The Roots of "Penal Populism": the Role of Media and Politics[1]

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INTRODUCTION

Penal populism is often labeled as a process whereby politicians devise punitive penal policies, which are adjudged to be "popular" within the general public, and are designed to mobilize votes rather than improve the crime and justice situation. A "tough on crime" policy stance is usually most manifest during election campaigns.

This definitional assessment, however, is overly simplified, and does not reflect the complexity of the actual issue which, in true fact, is "[…] representing a major shift in the configuration of penal power in modern society, rather than something within the purview of politicians to tinker with as they please" (Pratt 2007, p. 8). Pratt notes that instead of designating political manipulations in order to increase votes, penal populism denotes major social and cultural changes of the 1970s, which are reflected and continue to take place in the modern society.

From a sociological perspective, Shils (1956) and Canovan (1981) observed that populism represents not the general public opinion, but the feelings, voices, and moods of those societal segments that were neglected and left out by the authorities, i. e., by those in power in favor of the "less worthy others." In this sense, populism reflects the dissatisfaction and alienation of underrepre-

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sented segments of society. At the same time, populism functionally criticizes those sectors of society which allowed the mistreatment and social oversight to occur by "[…] engineering this marginalization of disenfranchisement of 'ordinary people'" (Pratt 2007, p. 9). The sectors responsible for this usually include governmental institutions/bureaucracies, a self-serving parliamentary process and different elite groups, which advise or influence government actors (i.e., academics, judiciary, media).

All together, these forces represent "the establishment," which claims to speak "on behalf of the people" concerning all matters, including the development of penal policy. It should be noted that punishment and its provision resides in the discourse of the "power field" as well as in politics directly. Thus, the demand of certain interest groups to make punishments more severe might designate a public claim for power or might be used in order to create an impression of holding power. In this case, the role of the mass media is crucial. It not only shapes, consolidates and directs public attitudes, but also mediates itself as the "true voice" of the ordinary people.

METHODOLOGY

In order to better understand the manifestation of penal populism in the media and its interrelation with politics, this article relied upon qualitative discourse analysis, mostly looking at mass media from P. Bourdieu's perspective of a "social field." This approach best enables an examination of ideologies and power relations involved in discourse. The critical distinguisher from this view is the role of language, as a form of social practice, which focuses on the ways social and political dominance are reproduced in texts and talks. This approach determines the interpretative nature of the analysis.

The empirical research of this study was based on the Lithuanian media coverage of a crime story – a pedophile scandal. The research begins with the very first article, which appeared on this issue in the media in August 2009. The research also focuses upon media reporting impact on criminal justice institutions and the changes in public attitudes toward them as a result of a media-constructed "moral panic." This particular case was chosen because it was the only case in the history of Lithuanian media to be reported with such intensity and for such an extensive period of time (2009-2012). It also perfectly

demonstrated the consequences of media-generated moral panics and their impact on society at large.

Media coverage of the pedophilia scandal herein refers to the information presented by the media in relation to the alleged case of sexual abuse of a preteen girl. The father of the child, D. Kedys, accused three persons as the perpetrators of the alleged crime, including a judge, a businessman with ties to the political system and an anonymous perpetrator. As the alleged accessories to the crime, he named the mother of the child and her sister, accusing them of pandering the child for sexual exploitation in return for financial gain.

The mass media content analysis included a review of:

- the most popular Lithuanian internet news media publications;
- the television "info-shows" of the three Lithuanian main broadcast channels.

Within this frame, the overall sample size was 800 internet articles – 574 articles directly dedicated to the pedophile scandal; 73 articles where the pedophile scandal theme was peripheral to the main topic of the publication; 153 articles about other pedophile cases. The period of media monitoring of the pedophile case coverage was August 17, 2009 to September 30, 2010, starting with the appearance of the first article on the pedophile scandal in the internet media. The final sample chosen for discourse analysis was comprised of the articles that had received the greatest attention from readers during the research period. Popularity in this instance was determined by the number of comments left on individual articles in each month of the 13-month research cycle with the top 13 articles, one per month selected for a closer review. The articles were analyzed by qualitative content analysis, concentrating on the interrelation of different social fields involved in the framing of the discourse. This involved fixating specific categories, such as the social actors, their position in the field, rhetoric used, importance given in the article (whether the actor was mentioned in the title); also, it was examined which conceptual frames were competing in the public discourse and, consequently, giving meaning to it (i.e., "faulty system," "blocked opportunities," "social breakdown," "racist system," and "violent media") (Surette 2011, p. 38-40).[2]

[2] The "faulty system" argues that crime emerges from an inefficient and lenient criminal justice system, which urgently needs to "get tough" on crime. The "blocked opportunities" frame argues that the roots of the crime-and-justice problems lie in the poverty

Considering the restrictions of accessing television program records, the scope of the analysis included 19 television shows on the coverage of this particular crime story during the research period: October 1, 2009 to December 31, 2010. The analysis was used to illustrate that media is an arena where power can be concentrated and exercised. In this instance, it reflected the monopolization of the crime problem by certain interest groups – "claim-makers." However, it should equivalently be noted that the specific nature of these television programs as "info-shows" had an important impact on determining the participating actors. Television program records were analyzed according to the following categories: name, date, duration, number of comments, duration of comments, number and duration of comments according to their type (public/professional/political), and role/profession of the commentator.

