aspects that are directly relevant to the citizenry.

In addition, scholars should consider further testing the empirical relationship between the winner-loser gap, legitimacy and punitiveness, as the direct effect of being a loser on punitiveness seems to be specific to certain countries and not to the region as a whole. The distinction between South America and the case of Chile in regards to the significance of being a loser suggests that a cultural shift towards punishment in the whole region may have taken place, regardless of whether or not citizens support or voted for the incumbent at the time. This, in turn, further supports the idea that what influences punitiveness in terms of legitimacy is its institutional component, rather than that of political authorities or specific political figures.

Finally, a third emerging implication that can be targeted to policy-makers is that government efficiency and efficacy are important in shaping citizens' attitudes towards crime control measures. This is consistent with some of the literature that has been conducted on the subject (Nivette 2016; Fortete and Cesano 2009; Dammert and Malone 2003), but this thesis further contributes to this area of research by providing a model with very specific causal links that can be further studied in order to provide guidelines for institutions and other state entities involved in the crime control process. While not every aspect of the model could be empirically tested in this thesis due to data availability, the model provides an important blueprint for policy-makers to take into account when devising crime control policies. More specifically, this model provides a roadmap of how punitiveness originates in the public. This model then provides invaluable knowledge to policy-makers and politicians alike who pay attention to and listen to their constituents, particularly in regards to what the public really wants (and what they really mean) when they voice their preferences for the harsher punishment of criminals.

The findings from the studies conducted in this thesis indicate that, when the public demands punitive sentences, they are actually voicing their underlying concerns about institutional legitimacy and their doubts about the capacity of the state to protect and provide security. Tests of the legitimacy-based approach to punitiveness showed that citizens tend to be more punitive when they ascribe lower legitimacy to their state institutions, thus this theoretical model gives policy-makers and other institutional authorities the tools to more carefully understand the real meaning behind citizens' preferences for punishment over prevention. It is important to also recognize that the broader literature on punitive populism has shown that neoliberal media systems have an important role in furthering the tough on crime rhetoric followed by political leaders as well. This is the result of the practices these media systems

engage in, which narrow the voices of many citizens, making the public appear more homogeneously punitive (Bonner 2019).

Thus, with this more complete understanding of punitive attitudes, different government, state and institutional authorities can potentially shift from policies that result from penal populism to enacting policies that originate from a true consideration of the interactions between the state and the citizenry and the needs of the latter.

7.3 Limitations

This research is not without limitations. The first area of limitations that needs to be addressed is that of the nature of the data used in the empirical component of these studies. Research on punitiveness in Latin America has been particularly scarce due to the unavailability of data and appropriate measures. Although the indicators of political legitimacy used for both empirical studies were robust, the measures of punitiveness were quite limited and might not have captured the concept with full clarity. Scholars have argued that, much like the case with political legitimacy, punitiveness is also a multidimensional construct and should be measured as such (Maguire and Johnson 2015). While the punitiveness measure used for the analyses presented in this thesis did contrast preferences for increased punishment relative to preferences for the implementation of preventative measures, the existence of an in-between category, "*both*" (included in the analyses but not shown), adds an element of ambiguity and might potentially fail to capture more intricate thought patterns of individuals regarding the purpose and motivation behind punishment. A more comprehensive measure of punitiveness would help capture the concept and the differences between citizens preferences more carefully. To date, however, most studies on punitiveness in Latin America tend to be limited to the AmericasBarometer 2012 wave due to the dearth of data on the subject (see Singer *et al.* 2019; Lehmann *et al.* 2020a; Nivette 2016). Furthermore, the unavailability of data did not allow me to determine if having more information about an offender or information of a crime event would suppress or amplify the effects of political legitimacy on punitiveness, which is something that researchers have identified as an potential predictor of an individual's punitiveness (Gelb 2009; Indermaur *et al.* 2012).

Another limitation related to the data was the unavailability of exact measures for some of the dimensions of political legitimacy in all of the waves. In Chapter 6, not all measures of

political legitimacy were included, and thus the impact of some dimensions had to be omitted. The existence of a political community was an important predictor of punitiveness for the whole Latin American region, so it is not far-fetched to assume that this would be the case for Chile as well. However, this was not possible to test at this time given that the measure was not available for the case study.

