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Policing Protest in Argentina and Chile

Michelle D. Bonner



**Policing
Protest in
Argentina
and Chile**

Michelle D. Bonner

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1

Policing Protest

When I was taking pictures of the protest and the tear gas, I saw that in the center of a park there were a few Carabineros on horseback beating a group of people (women, children, men) — people who had left the protest and were gathered in the park. I saw this, and I went running to take pictures of what was happening. In ten or fifteen seconds, very quickly, the people ran. I took the pictures I needed and I retreated. I walked a few meters and then I saw one of those same Carabineros on horseback coming toward me with the clear intention of hurting me. I lifted my equipment and camera and told him “calm down. It’s all over. Nothing’s going on.” He came galloping and didn’t stop. All I felt was the hit from the point of his stick while he was galloping by. Imagine! I felt he had passed and I ran after him taking pictures. At that point I thought I had lost my eye, because he hadn’t touched me anywhere else, just the whip of the tip of the stick entering directly into my eye and him galloping off. Imagine the force with which it entered!

—Victor Salas, photojournalist for Agencia EFE, recounting his experience at a protest in Valparaiso, Chile, on May 21, 2008, when he almost lost his eye.¹

The experience of Víctor Salas is not isolated. Despite the return of electoral democracy to most of Latin America in the 1980s and early 1990s, thousands of protesters and journalists continue to be arbitrarily arrested, injured, or even killed by police. At the most extreme, dramatic events result in many people losing their lives to police violence. For example, during the December 2001 economic and political crisis in Argentina, thirty-nine protesters were killed. Yet such repressive protest policing is not limited to dramatic and destabilizing events. Nor does it occur only in countries, like Argentina, where police are widely known by the public to be violent. Chile is a relatively stable democracy, with a well-respected police force. However, police in Chile have killed

protesters as recently as 2008 and 2011. Less fatal police repression of protest is routine.²

When police are called upon to manage protests in Latin America, most use a reactive approach known as “escalated force.” Police increase the level of force they use in response to perceived changes in protesters’ behavior. In some cases, the escalation of force can be rapid and extreme. Since 1980, police in electoral democracies in Latin America have used the following tactics and tools to manage protests: tear gas, water cannons (sometimes laced with acid), rubber bullets, live ammunition, mass arbitrary arrests, beatings, clubs, batons, grenades, cattle prods, rubber hoses, birdshot, buckshot, truncheons, and charging with police horses.

While some of these methods of crowd control can be used without the injury or death of protesters, the equipment is not always used in this manner. For example, tear gas can arguably be used safely unless it is fired directly at a person or in a confined space. Tear gas can affect babies, the elderly, and those with respiratory problems differently than those who are strong and healthy. It also cannot be contained, potentially affecting those who are not protesting. In addition, many reports suggest that police often attack protesters with the intention of causing injury. Once protesters are arrested and in police custody there are many reports of torture and beatings.³ In sum, police repression of protests in Latin America is problematic. More specifically, it is problematic for democracy.

According to the Inter-American Human Rights Commission, “societal participation through public demonstration is important for the consolidation of [the] democratic life of societies. In general, as an exercise of freedom of expression and freedom of assembly, it is of crucial social interest, which in turn leaves the State with very narrow margins to justify restrictions on this right” (OAS 2005: 140). Police repression of protests involves not only violence but also any action by police that increases the costs of collective action, and thus of freedom of speech and freedom of assembly (Tilly 1978: 100). Whereas some methods of policing crime can also be problematic for democracy, protest policing affects an even larger segment of the population. Citizens, including those who are not normally targeted as “criminals,” come in contact with police during protests in ways that can be perceived as actually and symbolically demarcating the limits of democracy by highlighting the boundaries of acceptable public criticism and state force. Citizens’ trust in the police, the legal system, and their political leaders may be colored by these experiences. Yet most studies of police reform and democratization do not address protest policing.

In particular, a study of accountability is missing. If the right to protest is fundamental to democracy, it follows that those responsible for repressive protest policing should, in a democracy, be held accountable. However, accountability is not straightforward. Protest policing is a complex challenge in all democracies. New democracies contend with the added difficulties of authoritarian legacies and violent forms of democracy that have emerged in many countries.⁴ Across regime types, an important part of the challenge of establishing accountability for repressive protest policing is that it is not viewed, in every society or every instance, as wrongdoing. Political and public support for *mano dura* or iron fist policing has been noted as a significant challenge to police reform generally throughout Latin America (Ungar 2011: 22-29; Uildriks 2009: 2; Harriott 2009: 124; Fuentes 2005). Protest policing is not an exception.