It should be restated that the media discourse analysis was enriched with Bourdieu's approach, particularly with the notion of a social field where penal populism can be exercised and penal attitudes can be reinforced and mediated to the society. The chosen research approach enabled a better assessment of which social actors were "empowered" to comment on the pedophilia scandal, and to assess the ideological motives of the selection of program participants.

"PENAL POPULISM": THE INTERRELATION OF MASS MEDIA AND POLITICAL FIELDS

Bourdieu argues that mass media is gaining more and more power in society, and becoming a major factor in the political struggle, precisely at the time that it is falling under the ever-growing influence and control of politics (politicians) and economics. In this case, the more invisible and anonymous economic pressure of market forces often has a more harmful effect than open

and inequality issues. Thus, the advocated means of solving the problem usually are connected to fighting unemployment, poverty, community development etc. The "social breakdown" frame sees the causes of crime in a family and community breakdown. The solution is seen in strengthening family values, communities, citizen involvement. The "racist system" argues that the problem lies in the discriminatory operation of the criminal justice system, which need to become more sensitive to the racial justice issues, and calls for empowerment of discriminated groups. The "violent media" frame argues that violent crime in particular stems from the violence portrayed in the mass media, and calls for more governmental control of produced violent media content.

political censorship, which journalists can consciously resist (Бурдье 2002, p. 12). Bourdieu emphasizes that "symbolic power," which was previously isolated from political and economic power, is increasingly concentrated in the hands of the few. By symbolic power, Bourdieu means the power to define, classify, create and impose specific social concepts and desirable system models of state and society; the power to define and classify. In other words, large corporations, who simultaneously own mass media and the means for the production and dissemination of cultural goods, offer similar market logic to everyone via television channels, publishing groups, internet companies etc. Thus, cultural goods, including information about crime and criminal justice – are treated like any other commodity. As a result, information on crime is made to conform to common economic indicators, the most important of which is profit.

In the case of the pedophilia scandal in Lithuania, mass media, using a "market logic-oriented" news production practice, created a brand, the "logo" of which the main story "hero" was D. Kedys. The positioning of this brand in the public consciousness was ensured not only by an intense mass media escalation of the pedophilia story, but also through its penetration into other forms of discourse:

- Some virtual D. Kedys support communities were created in the social media;
- Commercial television produced TV series dedicated to this story;
- Online news portals launched separate columns: "The Story of D. Kedys" and "The Case of D. Kedys";
- D. Kedys' character also appeared in children's comics.

Quite often, mass media portrayed D. Kedys in a purple shirt, which turned this color into a symbol for "pedophile fighters." Coincidentally, this coincided with this color's rise in 2009 fashion trends. Certain "style fans" of D. Kedys' image had also emerged. The proponents of D. Kedys started initiatives to create a political party. Finally, a "D. Kedys brand" was used in food menus and slogans.

Direct market competition is an inevitable and integral characteristic of the mass media business model. Since, as a result, the commercial success and continuity of a television program depends on ratings, any effort to build truly rational and enlightened public opinion is a secondary consideration to packaging a salable story. This, of course, is contrary to what some media demagogues try to convince the public (Бурдье 2002, p. 88).

Taking into account both the peculiarities of the logic of the journalistic field, which focuses on the production of a short-term validity product (crime news do also fit within the context of this work), and the competitive struggle for the attention of the consumer, the competition is high amongst media agencies for the most sensationalist news. The stronger this competition is, the closer the television channel (or other means of mass communication) is to a commercial pole, where consumer attention, in a more direct manner, links to the profit side of the media/marketing revenue model, thus increasing the economic salability and viability of the media enterprise. During the research period, for example, there was strong competition between the two lead Lithuanian commercial television stations, each offering their assortment of offerings (i.e., the pedophilia scandal stories).

In this case, Bourdieu emphasizes the danger of market competition on cultural production. He argues that instead of promoting the diversity of supply (in this case, a diverse array of news stories), market competition leads to a form of standardization, which is particularly noticeable on television and in the press. Media groups, seeking to increase profits and stay competitive, produce entertainment shows designed to grasp the largest audience share. Herein, the manifestations of penal populism fully correspond with the genre and logic of the "show scenario." Others follow suit, leading to a general homogenization of available programing. The same competition evokes a similar homogenization in news coverage as was observed during the analysis of TV programs in the case presented herein. First, the three principal public TV channels, LTV, TV3 and LNK broadcasted similar, competing journalistic programs – *The Journalist's Investigation*, *Confrontation* and *On Both Sides of the Wall*. More direct competition was observed between two commercial television channels. Both commercial broadcasters competed intensively to shed light on the pedophilia story, each offering diametrically opposed opinions and content in order to find and build its client audience. However, since the battle for the audience and ratings leads to the commercialization of the news, the interests of shareholders predominate. In the process, crime news, alongside all cultural content, reproduce and legitimize the ideology of political and economic interest groups, who possess the symbolic power.

Thus, and in spite of the potential positive impact of public discussions of criminal or other social problems in the media, the result is often the con-

trary, given the influences under which journalists consciously and, perhaps, unconsciously function (Бурдье 2002, p. 16). From this starting place, the system continues to turn on itself. Influenced media reporting strongly influences politicians, law enforcement representatives, public figures and the interface between them and the public, which itself responds to media controlled content (Бурдье 2002, p. 17). Since market pressure is rarely directly correlated with media content in this or other spheres, instead of becoming a support for informed democracy, mass media becomes a mechanism of democratic subversion.