In the case of punitiveness, the limitations associated with the measure used in this thesis sit along a vast amount of research that advocates for the multidimensionality of the construct (Maguire and Johnson 2015; Kury and Ferdinand 1999; Sprott 1999). A multidimensional measure of punitiveness reduces ambiguity and increases a respondent's ability to express their sentiments towards punishment in a way that allows for researchers to tap into their motives as well. Punitiveness should be more accurately captured in light of its multidimensionality, as shown by the evident distinction between the elements of political legitimacy and other correlates that predict punitiveness compared to those that predicted and explained preferences for prevention. The punitiveness measure used in this study asked individuals to state their preference for what the best way to reduce crime in the country was based on their choice of three specific options: the implementation of prevention, the increase of punishment or both. Therefore, the research question limited this research to examining the link between political legitimacy and any one of those three options, and thus it does not provide explanations for what citizens actually understand by any of those categories, nor does it further provide evidence of citizens' knowledge of the criminal justice system and its social control policies. As mentioned in Chapter 3, research has shown that punitiveness tends to be attenuated when citizens are given more information about crime and the criminal justice system (Kääriäinen 2019). This remains to be tested in light of the impact of political legitimacy on punitiveness.

The short time span for the time series component was another data-related limitation. In order to effectively test both causal patterns and the stability of the legitimacy-based approach to punitiveness, a wider range of time should be analysed. The time series exercise presented in Chapter 6 only spanned six years from 2012 to 2018, with roughly two to four years in between waves. A short time span in a time series study can potentially reduce the chances of capturing the effect of one construct on another. Having a longer time series would allow for the effects to be examined at large and for the significant variables to emerge with more clarity. In other words, if there is an important causal effect which arises over time as well as at any one point in time, this causal dynamic may only manifest itself over a long period; shorter snapshots may thus

fail to identify this dynamic. Although the results showed that time did play a role in the effect that support for core regime principles had on punitiveness in Chile, there were simply not enough time points to make a more accurate assessment of the strength of this relationship over time. This lack of time series points may also explain why out of the five dimensions considered in the analyses in Chapter 6, only one resulted in statistical significance across time.

Along these same lines, another important limitation for this time series study was the unavailability of true panel data. Panel data allows a more precise identification of the effects on an outcome of changes within individuals of the core explanatory variable. Given that the focus of this research is on citizens' attitudes towards punishment, it would be much more valuable to test the legitimacy-based approach to punitiveness on a specific sample of the same individuals over time with the goal to capture both the causal mechanisms of the model as well as any change patterns net of any individual characteristics.

Finally, the data did not allow for the inclusion of symbolic predictors of punitiveness. As mentioned in Chapter 3, most symbolic predictors of punitiveness have received much more empirical support compared to instrumental factors, suggesting that punitiveness arises from explanations that are not directly related to crime (Tyler and Boeckmann 1997; King and Maruna 2009; Kury and Shea 2011; Hirtenlehner and Farrall 2013; Gerber and Jackson 2016; Brown and Socia 2017; Unnever and Cullen 2010). Some of these factors, such as statelessness, were not empirically tested in the analyses presented in previous chapters. It is important to keep in mind that, consistent with the literature, if these symbolic factors were actually included in the models, one would expect for many of the instrumental factors that showed some predictive value to potentially lose it.

A second important area of limitations of the current research is the narrow scope of the research question and its subsequent empirical tests. The main focus of this thesis was to determine the extent to which political legitimacy influenced punitive attitudes in Latin America. While a narrow focus is to be expected from a thesis that is part of my doctoral studies research, this constraint may have left out important aspects of our broader understanding of citizens' attitudes towards punishment.

7.4 Future Research Directions

This thesis shows support for the legitimacy-based approach to punitiveness, and while it provides evidence for the existence of a relationship between political legitimacy and punitiveness, this thesis also shows that some aspects of political legitimacy are not relevant in explaining punitiveness. Mainly, this research shows support for the relationship between institutional and regime legitimacy and punitiveness, but also evidences a much weaker relationship between other dimensions of legitimacy such as the existence of a political community, the evaluation of regime performance, support for local government, and support for political actors and punitiveness. This particular limitation indicates that it may not be political legitimacy as such which predicts punitiveness, but rather just the institutional component of it. Therefore, the legitimacy-based approach to punitiveness model may need to be revised to reflect the specific aspects of institutional competency and legitimacy that are linked to punitiveness, rather than simply include the concept as a whole.