In this book I tackle the challenge of *mano dura* discourses and assess how protest policing is framed in Argentina and Chile. I ask: what role does discourse play in accountability for repressive protest policing? In particular, how do key state, society, and media actors frame acceptable and unacceptable protest policing? I argue that discourse matters for accountability in that it can establish repressive protest policing as wrongdoing, a precondition if other mechanisms of accountability are to be pursued or applied effectively. In addition, discourses frame, or provide the boundaries of, accountability by clarifying who is responsible, for what, and which mechanisms of institutional accountability should be pursued. By identifying these boundaries, discursive frames become a method of accountability in that they can simultaneously shame the identified wrongdoers, demand answers, and advocate for the activation of the identified mechanism of institutional accountability.

The answers to these questions of responsibility are debated in the literature on protest policing as well as between political and social actors in most countries, regardless of their regime type. In every case, the answers have implications for the state and societal understanding of what is acceptable or unacceptable protest policing. In what follows I explore the debates in the protest policing literature regarding *who* is responsible for *what*, and *how* they should be held accountable. This exploration reveals how one's starting point regarding who is responsible for repressive protest policing affects discussions of wrongdoing and accountability.

Who Is Responsible for Repressive Protest Policing? What Did They Do Wrong?

“Our police are absolutely not repressive ... [although] there might be an individual police officer who acts in a repressive manner, especially in moments of conflicts.”

—communications officer, Chilean Ministry of the Interior

“Police repression of protests has to do with how it is addressed in the media, the position of the government, and how protest and poverty are criminalized.”

—member of piquetero group Frente Santillán, Argentina.

“If there is a protest here, we do what the judge says.”

—Director of Communications, Argentine Federal Police

Who is responsible for repressive protest policing? *What* have they done that has instigated or caused repressive protest policing? Many scholars have studied the relationship between protests and repression, mostly in the context of established democracies. Each study centers its attention on the responsibility of some actors, paying less attention to others. Those actors identified by scholars as responsible for repressive protest policing include the government, protesters, individual police officers, police as an institution, the media, and no one. In what follows I explore the assumptions and conclusions that emerge from concentrating research on particular actors.

Government

For some, responsibility for the repression of protests lies in the political leadership, government, or regime type (e.g., Tilly 1978; Gamson 1990; Gurr and Lichbach 1986; Carey 2006). Some regime types or forms of government repress more than others. For example, established democracies repress protests less than authoritarian regimes or new democracies. In this approach it is assumed that political leaders or the government call on the police to use repression and the police follow their orders. In addition, political leaders might establish laws that increase the range of situations in which police will be expected to use repression (e.g., Kirchheimer 1961; Balbus 1973; Fernandez 2008). It is assumed that the police will enforce these laws. Similarly, in the case study of Argentina analyzed in this book, interviewees identify the judiciary as responsible for the repression of protests. In Argentina, under certain conditions, judges can order the police to clear public

spaces. Police follow orders. Political leaders might also reduce opportunities or institutionalized channels for resolving disputes with protesters, leaving dispute management to the police (e.g., Geary 1985; Della Porta and Reiter 2006: 187).

Protesters

Many of the studies on the role of governments in the repression of protests also note the dynamic relationship with protesters. For example, Gamson (1990) finds that protesters' use of nonviolence, as a practice and philosophy, decreases their chances of facing repression. As protesters become more violent, repression increases. The scale (geographic or numeric size) of the protest can also contribute to repression (Tilly 1978: 111). The larger the protest, the greater the chances are that it will be repressed.⁵ The identity of protesters also matters. Della Porta elaborates that repression may be influenced by the history of the police's interaction with the group protesting (1998: 20). Some protesters, based on who they are, are more likely to face repression than others. This might be because they are viewed as countercultural (Wisler and Giugni 1999: 178-181) or they lack power (Tilly 1978: 111). In sum, from this perspective, repressive protest policing is a response to protesters' tactics or identities — protesters are, at least in part, responsible for the repression that follows. Most studies do not evaluate the normative, discursive, or legal acceptability of such repression.