The analysis of TV programs clearly shows how participant content is controlled via time constraints, program format and script, message oversight (to ensure it is not sophisticated beyond the presumed reach of the general public) etc. This practice simultaneously narrows the scope of discussion and those capable of presenting it.

Television producers and directors, by prioritizing the sensational, define information and how to interpret it. As the market-engendered spiral continues, competing television media groups increasingly rely on "tabloid" media tactics, devoted principally to chronicle events and sports news (Бурдье 2002, 69). Within this format, criminal news, disasters and the genre of similar information do not require any special competence – certainly not a political one – to deliver. Bourdieu emphasizes that this form of chronicling of events creates a political emptiness, depoliticizes and downgrades political life to the level of jokes or gossip. Without a political barometer to interpret evens, public attention is easily switched to focus on matters of limited political consequences; these consequences, however, are dramatized so that the public can "learn" from them or that they are conversely presented as "social problems" (Бурдье 2002, p. 70).

For this purpose, "media philosophers" or other persons of status in the public sphere often are paraded to give a special meaning to the "coincidental crime occurrence," which is artificially embedded into the media's agenda priorities to give it the status of a "significant event." For example, journalists invite academics, important public figures and politicians to their programs or ask for interviews in order to create an image of intellectualism and professionalism, which, in turn, legitimizes the overall program as objective, unbiased and focused on getting to the truth on a matter predetermined by the

media to be of importance, given its capacity to pull public attention, thus revenue as well. In short, this format commoditizes the news, but does so in a way that it carries a flavor of both legitimacy, unbiasedness and importance and, in the process, drives ratings and revenue upward.

In the case of the Lithuania pedophilia story researched herein, internet media articles and TV programs took this exact approach in transforming an "accidental event" into a "social problem." They accomplished this by using claim-makers and "media philosophers" to comment on the particular case in a manner that validated it and legitimized it as an actual social problem. They accomplished this by highlighting and reconstructing certain facts, which can lead to tremendous interest, gratifying the most primitive human impulses and desires (Бурдье 2002, p. 70).

For example, stories of child sexual exploitation and abuse tend to stimulate national rage. Thus, contemporary means of mass communication, which stir and exploit the lowest lusts (violence, carnal instincts), can augment the outbreaks of hatred toward certain social groups (pedophiles, homosexuals etc.) and lead to popular requests for increasing punishment and control ("limits of pain") over them. Simultaneously, according to Bourdieu, the mass media coverage of such type of events like the pedophilia scandal might induce various types of emotionally-driven, popular responses and actions. Responses in such an instance will range from exceptionally sentimental and compassionate toward the victims and aggressive, to the point of symbolic lynching, toward those considered responsible.

The pedophilia scandal is a case in point as it is particularly common that such stories and events describe the cruel treatment of children by stigmatized groups (for instance, pedophiles). Of course, the responsibility for societal response partly falls on the journalists for their form and style of presenting the pedophilia scandal. Clearly, however, their actions are simply opportunistic responses to events as they occur. Their culpability relates to the manner in which they choose to interpret events and the implications thereof. This culpability is more systemic than individual, as the journalists work within the socioeconomic construct of the media industry and its interface with society and the state. That is precisely why, if we are to understand the construction of punitive attitudes in public discourse (which are based on the knowledge that one possesses about crime reality), it is critical to be well versed in the logic of

the journalism field. If one understands the structural mechanisms that promote journalistic cynicism and lead to the pursuit of sensationalism, one can promote conscious action to control and neutralize these negative effects. Simultaneously, the disclosure and spread of the awareness about these practices and their effect could help mitigate their manipulative impact on society at large (Бурдье 2002, p. 74).

The coverage of the pedophile scandal in the Lithuanian media shows what impact does the pressure of journalists and, hence, the journalistic field can have on the performance of the criminal justice system, including any pressures for the delegation of legal and particularly judicial powers away from state actors. Mass media overstepped its authority and attempted to enter directly into the "legal universe." At different moments, journalists, hosts and correspondents assumed the functions of a judge. They passed "judgments" on law enforcement institutions by labeling them in any of the following way: "indifferent, passive, negligent, incompetent." They would also chide the institutions and prompt them to "take the responsibility," as well as to "be reformed" etc.

This form of mediatic intervention can be very dangerous. It is understood that the media needs the public and the public needs the media. As noted prior, for the media, the public is also a consumer to whom its capacity to influence through cultural production supports the market economy and the viability of the media as a private sector institution through advertising and sales. The public needs the media for information. However, when such information is distilled in a manner which focuses, first and foremost, on sensationalism to drive a greater market share (as profits for advertisers and investors, too), then the supposed mission of the media – to inform – is subjugated to a purely business logic.

During the research period, there were few comments made attacking journalistic meddling into the pedophile case investigation process, accusing the media of provoking society's reaction in the public discourse. The media's response was predictably based on the argument that it is a matter of professional and civil conscience to shed light on the events of this nature, raise awareness, disclose "villains" and contribute to the restoration of damaged social order.