To address some of these limitations, future research efforts should endeavour to examine the underlying causal mechanisms behind the legitimacy-based approach to punitiveness. While this model specifies the role that each factor plays in influencing citizens' attitudes towards punishment, the nature of the data did not allow for a more in-depth causal exercise. Scholars should aim to collect original data to (1) capture the very essence of the legitimacy-based approach with survey questions that are specifically tailored to the context in which the survey is being conducted, (2) to arrive at more comprehensive measures of punitiveness that can eventually reduce ambiguity as well as the limitations associated with certain analytical strategies and (3) account for a more comprehensive list of symbolic correlates that the literature has deemed relevant.

Future research should also take into account the importance of the underlying motivators behind attitude formation as well as other confounding variables that were not able to be included in these studies, such as measures of corruption or more accurate measures of political experiences and knowledge. More specifically, studies should look at the differential dynamic behind the relationship between political legitimacy and punitiveness in order to determine the actual causal mechanisms that drive the permutations between each dimension of political legitimacy and preferences for crime control measures. By doing this, the nuances of the multidimensionality of political legitimacy can be further explored, and its impact on punitiveness (as well as which specific aspects of punitiveness), further understood. Scholars are encouraged to consider the role of citizens' emotions in their attitude formation processes, as this

can yield important findings with respect to the differential dynamic underlying the influence of political legitimacy on punitiveness.

In addition to this, future studies should expand and revise the legitimacy-based approach to punitiveness to narrow and specify the conceptualization of political legitimacy from state legitimacy to institutional legitimacy. Studies should also take into account the Latin American context today, and should include the importance of immigration in generating punitiveness. More specifically, studies should look at the role of group-threat theory and its interplay with institutional legitimacy. Group threat theory suggests that when minority groups grow, they can pose a threat to larger majority groups, which can then incite these majorities to mobilize social control policies against the threats imposed by the growing minority (Lehmann *et al.* 2020a; Blalock 1967). Consistent with the legitimacy-based approach, the existence of an added threat in the shape of immigrant minorities should place even more pronounced demands on state institutions to perform and deliver in regards to crime control. Thus, future research should examine how perceptions of group-threat condition the relationship between institutional legitimacy and punitiveness.

7.5 Conclusions

This thesis has shown that political legitimacy is an important correlate of punitiveness in Latin America. The primary contribution of this thesis was the application of the legitimacy-based approach, which provides a better understanding of how perceptions of political legitimacy shape public opinion. More specifically, this framework advances our research practices by encouraging the idea that political legitimacy should be approached as a multidimensional construct, but more importantly, this thesis has unearthed how each of its dimensions has unique associations with public opinion on crime control policies. In other words, political legitimacy should be studied as a function of each of its dimensions, and not just as an overarching abstract concept.

The findings from this research suggest that the legitimacy-based approach to punitiveness provides an alternative explanation for public punitiveness in the Latin American region. This approach bridges a gap in the literature that limits itself to criminological explanations for the punitive turn in Western societies and does so by highlighting the importance of the political in explaining the punitive turn. Latin America experienced a very

specific trajectory as a result from its transitions from authoritarian regimes to democracy. The legitimacy-based approach takes these transitions as the starting point for a distinctive chain of events that have culminated in the delegitimization of state institutions and the subsequent increase in preferences for harsher crime control policies and measures.

The results from this thesis suggest that the delegitimization of institutions is a significant predictor of punitiveness in Latin America. While instrumental factors are important in predicting punitiveness for South America as a whole, when looking at the legitimacy-based approach closely as in the Chilean case study, the evidence shows that political legitimacy plays an important role that should be taken into account when explaining citizens' preferences for harsher policies. This research also suggests that political legitimacy and punitiveness are linked through a differential dynamic, and knowledge of the specific mechanisms behind how each of those dimensions exerts this influence has yet to be discovered.