Individual Police Officers

Assigning blame to the government or protesters, assumes that the police merely follow orders. When they do not, a common practice by police, political leaders, and sometimes the media is to attribute the wrongdoing to a particular officer or officers as "bad-apples." This practice aims to maintain the legitimacy of the government and police while providing accountability (Beetham 1991). A study of police repression in the United States found that more often than the police as an institution, individual officers were identified in political, police, and media reports as the bad-apples responsible for repression (Lawrence 2000). In these cases, neither the government nor the police as an institution has done anything wrong. An individual officer is alleged to have gone beyond his or her orders and used excessive force for which he or she will be punished.

The Police Institution

Despite assumptions in some of the protest policing literature that police simply follow the orders given to them by a government, there is no consensus in the literature on policing that the police as an institution always do so (Marenin 1996). Police in all societies have a great deal of discretion regarding when and how they enforce laws; enforcing all laws all the time is a logistical impossibility. Police also have varying degrees of institutional autonomy from the state, depending on the country. In some countries this autonomy can be substantial. Thus police, as an institution, may make choices regarding how they manage protests that favor greater repression. They may or may not be responding to the explicit orders of the government.

For example, in the cases of the 1997 APEC conference in Vancouver, Canada, and the visit of the Chinese president to New Zealand in 1999, studies found that explicit government demands that the protesters be repressed were never found. Repression in these cases refers to the use of police tactics such as pepper spray, arbitrary arrest, reduction of protester visibility, and sirens to drown out protester chants. Yet, in both cases, the authors found that the police implicitly *knew* what was expected of them and acted upon this knowledge (Ericson and Doyle 1999; Baker 2007).

In other cases, such as Waddington's study of the London police, police do not enforce laws that support their use of repression because they see the laws as causing them too much "trouble" — increasing the chances of escalating protester violence or producing a future inquiry into police conduct (Waddington 1998: 119-120). Thus the police, as an institution, makes choices regarding how they manage protests and these choices can favor or reduce their use of repression.

Given the discretion that the police have, it is important to consider the techniques available to police when they manage protests. Is it possible for police to manage all protests without the use of repression? As I mentioned earlier, most police in Latin America follow a policy of escalated force when managing protests. This technique or style of managing protests has a long history in established democracies as well. Escalated force was the standard protest policing style in most established democracies until about the 1980s.

In the 1980s and 1990s, preventive protest policing, often referred to as "negotiated management," became the dominant approach to managing protests (Baker 2007; Ericson and Doyle 1999; Della Porta 1998; Waddington 1994, 1998; Earl, Soule, and McCarthy 2003; Wisler and Giugni 1999: 174) and continues to be used as an approach today

(Della Porta and Reiter 2006: 185). The specifics of negotiated management vary from country to country but include some of the following. Protest groups approach the police, or the police approach them, prior to the protest. In some countries protesters are required to inform the police of an upcoming demonstration through obtaining a protest permit and in others they are not. At this point, in some countries, the police will work with the protesters in the organization of the event. In Britain, Waddington explains that police negotiate with protesters amicably, emphasizing that they want to help the organizers, and they may even side with the protesters over the wishes of political authorities (1998: 121).

In Italy, in the 1990s, Della Porta found that police saw their role as mediators who aim to defuse potential disruptions. They would go as far as to call on social or political authorities to respond to protesters, contact journalists, or organize press conferences (Della Porta 1998: 237). In Britain, if the protest route chosen by the police is not one that is preferred by the protesters, police use persuasion through argumentation to convince organizers that it is the only option (Waddington 1998: 123).

Once the protest begins, police emphasize surveillance work over force. They attend wearing normal police clothes, not riot gear. If riot gear may be needed, it is kept hidden from sight (Waddington 1998: 122).⁶ Laws are not rigidly enforced. Waddington explains that, in London, police arrest of protesters is rare, not because protesters obey the law, but because “Nonarrest is a formal policy adopted by senior officers and communicated to their subordinates through briefings. On some occasions, impediments to arrest will be deliberately introduced in order to restrain zealous subordinates” (Waddington 1998: 118). Thus, even when police powers vis-à-vis protesters were increased in 1986, the laws were almost never applied (*ibid*: 119). Similarly, in Italy, police are trained to use information to make arrests *after* a demonstration (Della Porta 1998: 240). The assumption is that police action during a protest can escalate rather than diminish problems. Police in Italy report that the use of coercive tactics such as firearms, water cannons, baton charges, or tear gas are now generally considered to be “a failure in policing terms” (Della Porta 1998: 231).