While there may have been truth in the intent of such statements, as this model notes, the media no longer possesses the objectivity or the professional capacity to effectively intervene in these spheres in a manner which is benefi-

cial to society. Bourdieu points out that in today's cynical world, a lot of focus is on talking about conscience. However, conscience is only "effective" when it is based on the structures and mechanisms that lead people to willingly comply with the moral norms. In this case, and in counter distinction, the dependence of the journalistic field on market pressure predetermines certain criteria of professional activity and predisposes the standards of "professional conscience." In order for the conscience "to get concerned" and be correctly oriented, it requires a better-educated audience, aware of media manipulations. However, popular confidence rates in mass media and indicators showing mass media (especially television) as the main source of information about criminal problems indicates that public resistance to the economic game rules of mass media is very low.

Journalists, due to the internal ideological factors of information production, are not enabled to keep a rational distance, which is necessary for reasoning to occur. This, of course, amplifies the problem. In a sense, and in this context, the public witnessed the overriding cynicism of the mass media as an industry by the escalation of the pedophilia story, via the following actions:

- Intensively educating the public about the core "social vices";
- Loudly disclosing "villains";
- Passing strict sentences on certain "offenders" and then shifting sides.

Through these means, mass media falsely presented itself as a protector of humanist values whilst simultaneously carrying out market-based mass manipulation. Such media maneuvering is possible, in part, because the intense quantity and flow of information in the "knowledge society" exacerbates a chronic social illness – "memory amnesia."

At the same time, this situation shows that by channeling and mobilizing information, mass media contributes to the consolidation of a "perverse direct democracy," principally by failing to maintain essential distance from what is defined as "news of the day" and public pressure, which is not necessarily democratic in nature (Бурдье 2002, p. 84). The information provided in the public discourse about the pedophilia scandal – "bad news" – could be compared to nails that were hammered daily into the people's conscious and subconscious; the more of those nails were delivered – the angrier the person would get. This occurrence sets the scope for a resulting decline in public tolerance and humanity.

It should be noted that during the coverage of the pedophilia scandal, there was a simultaneous increase in public dissatisfaction with public authorities, and an intensification of homophobic sentiment (fear of otherness) etc. These events were also covered by various mass media sources: *Politicians Choose Public Figure Masks* (www.delfi.com, 2010 09 15), *Public Incitement to Beat Gays Received the Attention of Prosecutors* (www.delfi.lt, 2010 03 17), *In Vilnius – Drastic Incitement to Protest Against the Gay Parade* (www.delfi.lt, 2010 05 05) etc.

It is important to note that, under normal conditions, "maintenance of the necessary distance" should be guaranteed by the relatively independent political field logic. However, the pedophilia scandal in public discourse incited the opposite. Here, representatives of the political field became participants in the mass media-created narrative, thus legitimating both their own and the media's right to professional legal discourse. Therefore, in this context, we could discuss the *mediatization* of the political and legal fields, which points to the limited actual autonomy of those fields. In short, such interaction by journalists with politicians and law enforcement representatives weakens the boundaries between these groups. Arguably, it also modifies the functional and distinguishable role of politicians and law enforcement officers, which become enmeshed by the logic of the journalistic field market.

The analysis of internet news media and television revealed which social agents were given the right to comment on the pedophilia scandal and simultaneously which had the right to provide their definitions of the situation. To "fight" with the prevailing revenge logic in the pedophilia scandal narrative was relegated to legal and political logic. The logic of the political field not only did not help to maintain the necessary distance, but integrated into, according to S. Cohen's terminology, the deviance amplification spiral, partly legitimating society's "rage" (Cohen 2002).

According to the analysis of selected TV programs, the pedophilia scandal was mostly politicized on the commercial channel TV3's show *Confrontation*. On four out of the nine programs (2010 09 22, 2010 10 13, 2010 10 27, 2010 11 24) the participants were politicians (members of the Seimas). On one of the shows (2010 10 27), three out of ten participants were the representatives of the political field (i.e, two members of the Seimas and a presidential spokesperson).

Conversely, on the LNK channel show *On Both Sides of the Wall*, in only one out of nine episodes did there appear a political commentary by a member of the Seimas (2009 10 14). In contrast, in the national broadcaster's LTV show *The Journalist's Investigation*, no politician was invited to comment on the event in the only episode that was dedicated to pedophilia scandal. However, in terms of the political actors who have commented on the pedophilia scandal on the TV3 show *Confrontation*, which opted for the so called "pro-Kedys" position, it should be noted that two of these actors' opinions were also quite actively highlighted on the analyzed online news portal Delfi.lt.

During the overall research period, the following political field representatives were most mentioned in the headlines of the news portal: President Dalia Grybauskaite (15 publications and 2 publications in the headlines indicating the President's advisor), Minister of Justice Remigijus Šimašius (7 publications), Chairman of the Seimas Irena Degutienė (6 publications) and Chairman of the Committee on Legal Affairs Stasys Šedbaras (5 publications). The speeches on the pedophilia scandal issue of the representatives of the political field could be attributed to the so-called popular or mass rhetoric, which has become a modern presidential ruling tool. Active speaking of the head of the state in public discourse often indicates the tendencies of the "presidentization" of political culture, which, as claimed, is reflected in the Lithuanian public discourse on crime and criminal justice. Usually, political culture is dominated by "presidentization" or "parliamentarization" trends. The "parliamentarization" trends are perfectly reflected in the headline of this publication about the then-Prime Minister of the Republic of Lithuania: *A. Kubilius: The Government Will Not Interfere in D. Kedys Daughter's Story* (www.delfi.lt, 2010 05 20).