Future research should continue to bring attention to the intricate and nuanced relationship between citizens' perceptions of the legitimacy of their state, institutions, and the formation of their attitudes towards public security policies and crime control measures. Scholars are encouraged to approach political legitimacy as an important correlate of punitiveness, especially in contexts where political events or conflict remain relevant. Furthering our understanding of how political legitimacy precisely shapes public attitudes towards punishment provides invaluable insights for both theory and practice, as it encourages scholars to include political legitimacy to the list of correlates of punitiveness in future empirical efforts, and it provides policy-makers with an important toolkit for making informed decisions regarding citizen perceptions, expectations and feelings towards public security policies.

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Appendix - Chapter 5

Table 5.5. Sample Survey Items of Public Punitiveness

Dimension	Sample Items	Authors
1. Support for death penalty	"Do you favour or oppose the death penalty for persons convicted of murder?" 0=Oppose, 1=Favour	Brown 2006; Sprott 1999; Unnever and Cullen 2010; Roberts and Indermaur 2007
	The death penalty should be the punishment for murder. 0=No, 1=Yes	
2. Leniency of courts and system	"In general, do you think the courts in this area deal too harshly or not harshly enough with criminals?" 1=Too Harshly, 2=About Right, 3=Not harshly enough	Brown 2006; Sprott 1999; Unnever and Cullen 2010
3. Endorsement of "get tough" policies	"Would you favour or oppose a law requiring mandatory life imprisonment for anyone convicted of a violent felony for the third time?"	Ramirez 2013

4. Purpose/goal of punishment (retribution, deterrence, incapacitation, rehabilitation)	"The primary purpose of our legal system is to make criminals pay for their offenses" (e.g.: Retribution)	Kugler et al. 2013; Keller et al. 2010; McKee and Feather 2008
	"We should put criminals in jail so innocent citizens will be protected from criminals who will victimize, rob, or hurt them if given the chance" (e.g.: Incapacitation)	
	"Punishing criminals will set an example and showing others that crime does not pay" (e.g.: Deterrence)	
5. Support for progressive versus punitive measures	"What should be done to reduce crime in a country like ours?" 0=Implement preventative measures; 1=Increase punishment of criminals; 2=Both (unprompted)	Nivette 2016; Maguire and Johnson 2015
	"Do you think that our country needs a government with an iron fist, or do you think that problems can be resolved with everyone's participation?" 0=Everyone's participation; 1=Iron fist	
	"In order to reduce the crime rate the government should rely more on the military" 1=Strongly Disagree, 5=Strongly agree	
	"In order to reduce the crime rate the government should invest more in education" 1=Strongly Disagree, 5=Strongly agree	

6. Approval of vigilantism or institutions acting outside of the law

"In order to apprehend criminals do you think that the authorities should always respect the law or that occasionally they can skate close to the limits of the law?" 1=can act on the margins occasionally

"Of people taking the law into their own hands when the government does not punish criminals. How much do you approve or disapprove?" 0=Disapproves, 1=Approves

Rossi et al. 2017; Nivette 2016

Table 5.6. Ordered Logistic Regression Model for Punitive Attitudes in South America: 2012 AmericasBarometer.

| | Model 3 | |
| | Ordinal Punitiveness | |
Predictor	OR (SE)	95% CI
Intercept 1	-1.98	-1.880- -0.845
	(0.264)	
Intercept 2	-0.63	-1.148- -1.114
	(0.263)	
Political Legitimacy *(IV)*		
Political Community	1.01	0.982- 1.004
	(0.016)	
Support for Regime Principles	0.95***	0.934- 0.968
	(0.008)	
Evaluation of Regime Performance	1.04	0.977- 1.123
	(0.037)	
Support for Institutions	0.90***	0.871- 0.948
	(0.019)	
Support for Political Actors	0.99	0.964- 1.022
	(0.014)	
Covariates and Controls		
Fear of Crime	0.90***	0.865- 0.944
	(0.020)	
Direct Victimization	1.15**	1.055- 1.261
	(0.052)	
Indirect Victimization	0.97	0.893- 1.063
	(0.043)	
Vigilantism	1.13***	1.115- 1.146
	(0.007)	
Trust in the Police	1.02	0.998- 1.050