Officially, in the 1980s and 1990s, negotiated management was the norm in established democracies and it continues to be used today. However, this approach is not always practiced (Della Porta 1998: 232-234). Repression was, and still is, used, but selectively. Studies have found that police use of repression may depend on the power of the group protesting, the scale of the protest, and the tactics used by the

protesters (Tilly 1978: 106-111; Gamson 1990: 81-87). For example, since the late 1990s, there has been a resurgence of more repressive policing practices against “transnational” or “antiglobalization” protests (e.g., Della Porta, Peterson, and Reiter 2006; Fernandez 2008; Gillham and Noakes 2007). Some scholars, working on the policing of antiglobalization protests, argue that since the 1999 World Trade Organization protest in Seattle police have responded to new protester tactics with a new protest policing style (Noakes and Gillham 2006; Gillham and Noakes 2007; King and Waddington 2006; Vitale 2005; Fernandez 2008). Noakes and Gillham (2006) refer to the new style as “strategic incapacitation.” However, others argue that what has emerged is not a new protest policing style; it is old (a version of escalated force). Protest policing remains, as it always has been, selective. Negotiated management continues to be used when possible (Della Porta and Reiter 2006; Reiter and Fillieule 2006). Even in response to antiglobalization protests, police will negotiate with those social movement organizations willing to negotiate. The challenge for police is that not all organizations are willing to negotiate (Gillham and Noakes 2007).⁷

In many other cases, repression does not occur because protests are tolerated or self-policed, or else police simply do not show up. Even during the height of the civil rights movement in the 1960s, Earle, Soule, and McCarthy found that in New York State police did not show up for 69 percent of protests (2003: 590). Thus police make choices regarding how they will manage a protest and have varying levels of autonomy in this choice. Their choices have potential consequences for the repression of protests. Police, as an institution, can be held independently responsible for the repression or nonrepression of protests.

The Media

The specific reasons why most established democracies moved from “escalated force” to “negotiated management” as their official protest policing style vary from country to country, but one common element is the role of the media. That is, the literature on protest policing agrees that the media play an important intervening role in reducing or encouraging the repression of protests (Gamson 1990: 158; Geary 1985: 130; Wisler and Giugni 1999: 173; Della Porta and Reiter 1998: 18; Fernandez 2008).

From the 1950s to the 1980s, media expanded dramatically. The number of newspapers multiplied, especially tabloids. Television grew enormously, as did radio. In the United States this expansion meant that not only were police using violence against civil rights protests but, and

perhaps more importantly, many people were seeing police repression of protests for the first time on television (Lawrence 2000). For example, Misner explains: "It was not until the civil rights struggle achieved daily prominence in the information media that the public gained any information about, or reflected upon, the relationship of the police to Negroes and the civil rights struggle" (1969: 111-112). This, he argues, gradually changed how police managed protests, and he provides a single example of how police used what has come to be known as negotiated management to peacefully respond to a protest in 1964 (Misner 1969: 118-119).

In Britain, Geary found that the media were one of three key factors in reducing police repression of labor disputes. He explains that "the presence of television cameras has a restraining effect on the behavior of pickets and police" (Geary 1985: 128). Senior officers are concerned about their image and "constables are trained not to react violently in situations where they might be filmed or photographed" (ibid: 130). Similarly, in Italy, Della Porta found that the police need to be seen as legitimate by citizens and by the government. The media can influence public opinion and political decision-making on protest policing. Thus she states: "The mere presence of journalists, in fact, appears to have a de-escalating effect on the police" (Della Porta 1998: 18).

Of course, the media do not always criticize repressive protest policing. Most authors recognize that the media have been a primary site of debate regarding "law and order" (or *mano dura*) understandings of protest policing that accept or encourage repression and "civil rights" frames that favor nonrepressive protest policing. All the studies of established democracies found that over time the "civil rights" frame emerged as dominant in the media, contributing to a decrease in repressive protest policing. In their study of protests in four Swiss cities from 1968 to 1994, Wisler and Giugni (1999) argue that social movements learned to use the media in their favor, decreasing the ability of the police to frame repressive protest policing as justified. This, they argue, has played an important role in the decrease of violence and an increase in police use of "preventive and negotiating strategies" (1999:174).