However, it should be noted that during the periods of "moral panic," higher ratings are generally registered by those politicians who speak publicly on media agenda issues, and politicians using a populist "tough hand" rhetoric, for example:

- *The President is Not Satisfied With the Investigation of D. Kedys Daughter's Case* (www.delfi.lt, 2009 10 12), D. Grybauskaitė [President of the Republic of Lithuania];
- *I Am Taking a Greater Responsibility Than the Constitution Assumes* (www.delfi.lt, 2009 10 20), D. Grybauskaitė;

- *I Am Expecting Stricter Decisions Concerning the Prosecutors* (2009 10 26), *I. Degutienė* [Chairman of the Lithuanian Seimas] *Questions the Court Decision on D. Kedys' Case and the Bailiff's Conduct* (www.delfi.lt, 2010 05 19).

It is interesting to note that during the period of moral panic, public distrust and anger, the trust ratings of the two mentioned main governmental authorities were quite high. At the same time, the Prime Minister took a low profile on the pedophilia scandal, appearing only four times. Interestingly, and contrary to the President and the Chairman of the Lithuanian Seimas, who were extensively quoted, the Prime Minister, from the perspective of political marketing, chose an unpopular attitude. His comments focused on other things, among them the following:

- How to protect the "faulty system";
- The "prosecution service has problems; however, everything shouldn't be assessed by one case"; "noncompliance with a court decision is a crime";
- "The government will not intervene in the story of D. Kedys' daughter."

Of course, politicians' ratings are influenced by many factors, but it is clear that such comments by the Prime Minister during the times of public distrust in government and especially law enforcement institutions did not promote the populist mobilization of the electorate. Related or not, during the research period, the Prime Minister remained one of the most unpopular politicians in the country.

While, according to R. Koženiauskienė's political language typology, the speech of the Head of the State, who was one of the social actors (politicians) most actively commenting on the pedophilia scandal in the political field, could be attributed to military rhetoric (Koženiauskienė 2001). This type of rhetoric is characterized by the brevity of speech, being laconic, a usage of "active" verbs and quite imperative first-person forms. This includes various comments, some of which are given below:

- "The President House promises";
- "The President is unhappy";
- "Lately deciding to fire not one judge";
- "Will take bigger responsibility";
- "Called on the carpet";

- "Expect tougher decisions";
- "See shifts";
- "The decision to leave on the post";
- "Why were the searches conducted wherever?";
- "The most important are the child's interests";
- "Will offer candidacy";
- "The decisions must be made immediately";
- "Is looking for a General Prosecutor";
- "It is necessary to keep peace and to act in a civilized way" [Adviser to the President], "The Kaunas events are a painful lesson for the State" [Adviser to the President].

This parlance, which has consistently accompanied the Head of State since her inauguration and which is reflected in such phrases as "I will be an active president" and "will fight," also shifts to the public crime and criminal justice discourse. Such rhetoric aims to strengthen authority and power. However, at the same time, such language is both impressive and manipulative, since it only provides the public with a certain contour, allowing the audience to fill in the emerged space with their expectations. In this way, a public political claim for crime knowledge becomes one of the ways to mobilize public support, through the vote for their power, leadership and represented ideology. Within this context, the pedophilia scandal became a public relations instrument of the representatives of the political field, a reinforcement tool for their symbolic capital. Having an opinion on the pedophilia case became an integral part of the political agenda, whilst having a harsh opinion became essential for increasing one's ratings.

In other words, the language of the economic field and all the mechanisms related to it are penetrating the functioning of the political field, which in turn clearly impacts on public crime discourse. Thus, in this case, one could observe not only the example of mass media's influence on shaping political and public agendas and in excluding other more important topics out of public discourse (i.e., budget cuts, rising electricity costs, amendments to the Labor Law etc.), but also their synoptical functioning (especially in the case of television) – when the audience's eyes are focused not only on selective events, but also on those few who are given the right to comment on these events, which, in the process, directs viewer focus in predetermined ideological directions.

In turn speaking about the participation of political actors in investigative journalism programs, one could make an assumption that the more active participation of the representatives of the political field on the channel TV3 was influenced by the "pro-Kedys" position (i.e., in favor of the girl's father) that was chosen by the program. This approach was generally profitable in terms of both financial and political capital. The LNK channel's program chose a different – "anti-Kedys" (i.e., in favor of the girl's mother) scenario. During the period of research, if a politician was to have a role in this script, it could have had negative consequences for the politician's popularity. However, relatively non-active political participation in these shows in general (as opposed to news portals) was probably mostly determined by the program's genre itself, best described as infotainment. Logically, the genre of the TV show had a significant influence in determining the cast.

Both commercial channels very often presented commentaries of "people from the street." The genre of such shows prioritizes personal opinions, emotional punitive reactions and similar aspects over objectivity, factuality and professionalism (as in case of the news), corresponding to the role of an expert. However, professional comments, generally made by criminal justice officials, were presented almost in every program. These are generally used in order to give an illusion of objectivity to the mediated story.

Sociologically speaking, it is important to see that within the context of such programs, individuals are more akin to agents occupying a certain position, for instance, in political, legal or academic fields, whereas the journalist represents an actor from the journalistic field. Thus, the relationship of the journalist with the guests of the program reflects the structure of interaction between the journalistic field and the field represented by the other participants. For example, objectivity, which is assigned to academics commenting on certain events in the media (i. e., the pedophilia scandal), is related not to their individual characteristics, but rather to the objective status of the academic field. However, the very agreement of representatives of the authoritative fields to take part in such programs contributes to the legitimation of the television's constructed discourse, (i. e., a certain language and way of thinking, and hence the shaping of the worldview).