		(0.013)	
Political Ideology		1.03***	1.021- 1.051
		(0.007)	
Loser		0.97	0.905- 1.055
		(0.041)	
Media Attention		0.96	0.928- 1.001
		(0.018)	
Female		0.93	0.872- 1.013
		(0.035)	
Age		0.99***	0.992- 0.996
		(0.001)	

Education (Ref: No Education)

High School		0.66**	0.508- 0.865
University		(0.090)	
		0.40***	0.304- 0.528
		(0.056)	
Employed		0.92*	0.851- 0.994
		(0.036)	
Not Married		1.02	0.947- 1.099
		(0.038)	

Race (Ref:White)

Mestizo		0.99	0.903- 1.093
		(0.048)	
Indigenous		0.95	0.793- 1.146
		(0.089)	
Black		1.05	0.859- 1.299
		(0.111)	
Biracial		1.00	0.833- 1.212
		(0.095)	
Other		1.35	0.948- 1.928
		(0.244)	

Country (Ref: Colombia)

| Ecuador | | 1.17 | 0.987- 1.403 |
| | | (0.105) | |

	OR (SE)	CI
Bolivia	1.34***	1.154- 1.573
	(0.106)	
Peru	1.54***	1.299- 1.838
	(0.136)	
Paraguay	2.01***	1.677- 2.421
	(0.188)	
Chile	2.47***	2.073 - 2.949
	(0.222)	
Uruguay	1.30**	1.095- 1.545
	(0.114)	
Brazil	1.31**	1.090- 1.588
	(0.126)	
Venezuela	0.83*	0.703- 0.998
	(0.074)	
Argentina	1.77***	1.493- 2.116
	(0.158)	

N=11,798. Base category for model is Prevention.

*p<.05, **p<.01,***p<.001. OR = Odds Ratios. SE = Standard Errors. CI = 95% Confidence Intervals.

Table 5.7. Factor Analysis Loadings for Political Legitimacy Items

Table 5.7. Factor Analysis Loadings for Political Legitimacy Items: 2012 AmericasBarometer

	1	2	3	4	5
Eigenvalues	6.678	2.029	1.574	1.18	1.037
Existence of a Political Community					
To what extent are you proud of being [insert nationality]?	-0.139	0.182	0.064	0.019	0.87
Eigenvalues	6.678	2.029	1.574	1.18	1.037
Support for Core Regime Principles					
To what extent would you approve of people participating in demonstrations allowed by the law?	-0.042	-0.121	0.041	0.895	-0.121
To what extent would you approve of people participating in an organization or group to try to solve community problems?	-0.152	-0.046	0.062	0.896	0.033
To what extent would you approve of people working for electoral campaigns for a political party or a candidate?	0.088	-0.133	-0.011	0.788	0.002
Eigenvalues	6.678	2.029	1.574	1.18	1.037
Support for Regime Institutions					
To what extent do you believe that justice courts guarantee a fair trial?	0.834	-0.105	0.096	-0.055	-0.26
To what extent do you have respect for the political institutions of your country?	0.743	-0.104	0.135	0.028	0.119
To what extent do you believe that the basic rights of citizens are well-protected by [country's] political system?	0.827	-0.02	0.095	-0.069	-0.028
To what extent to do you have pride in your country's political system?	0.755	0.057	0.097	-0.028	0.08
To what extent do you think that the country's political system should be supported?	0.647	0.084	0.101	0.027	0.143
To what extent do you trust the justice system?	0.872	-0.022	0.08	-0.057	-0.131
To what extent do you trust the parliament/national congress?	0.781	0.018	0.036	-0.044	-0.074
To what extent do you trust political parties?	0.762	-0.115	-0.025	0.029	-0.167
To what extent do you trust the supreme court of justice?	0.737	0.082	0.003	-0.006	-0.101
To what extent do you trust your municipality?	0.575	-0.255	-0.299	-0.038	0.264
Eigenvalues	6.678	2.029	1.574	1.18	1.037
Evaluation of Regime Performance					
How would you rate the current economy in the country?	0.1	-0.23	0.705	-0.025	0.259
Do you consider that the current economic situation of the country is… compared to 12 months ago?	0.291	-0.337	0.664	-0.046	0.14
Would you say that the services the municipality is giving to people are…?	-0.212	0.354	0.706	0.07	-0.249
Eigenvalues	6.678	2.029	1.574	1.18	1.037
Support for Political Actors and Authorities					
To what extent would you say that the current government fights poverty?	-0.027	0.868	-0.044	-0.107	0.034
To what extent would you say that the current government promotes and protects democratic principles?	0.003	0.976	0.049	-0.051	0.031
To what extent would you say that the current government fights governmental corruption?	0.003	0.976	0.049	-0.051	0.031