In addition, during this same time period, police in many established democracies became much more sensitive regarding their public image. Studies of the United States, Canada, and Britain have shown the emergence, since the 1980s, of police communications departments employing public relations techniques aimed to proactively improve their media image (e.g., Mawby 2002; Ericson 1989; Surette and Richard 1995). The adoption of police public relations has occurred as a

response to a number of changes in the media and in public management, but has also been found by police to facilitate police work and increase institutional resources. Hence police, more than in the past, care about their image in the media. Protests are an important public relations venue owing to the potentially significant media coverage of such events (Mawby 2002). Police care if the media criticize them, review the media regularly to see if they have been criticized, and analyze how they have been criticized. They change their practices accordingly (or, at least, change their public relations tactics).⁸

Thus the media are an intervening variable when it comes to assigning responsibility for the repression of protests. The media can promote a law-and-order frame (*mano dura*) that favors repression or might emphasize a civil-rights frame that presents police repression of protest as wrongdoing.⁹ The choice might be ideological (those to the political right tend to favor the law-and-order frame and those on the political left tend to favor a civil-rights frame). But the choice can also be affected by journalistic practices such as the sources they use, biases they hold, and the way they respond to efforts by police to stage-manage coverage (Wisler and Giugni 1999: 178-181, 184; Della Porta and Reiter 1998: 19; Geary 1985: 131). Consequently, while a shift from a law-and-order to a civil-rights frame for understanding protest policing appears to have taken place in established democracies, such a shift cannot be assumed to be inevitable nor necessarily permanent.

No One

Finally, and concluding the discussion of debates regarding who is responsible for the repression of protests and why, it is possible that no one will be deemed responsible. Dominant discourses emanating from the state, society, or media, or all three, may not perceive repressive protest policing as wrongdoing. Highlighting this issue, the anthropological literature on violence suggests that cultural context is important. Cultural context contributes to whether violence is judged by societies as legitimate or illegitimate (Whitehead 2004a: 5). Violence, like repression, is not a clear concept but, as Whitehead eloquently describes it, “is always a matter of degree, intensity, and culturally competent judgement, which constructs such vehement actions as violent” (Whitehead 2004b: 63). Discourses on violence and repression act as a window into this cultural context.

In new democracies, there is a legacy of recent violence that may influence what is considered legitimate or illegitimate force. Nordstrom (2004) calls this legacy “the tomorrow of violence.” As she describes it,

new democracies are recovering from a period of trauma that can have an intergenerational impact on fear, silences, the continuation of violence (domestic and civil), and police repression, including support for it (Nordstrom 2004; also see Kaiser 2005). This legacy could lead to more violent protesters and more violent police response. In turn, the public in new democracies may view violence and repression as historically consistent.

More than history, the new forms of democracy that have emerged in Latin America also support various forms of violence including criminal violence, paramilitarism, vigilantism, and police violence generally (Arias and Goldstein 2010). I discuss this phenomenon more in chapter 2 but, in brief, Arias and Goldstein (2010) and Arias and Bobea (2012) contend that violence is in fact part of what is maintaining the current function of states in Latin America. This violence is both a legacy of authoritarianism and a new configuration linked to regime type.

A dominant frame of law and order (*mano dura*) for understanding protest policing may make sense in this context. A law-and-order frame can provide justifications for repression that successfully challenge arguments that question its legitimacy. In sum, it cannot be taken for granted that the repression of protest will be viewed, in any given society, at any time, as wrongdoing. That said, “societies” are rarely uniform in their judgments, and authoritarian legacies and lived realities affect people in different ways. Although the dominant frame might justify repressive protest policing, counterframes usually exist. These counterframes are the basis upon which future dominant frames for accountability are built.