In the case of the construction of criminal knowledge and penal attitudes, the journalistic field creates and foists upon others a very specific vision of

the political, legal and civil fields. The content of the vision is a product of the journalistic field and its manufactured interests. Bourdieu argues that in the modern world, the need for constant and engaging entertainment drives mass media to use "animators" rather than serious commentators and reporters; also, it drives the media to deliver information that provides entertainment (i.e., meaningless talk show formats) instead of serious, analytical information and its discussion (Бурдье 2002, pp. 152-153).

To defend this simplified, demagogic form of presenting criminal stories (such as was the investigation of pedophilia case trials in the analyzed programs), journalists often claim they are meeting the expectations of their audiences. In fact, it is they who also assign their own preferences and attitudes in covering crime problems to the public, which is a direct reflection of the functioning of the journalistic field and its dependence upon market logic.

In this case, commercial television, in applying this logic for crime information/news production, prioritizes confrontations over rational debates and highlights the confrontation between individuals rather than the differences in their arguments. The title of one Lithuanian show, *Confrontation*, both symbolically and metaphorically represents this point. In short, journalists are more interested in the game, its players, the tactics they use, and the effect which is caused by certain rhetoric in the relevant field, rather than actual informative content and the essence of what the characters represent (Бурдье 2002, p. 154).

Bourdieu notes that the media's natural commercial orientation towards entertainment involuntarily directs the viewer's attention towards a certain spectacle or scandal each time when an important, however, seemingly boring political issue emerges. So, for example, as in the case of the pedophilia scandal, information which is called "news" is reduced to the chronicling of "interesting events" – and the story is produced in a borderline form between factual events and a show, and which is chaotically presented through a set of diverse events, occurring one after another only due to chronological coincidence – a scandalous criminal procedure, a civil war in Africa, the banking crisis, the loss of a basketball team, an aviation disaster, a bad weather forecast etc. Due to the already mentioned particularities of media information production, the presentation of events is usually restricted to the "here and now" context, thus separating criminal problems from their causes and long-term consequences.

Such fragmentation and superficial portrayal of crime reality is supported by the "thinking this day" logic and constant competition over defining and selling what is important and new (sensations), which in turn condemns journalists to the constant daily search for news and the construction of incoherent, scattered impressions and images of crime reality (Бурдье 2002, p. 157). Due to journalists' lack of interest and information, their mediated criminal knowledge and attitudes lack appropriate social context; thus, events are separated from the system of relations that actually determine them. This result was observed in the coverage of the pedophilia scandal. For instance, the structure of the criminal justice system depends on criminal justice policy. Criminal justice policy is in turn related to other political strategies, which are influenced by general state policy, which is in turn related to culture, as well as other social interests, which are determined by power relations and so on. Thus, during the coverage of the pedophilia story, the focus was generally given to the events happening "here and now" or actions with an observable outcome and not to this critical, broader, systemic context.

So, the logic of the journalistic field – due to the form that competitive struggle accordingly influences the production routine of crime news – constructs crime news as a series of absurd, unrelated events, which are impossible to understand and prevent. Thus, to media consumers, there emerges an incomprehensible world, full of violence, aggression, crime, threats, a world from which one should hide and be aware of. In this case, the presentation of false information about crime reality, including constantly growing occurrences of violence and crime and an "epidemic" of sexual crimes, for example, feeds a feeling of anxiety in society and the notion that applied security measures are insufficient. In this context, public dissatisfaction surfaces leading to demands to harden existing security measures and to establish stiffer punishments for the violation of public interest. Representatives of the political field who seek to mobilize potential voter support usually advocate such changes. In general, there is an impression that the worldview, which emerges for viewers from television or other means of mass media, is very difficult to change.

In the case of criminal problems (such as pedophilia), this vision of reality is further enhanced by the sense that crime is an object of a legal and political game – a matter for professionals. Bourdieu notes that such a portrayal of reality promotes a so-called public, fatalistic disinvolvement, particularly among

the least politicized viewers, whilst simultaneously ensuring the preservation of the existing order and its legitimacy (Бурдье 2002, p. 159).

As applied in the case at hand, the moral panic resulting from the pedophilia scandal did not cause changes in the social structure itself – but rather in the personnel functioning within it. Thus, despite the negative image of the criminal justice system in the pedophilia case, which prevailed during the period of research, the structure did not change. In this case, mass media performed one of its main functions. It maintained and legitimated the existing social order by showing that, in the cases of legal infringement and conflict between a perpetrator and a victim, the matter is "legitimately" given into the hands of the state, which exercises monopolistic authority over such matters. Thus, community conflicts are monopolized and regulated by professionals – judges, lawyers, police officers, doctors, criminologists, the organization of society's social structure itself and the mass media.