Table 5.8. Suest Test Output

Hausman tests of IIA assumption (N=11798)

Ho: Odds(Outcome-J vs Outcome-K) are independent of other alternatives

```
                |      chi2    df   P>chi2
----------------+------------------------
     Preventi   |    -6.782    33      .
         Both   |   -32.434    33      .
     Punishme   |    -9.097    32      .
```

Note: A significant test is evidence against Ho.

Note: If chi2<0, the estimated model does not meet asymptotic assumptions.

Table 5.9. Brant Test Output

Brant test of parallel regression assumption

```
                 |      chi2    p>chi2       df
-----------------+----------------------------
            All  |    435.70     0.000        33
-----------------+----------------------------
        pol_comm |      3.08     0.079         1
   reg_princ_mean |     25.43     0.000         1
    reg_perf_mean |     14.19     0.000         1
   supp_inst_mean |      7.12     0.008         1
  pol_actors_mean |      4.50     0.034         1
  loser_winner_all |     9.31     0.002         1
    fear_crime_rec |     0.72     0.397         1
    1.vict_direct |      0.10     0.747         1
  1.vict_indirect |     13.03     0.000         1
     trust_police |      4.18     0.041         1
      vigilantism |      3.51     0.061         1
           pol_id |      1.50     0.221         1
        media_rec |      7.43     0.006         1
         1.gender |      0.00     0.969         1
              age |      4.98     0.026         1
           1.educ |      0.49     0.484         1
           2.educ |      2.77     0.096         1
       1.employed |      0.38     0.539         1
     1.mar_status |      1.49     0.222         1
           drace2 |      0.63     0.426         1
           drace3 |      0.64     0.424         1
           drace4 |      0.69     0.408         1
           drace5 |     10.60     0.001         1
           drace6 |      0.28     0.599         1
           9.pais |      2.68     0.102         1
          10.pais |     50.24     0.000         1
```

```
11.pais |      8.89      0.003      1
12.pais |      1.18      0.278      1
13.pais |     92.11      0.000      1
14.pais |      4.05      0.044      1
15.pais |     43.88      0.000      1
16.pais |      0.04      0.845      1
17.pais |     14.55      0.000      1
```

A significant test statistic provides evidence that the parallel regression assumption has been violated.

Table 5.10 Multinomial Probit Regression Model

Table 5.10. Multinomial Probit Regression Models for Punitive Attitudes in South America: 2012 AmericasBarometer.

	Model 1	
	Preference for Punishment	
	Relative to Prevention	
Predictor	β(SE)	95% CI
Intercept	0.47	-0.119- 1.070
	(0.303)	
Political Legitimacy *(IV)*		
Political Community	0.02	-0.013- 0.057
	(0.018)	
Support for Regime Principles	-0.02*	-0.046- ⁻0.005
	(0.010)	
Evaluation of Regime Performance	0.11**	0.039- 0.198
	(0.040)	
Support for Institutions	-0.01	-0.063- 0.033
	(0.024)	
Support for Political Actors	0.03	-0.000- 0.066
	(0.016)	
Covariates and Controls		
Fear of Crime	0.02	-0.028- 0.072
	(0 .025)	
Direct Victimization	-0.04	-0.147- 0.056
	(0.052)	
Indirect Victimization	-0.16**	-0.261- ⁻0.065
	(0.050)	
Vigilantism	-0.03***	-0.048- ⁻0.016
	(0.008)	