As we have seen, there is no consensus in the literature, or in most countries, as to when and why police repression is excessive and who is responsible. It is a matter of degree and judgement. The assumption or goal in the civil-rights frame and in negotiated management is that, when called upon to manage protests, police will use their discretion in favor of the most minimal level of force available to them. Police actions will aim to protect protesters and their right to protest (see, e.g., OAS 2005: 143). Yet for effective accountability it must be clear when wrongdoing has occurred, who did what, and why it was wrongdoing. Someone (or some people) needs to be answerable and, if found to have violated norms or laws, punished. In this way, dominant discourses regarding *who* is responsible and *what* they did that was wrong can affect future uses of repression in protest policing by those identified as responsible and establish boundaries for acceptable responses.

How Should Wrongdoers Be Held Accountable?

“The fear of the Kirchners is that at some point the police will kill an innocent person and that would be negative for their image.”

—Argentine journalist, *La Nación*

“The Carabineros take these actions because they know no one can do anything about it.”

—communications officer, Chilean Colegio de Profesores

As with assigning blame, when wrongdoing is acknowledged, important debates occur regarding the appropriate mechanisms of accountability to be used. The range of choices reflects dominant discourses regarding who is responsible and for what. The mechanisms supported in dominant frames also contribute to political, police, media, and social actors' knowledge regarding what may be considered an acceptable response to protests in the future. There are a number of institutional options available to force wrongdoers to answer for their wrongdoing and face punishment. Not all of these options will necessarily be pursued.

The first set of mechanisms individualizes responsibility for wrongdoing. These forms of accountability may be consistent with a law-and-order frame as well as a civil-rights frame. One could hold that the repression of protests is acceptable but some individuals may have acted in a way that was excessive. Individualizing wrongdoing can be used as a way to maintain the legitimacy of particular political leaders or institutions, such as the police. Individualized mechanisms of accountability include:

Resignations. Individual officers may be asked to resign. Cabinet ministers may be asked to resign. The chief of police may be asked to resign. The president or prime minister might be forced to resign — or flee, as was the case in Argentina in 2001.

Institutional Sanctions. A police officer may be put on desk duty or forced to take a leave without pay. A political leader might be removed from the cabinet or have his or her political party membership revoked.

Trials. Charges may be laid against individual police officers, political leaders, or protesters and a trial might proceed. The trial might take place in civilian or military courts. The appropriate court to use also might be an area of debate.

Elections. The event might affect electoral outcomes; those deemed responsible (justifiably or not) might be voted out of office.

Another set of mechanisms of accountability extends responsibility beyond individuals. These mechanisms are more consistent with a civil-rights frame than a law- and-order frame, as they assume that the repression of protests is not acceptable and emphasize the need for a full investigation into the context within which individuals or their institutions made decisions in favor of repressive protest policing. Nonindividualized mechanisms of accountability include:

An Inquiry. An official inquiry might be called to connect the actions of a number of people or institutions or both. The inquiry might suggest appropriate institutional reforms.

Institutional Reform. Police or judicial reform might be called for to change procedures, training, and policies that may have contributed to repression. It might also be argued that new laws, the derogation of laws, or reform of laws are needed in order to ensure future accountability. It could be advocated that new or improved institutional mechanisms of dispute resolution are needed.

Finally, it might be strongly advocated or implicitly held that no mechanisms of accountability need to be applied; there was no wrongdoing and no further discussion is needed. That is, because mechanisms exist to hold those responsible for the repression of protests accountable, does not mean they will be used. If they are used, those responsible for deciding guilt might find ways to diminish the responsibility of the accused. For example, in one case in Chile, military court judges found a police officer guilty of “unnecessary violence causing death” for shooting a protester in the back. The officer was sentenced by the court to three years and one day on probation.¹⁰ Similarly, since protesters can be violent and can contribute to their own repression (based on their identity or actions), some argue, it may be decided that those who need to be held responsible are the protesters, and perhaps the protesters alone. Protesters may be charged using existing laws or new laws put in place to restrict future protests. Thus a dominant frame supportive of repressive protest policing can influence judges’ decisions or limit (or individualize) the mechanism of accountability pursued. In short, it matters how a protest is framed.

To summarize, state, society, and media discourses can provide accountability by establishing that wrongdoing occurred, who is responsible, what they did, and which mechanisms of accountability need to be activated. The answers to these questions are specific to individual countries and events. There is rarely consensus, but there are dominant and counterframes for understanding protest policing. Studies of established democracies show that, when dominant frames support civil rights over law and order, then protest policing becomes less repressive. A civil-rights frame views repressive protest policing as wrongdoing and increases the scope of who may be deemed responsible, for what, and what the mechanisms of accountability might be that are pursued. A dominant civil-rights frame provides what I call “discursive accountability.” I discuss this concept in detail in chapter 2.