N. Christie (1977) claims that this happened due to the state's aim to reduce conflicts and protect victims. However, modern trends towards a crime control industry-oriented state reminds one more of a "professional thief" who takes away conflicts from the community and uses them to serve his/her individual interests (Christie, 1977). Criminologists often play a supporting role in this case, assisting professionals working in the system of crime control. Christie claims that by focusing our attention on the offender, "we" have made him/her an object of manipulation and control. Together, "we" contributed to all of the factors that reduced a victim to a non-existent entity, and an accused person – to a thing (Christie, 1977). In other words, the conflicts have become a professional space of conflict. Christie notes that the organization of the basic social structure, as well as the manipulations by professionals, have further exacerbated the current issue. Individuals are increasingly defined based on their roles. Members of the society are segregated by gender, age, ethnic origin, physical limitations and so on. All of these contribute to the depersonalization of individuals, and a lack of mutual information share and mutual understanding. In this case, the division of the labor organization further complicates these consequences. Thus, when a conflict emerges, members of the society are unable to cope with the situation themselves.

On this background, professionals "legally" steal conflicts from society and legitimize this through the socialization process and the internalization of this

"theft." Individuals are taught from a young age that conflicts can hurt others and bring harm to the social system, and that governmental officials, officers, and institutions are necessary to restrain society from personal revenge and vendetta. Mass media in this context becomes one of the social institutions affirming and preserving this status quo. In the case of the coverage of the pedophilia scandal in Lithuanian media, one could observe how the solution of the conflict, which emerged in the community (a family conflict) became the undisputed property of both the legal and political fields. Crime reality and criminal knowledge in public discourse are thus established as the discourse of professionals and adopted by legal, political, scientific and journalistic fields.

Thus, mass media, being one of the most important cultural mediators constructing crime knowledge and attitudes, reproduces social powers and their distribution in society's social structure.

At the same time, it should be noted that a distorted presentation of crime and criminal justice is inherent in politically organized societies, where, according to R. Quinney (2004), the state is the core of criminal knowledge. In such societies, the social construction of a crime reality is a political act, which implies social and mind control, legitimating the "regimes of truth" and removing the unwanted discourses. All these political processes find their place and are reflected in the structure of public discourse.

An analysis of the representatives of the social fields that are given the right to define, comment upon and suggest solutions to the problem of crime showed that the public discourse of crime and criminal justice, primarily, is a professional discourse (criminal justice officials, policy makers, less often – academics). In turn, the ordinary members of society more often play the role of passive observers. In other words, society's social hierarchy in media discourse is reproduced through the so-called "rhetoric credibility hierarchy" (i.e., the "credible experts" who are provided with the ground to speak in media discourse) and, thereby, confirms the legitimacy of the social structure (van Dijk, 2009).

It should be emphasized that crime knowledge is embodied. In the public discourse, it is mediated by so-called "claim-makers" who are representing certain social segments and competing with each other for the recognition of their proposed constructions of social reality. To land their constructions and to establish their power, they not only sometimes employ populistic arguments, which are quite often based on stereotypes, but invoke certain concep-

tual frames, which are based on factual and interpretative claims and advocate corresponding ways to define and solve problems (Surette 2011, pp. 38-40). In this case, the social construct that wins gives power to the group representing it. For instance, the most popular frames used by claim-makers in the pedophilia scandal narrative were the "faulty criminal justice system" and "social breakdown" frames. They then recommended the strategies of harsher social control and stronger community engagement, thus a fostering of stronger penal attitudes, intolerance towards "non-traditional" forms of the family and conservative attitudes toward problem solving, respectively. In the case of the "social breakdown" frame, its conservative version, which denoted liberal attitudes towards moral issues as the cause of social breakdown (i.e., cohabitation, non-marital childbearing etc.), corresponded not only to the simultaneously occurring polemic on family concept in the public discourse, but also to a broader political discourse, i.e., the prevailing conservative ideology.

In other words, the public discourse on crime and criminal justice is also an arena for the struggle and competition for symbolic resources between interest groups. Here one could also observe the power of the media that is exercised while filtering certain constructions, usually favoring those positions that are dramatic, sponsored by powerful groups and are related to pre-established cultural themes (Surette 2011).

It should also be noted that mass media, by defining the form and content of thinking and talking about the crime reality for the representatives of political and legal field and society at large, itself becomes a producer of crime knowledge and reinforces certain attitudes. This shows the mediatization of these professional fields and highlights their vulnerability to the market field logic emanating from media production output. At the same time, it reflects Bourdieu's claim of the "perverse principles of direct democracy" in the reception of crime and criminal justice. While the journalistic field, in order to provide the illusion of truthfulness and authority for its constructed public discourse, makes use of the structural elements of legal, political and academic fields.

Thus, mass media's constructed structure of knowledge and its proposed attitudes toward crime and criminal justice reflect the one's of the society, where the discourse is given meaning. While, on the other hand, mass media's manufactured knowledge and produced attitudes reflect the functioning of its inner ideology, conveying the ways in which information is selected, processed and disseminated.

Commercial mass media industry factors, functioning under the conditions of free market economy, create an environment for media to become the amplifiers of moral panic and deviance in society. Depending upon the economic factors influencing its functioning and reflecting the existing social structure of which it is part, the mass media can invoke (as in the case of the pedophilia story) the amplification of deviance in society. By applying routine techniques of knowledge production, the media can turn separate events into a safe and convenient construct of bigger social problems as the actual cause, usually designating "outside" groups and, thus, "giving an explanation" of why law enforcement institutions do not succeed with completely eradicating these emerging problems.