Trust in the Police	0.01	-0.013- 0.044
	(0.014)	
Political Ideology	-0.00	-0.024- 0.009
	(0.008)	
Loser	-0.11**	-0.204- ⁻0.029
	(0.044)	
Media Attention	0.06**	0.026- 0.113
	(0.022)	
Female	0.02	-0.059- 0.109
	(0.043)	
Age	-0.00	-0.003- 0.002
	(0.001)	
Education (Ref: No Education)		
High School	0.04	-0.270- 0.354
	(0.159)	
University	0.13	-0.187- 0.454
	(0.163)	
Employed	0.01	-0.076- 0.100
	(0.045)	
Not Married	-0.05	-0.137- 0.032
	(0.043)	
Race (Ref:White)		
Mestizo	-0.03	-0.148- 0.069
	(0.055)	
Indigenous	0.08	-0.125- 0.298
	(0.108)	
Black	0.06	-0.171- 0.302
	(0.120)	
Biracial	0.29**	0.085- 0.513
	(0.109)	
Other	-0.24	-0.652- 0.162
	(0.207)	
Country (Ref: Colombia)		
Ecuador	-0.25*	-0.454- ⁻0.046
	(0.103)	

	β (SE)	95% CI
Bolivia	-0.72***	-0.902- ⁻0.544
	(0.091)	
Peru	0.09	-0.117- 0.304
	(0.107)	
Paraguay	-0.20	-0.418- 0.018
	(0.111)	
Chile	-1.33***	-1.540- ⁻1.131
	(0.104)	
Uruguay	-0.30**	-0.506- ⁻0.109
	(0.101)	
Brazil	-0.77***	-0.990- ⁻0.559
	(0.109)	
Venezuela	0.87	-0.115- 0.290
	(0.103)	
Argentina	-0.63***	-0.830- ⁻0.430
	(0.102)	

N=11,798. Base category for model is Prevention.

*p<.05, **p<.01,***p<.001. β = Coefficients. SE = Standard Errors. CI = 95% Confidence Intervals.

Appendix – Chapter 6

Table 6.3. Factor Analysis Loadings for Political Legitimacy Items

Table 6.3. Factor Analysis Loadings for Political Legitimacy Items: 2012, 2014 and 2018 AmericasBarometer.

	1	2	3	4	5
Eigenvalues	4.204	0.483	0.26	0.128	0.071
Support for Core Regime Principles					
To what extent would you approve of people participating in demonstrations allowed by the law?	0.028	0.037	-0.05	0.211	0.121
Eigenvalues	4.204	0.483	0.26	0.128	0.071
Support for Regime Institutions					
To what extent do you believe that justice courts guarantee a fair trial?	0.529	0.216	-0.027	-0.082	0.113
To what extent do you have respect for the political institutions of your country?	0.644	0.036	0.158	0.039	0.028
To what extent do you believe that the basic rights of citizens are well-protected by the Chilean political system?	0.765	0.103	0.082	-0.047	0.119
To what extent to do you have pride in your country's political system?	0.792	-0.051	0.216	-0.015	-0.026
To what extent do you think that the country's political system should be supported?	0.718	-0.059	0.21	0.042	-0.1
To what extent do you trust the parliament/national congress?	0.725	0.211	-0.171	-0.058	-0.064
To what extent do you trust political parties?	0.623	0.153	-0.234	-0.063	-0.036
To what extent do you trust the elections in this country?	0.58	-0.128	-0.106	0.191	-0.008
Eigenvalues	4.204	0.483	0.26	0.128	0.071
Evaluation of Regime Performance					
Do you consider that the current economic situation of the country is… compared to 12 months ago?	-0.227	0.382	0.071	0.08	-0.102
Eigenvalues	4.204	0.483	0.26	0.128	0.071
Support for Local Government					
To what extent do you trust your municipality?	0.563	-0.103	-0.167	0.103	-0.047
Eigenvalues	4.204	0.483	0.26	0.128	0.071
Support for Political Actors and Authorities					
Speaking about the current government, would you say that the job the President is doing is…?	-0.394	0.419	0.074	0.1	0.006

Table 6.4 Likelihood Ratio Test Output

Likelihood Ratio Test to determine inclusion of time dummy variables

```
. lrtest m1_no_time M1

Likelihood-ratio test                              LR chi2(2)  =     10.77
(Assumption: m1_no_time nested in M1)              Prob > chi2 =    0.004
```