Comparing Argentina and Chile

The cases of Argentina and Chile are particularly interesting for analyzing discourses on accountability for repressive protest policing. In each case study, the discourses are distinct, but both facilitate repressive protest policing. The comparison reveals that, while debates between law-and-order and civil-rights frames for understanding protest policing are important, it is also valuable to pay attention to how responsibility is attributed.

In Chile, order and the rule of law are very important. The Carabineros, Chile’s national police, are the enforcers of the law and upholders of order. They are very well respected, despite their historical involvement in the Pinochet dictatorship (see chapter 7). The media, dominated by a conservative duopoly of *El Mercurio* and *Copesa* media groups, generally frame police actions positively and question the actions of protesters (see chapters 9 and 10). Critiques of the police and repressive protest policing exist but are not dominant in the media, political discourse, or civil society (Fuentes 2005; chapters 8 and 10 below). The dominant discursive frame supports police use of repression to control protests and identifies protesters as meriting such a response owing to who they are and their actions. Thus, although police could use their discretion and ample autonomy to not repress protests, there is little discursive support for this option. Between 1990 and 2011, police killed twelve protesters in Chile. The most recent case was in 2011. Given the relatively less frequent occurrence of protests in Chile compared to Argentina (especially prior to 2006), the number of protester deaths is high. Moreover, nonlethal police violence and repression against protesters are routine.

In contrast, in Argentina, a civil-rights frame dominates public discourse. The police were largely delegitimized during the last military regime and remain delegitimized through, in part, significant media critique of their continued involvement in crime and violence (see, e.g., Dutil and Ragendorfer 1997). Media, while politicized, are plural. They reflect and contribute to state and civil society discourses that are critical of police repression of protests. Yet the repression of protests continues and can be very violent. Sixty people have been killed in protests in Argentina since the return of electoral democracy in 1983.¹¹ The most recent case was in 2010. A closer examination of discourses finds that responsibility for repression is obfuscated and, consequently, there are moments when police repression of protest is implicitly deemed legitimate by political leaders, if not by society as a whole.

The case of Chile is a classic example of dominant law-and-order frames contributing to and reflecting support for repressive protest policing. It is possible that, like post-fascist Germany and Italy (Della Porta 1998), with time dominant frames could shift in favor of a civil-rights frame. If this is the case, then, based on studies of established democracies, media practices might play an important role. While this book explores the possibilities for a shift, there is nothing certain about such a change. The case of Argentina highlights some of the obstacles.

To be sure, the Argentine state is much more politicized than that in Chile and this politicization affects discourses on protest policing (Chalmers 1977). The case of Argentina highlights the fact that a pluralistic media, civil society, and political leadership that is generally supportive of a civil-rights over a law-and-order frame is important, but not sufficient, especially when repression of protest is linked to patron-clientelism. The obfuscation of responsibility can facilitate the selective use of repression for political ends. Thus the shift in dominant discourse that may contribute to reduced repressive protest policing is more complicated and subtle. The case of Argentina reveals that it may be additionally important that civil-rights discourses — conducted by political leaders, civil society, or the media — include a coherent and consistent position on institutional responsibility and needed reforms. That is, it is important that repressive protest policing is framed as wrongdoing, but it is also important how accountability is framed (who, why, and how). Understanding the discursive debates on these issues can contribute to a better understanding of the challenges of repressive protest policing in new democracies.

The Structure of the Book

The purpose of this book is to understand the role of discourse in accountability for repressive protest policing. Repressive protest policing occurs everywhere, but what is important in a democracy is that those responsible are held accountable. In new democracies, such as those in Latin America, establishing effective accountability is a significant but important challenge. In chapter 2, I provide a more complete theoretical discussion of the role of discourse in accountability and its importance to the study of protest policing in Latin America. In that chapter, I link the conceptual theory to the methodological approach of the book. Thus the logic of the structure of the chapters is explained in more detail at the end of chapter 2.