In many cases, behind the excessive escalation of a certain issue in the mass media lies the protection of a certain political approach that offers the corresponding solution strategies. Political actors in the political field, following the principles market logic, resonate criminal issues in the public discourse to strengthen their political capital, mobilize electoral support or to draw public attention away from the system's problems. Through this, they directly participate in deviance amplification. Moral panic and the narratives that give meaning to it have the potential to become criminal myths, preserve the status quo and designate "others" as scapegoats for the problems, the roots of which lie in the system itself or in the hands of empowered actors.

The conducted broader media content analysis has shown that governmental institutions, such as the criminal justice system or its separate components, can be scapegoated. During moral panic, criminal justice institutions, experiencing constant pressure from politicians, the public and the media, themselves get involved in deviance amplification. In such a context, criminal prosecution practices towards certain social groups become harsher, and there is an internal institutional reallocation of human resources toward investigating a "new" social evil. Quite often, law enforcement institutions start to focus more on quantitative rather than qualitative outcomes, which in turn impacts upon the effective functioning of these institutions and their ability to identify relevant public security problems. All of these factors can reduce public trust in the criminal justice system, undermine engrained democratic principles in criminal justice policy, stimulate the growing, unsubstantiated fear of crime

and lead to the intensification of punitive attitudes in society as well as public alienation and demoralization.

For instance, the secondary-data analysis revealed that during the research period, among the main criminal justice institutions (police, prosecutor office, courts), the highest public distrust rate was toward the prosecutor's office and the courts (Vilmorus, 2009-2010). These institutions also received mostly negative attention in the public discourse during the pedophile scandal. In 2010 (in 2009, the trust/distrust in prosecutor officer was not measured), 46.4 percent of Lithuanian citizens distrusted the prosecutors' office, and only 13.7 percent expressed trust. The public courts were distrusted by 46.9 percent of citizens, 6.8 percent greater than in 2009, while trust in public courts stayed near constant in 2010 at 13.7 percent.

With regard to the impact of moral panic on society and the functioning of criminal justice institutions, the crime statistic shows that the number of victims of children sexual abuse (corresponding to Lithuanian criminal code's ten articles) in 2008-2010 was increasing. In 2008-2009, it increased by 4.8 percent (176 victims), increasing by another 12.5 percent in 2012 (198 victims). The biggest increase was noticed between the victims of molestation of minors. In 2009-2010, the number grew by 44.7 percent – from 38 to 55 victims. In 2010, there were 223 persons accused of this group of crimes – the highest number in the last seven years and 2.2 times more than in 2004. There were also 413 investigated criminal cases of child abuse versus only 241 cases in 2009, an increase of 71.4 percent.

Courts statistics also show that in 2009-2010, there was an increase in court proceedings related to the molestation of minors by 60 percent, (from 20 to 32 cases). Simultaneously, during this period, there was a 64.3 percent increase in pending or incomplete cases – from 14 to 23 cases. At the same time, the number of finished criminal proceedings on molestation of minors in 2009-2010 had doubled – from 12 to 24 cases. The dynamics of the duration of court proceedings on cases of molestation of minors also increased in 2009-2010. The number of cases where court hearings took up to 6 months increased by almost twice: from 8 to 15 cases. The same increase happened with the cases of 6-12-month duration: from 4 to 7 cases. Interestingly, in 2008 and 2009, there were no court hearings that lasted more than 12 months, whereas in 2010 there

were 2. The following numbers indicate a significant increase in the workload of the criminal justice system and, perhaps, certain signs of decrease in their effectiveness.

Thus, while the lifetime of moral panic in public discourse is quite short, its effects in the society are generally felt for quite a long time.

FINAL REMARKS

In contemporary society, mass media is the space where social, cultural and moral values of society are reproduced. By transmitting symbolic content, they mediate the normative constructs of the world, thus legitimizing the status quo or reflecting the "accepted" changes taking place in the social organization of the society and the power distribution field.

As the main source of information about crime and criminal justice, mass media significantly influences public knowledge about the reality of crime. Through the disposition of this "synoptic" power, mass media contributes to the shaping and framing of its content, which is influenced by the normative contours of the society and the commercial media industry operating under the logic of the free market economy.

However, it must be noted that the construction and maintenance of this distorted picture of crime reality can have important political ramifications. The definition of prevalent social reality is defined by specific individuals and groups within a sociopolitical power construct. Thus, in this case as well, the social construction of crime is inherently a political act, characterized by social and cognitive control, which legitimizes the "truth regimes" and silences "unwanted" discourse.

Crime reality and knowledge in the public discourse are legitimized as a professional discourse. They are subsequently captured and contorted by actors in the legal, political and, subsequently, journalistic fields. Political actors may make use of the "sensational," "popular" criminal problems and, through populist rhetoric, strengthen their political capital and maintain electorate support.

Therefore, relatedly, behind the excessive escalation of a social problem in the media, often one finds an intention to protect or justify a certain policy and its corresponding solution set. In this context, crime narratives and crime and justice "frames" are used to legitimate certain political strategies. Moral panic

outbreaks are perhaps the most indicative of this phenomenon given that the power elite can use such events to distract public attention from more systematic societal challenges. In this manner, the moral panic, coupled with the narratives that are used to give meaning to it, preserves the *status quo* and those who are in power. It does so by placing the source of a particular problem on generally "unpopular" social elements who become scapegoats for problems that are systemic in nature, but which those in power are unwilling or unable to address.

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