Briefly, the book is comprised of two case studies, Argentina and Chile. I begin each case study by analyzing the history of protest policing in the country in order to identify what may appear familiar to audiences in each country (chapters 3 and 7). With this history in mind, I then move on to an identification and analysis of the dominant and counterframes used by police experts in each country (chapters 4 and 8). These chapters draw on over one hundred interviews conducted between the two countries. The purpose is to understand how those who are most familiar with and leading public discussions on policing issues in their country frame protest policing, unfiltered by the media. I find that repressive protest policing is justified in Chile but rejected in Argentina. However, responsibility for repressive protest policing in Argentina is obfuscated, providing opportunities for its continuation.

In chapters 5 and 9, I consider the intervening role of the media. I assess journalistic practices that favor or challenge dominant frames. In particular, I analyze journalists' bias against protesters, the authoritative sources journalists use, and the role of police in stage-managing media coverage of protests. I find that the manner in which journalists cover protests affects dominant frames on protest policing. Journalistic practices in Argentina favor a civil-rights frame and those in Chile favor a law-and-order frame.

Key events can change dominant frames or at the very least act as a reference point in future events that accumulatively contribute to a shift in the dominant frame. Through interviews, I identify a key protest in each country that was described as "emblematic" or a turning point in how the public viewed the repression of protests. In Argentina, this was the repression of a protest on Pueyrredón Bridge in 2002. In Chile, this was the 2006 student protest. In chapters 6 and 10, I draw on the previous chapters to analyze newspaper coverage of the events. I assess

who is identified as responsible for wrongdoing, what they reportedly did wrong, and what mechanisms of accountability are advocated. In Argentina, the rejection of repressive protest policing is strong. In contrast, in Chile, the rejection of repressive protest policing is much more restrained but very significant in the context of that country. In Chile, students played an important role in shaping a change in dominant discourses by learning how to manage the media. The book concludes with a chapter that brings the case studies together in a comparative analysis of what is learned about discursive accountability and its role in repressive protest policing.

¹ Víctor Salas, author interview, Santiago, July 2, 2009.

² In October 2011, the issue of police repression of protests in Chile was taken to the Organization of American States (El Mostrador, “CIDH rechaza represión ‘desproporcionada’ de Carabineros contra estudiantes,” October 28, 2011. URL: <http://www.elmostrador.cl/noticias/pais/2011/10/28/cidh-rechaza-represion-%E2%80%9Cdesproporcionada%E2%80%9D-de-carabineros-contra-estudiantes/> (last accessed November 8, 2011).

³ These police tactics are taken from the annual human rights reports of Amnesty International, Human Rights Watch, and the US State Department from 1980 to 2011. The countries looked at were: Argentina, Bolivia, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela. For more details, see Appendix 1.

⁴ I use the term “new” democracies loosely, recognizing that the distinction between “new” and “established” democracies is not necessarily as clear as is often assumed. For example, consolidated democracies, as outlined by Linz and Stepan (1996), are more of an ideal than a reality.

⁵ Interestingly, the Argentine case study in this book finds the opposite. In Argentina, police experts claim that the smaller protests are more likely to be repressed (see chapter 4).

⁶ Peterson argues that this is the case in Denmark as well (2006: 48). She explains: “Abstaining from action in certain situations during a protest event can be their [the police’s] most potent weapon for policing public order” (ibid.).

⁷ Fernandez (2008) analyzes why some groups refuse to engage with police in negotiated management and, in doing so, raises some important concerns regarding the “controlling” aspects of this protest policing style.

⁸ Fernandez (2008) found that police in North America have used their new communications departments or hired public relations firms, well in advance of antiglobalization protests, to help them present a positive image of the police and negative image of protesters.

⁹ Of course, there are other actors who at times might be deemed responsible for the repression of protests. In some countries, the military is used to control protests. In other instances, private security forces may be used to control protests against private companies. The involvement of these actors in the management of protests raises a series of other issues regarding, for

example, jurisdiction and legitimacy. This is an understudied area of protest policing. A proper analysis of the role of these actors is beyond the scope of this book.

¹⁰ *El Mostrador*, “Carabinero que asesinó a Matías Catrileo no irá a la cárcel,” August 19, 2010. URL: <http://www.elmostrador.cl/noticias/pais/2010/08/19/carabinero-que-asesino-a-matias-catrileo-no-ira-a-la-carcel/> (last accessed June 22, 2012).

¹¹ Correpi (Argentine social movement organization) database, sent via email September 27, 2011.