A R T I C L E

News Media and Connectivity in Deliberative Systems: Reflections on the Debate about the Brazilian Age of Criminal Responsibility*,†

Gabriella Hauber[1]
https://orcid.org/0000-0001-6848-2518

Filipe Mendes Motta[1]
https://orcid.org/0000-0002-7139-0996

[1]Universidade Federal de Minas Gerais, Belo Horizonte/MG, Brazil

This article discusses the role of the media in deliberative systems, focusing on the relationship between the news media and the formal arena that is the Brazilian National Congress. We investigate the different ways in which the news media are appropriated by politicians, experts and ordinary citizens in public hearings. We focus on a case study of public hearings on the reduction of the age of criminal responsibility in Brazil, a controversial issue that has given rise to discussions in different arenas — including such formal ones as the National Congress and such informal ones as social networks and the news media. Our data come from transcripts of public hearings organized by the Brazilian Senate and broadcast on the Senate website and news articles on the issue of criminal responsibility and violence committed by adolescents published during the period of the deliberations. Our findings suggest that people use media materials for different purposes in debates, sometimes to support their own arguments, sometimes to delegitimize alternative opinions. Thus, our results support the idea that the media can function as a connector between different arenas in a deliberative system.
Keywords: Deliberative democracy; deliberative systems; news media; reduction of the age of criminal responsibility.

_____

The number of works that discuss deliberative systems as a more appropriate way of approaching and understanding deliberation itself is on the increase. In this context, the great challenge is to show how deliberative arenas with different configurations and diverse communicational and interactional characteristics can be understood as part of a system. Some researchers have suggested institutional design, 'mini-publics' (FARIA, 2017; HENDRIKS, 2016; NIEMEYER, 2012; POGREBINSCHI, 2013), bureaucracy (MAIA, LARANJEIRA and MUNDIM, 2017; MENDONÇA, 2016), experts, social movements and other civil society actors (DODGE, 2014, 2010; FARIA, 2017; MENDONÇA, 2016; MOTTA, 2016) as possible connectors between discursive arenas and discursive systems.

Although studies on the connections between deliberative arenas are on the increase (BOSWELL, HENDRIKS and ERCAN, 2016; ERCAN, HENDRIKS and BOSWELL, 2017; FARIA, 2017; HENDRIKS, 2016), the roles played by the various media in deliberative systems remain little explored, despite being recognized by theorists (MANSBRIDGE et al., 2012; MENDONÇA 2016; PARKINSON, 2012). Studies that aim to analyze the relationship between the media and formal deliberative arenas, where most institutional policy discussions and decisions occur, are also rare and therefore all the more necessary. Maia (2018) goes further, claiming that "broader communication across several discursive arenas could not exist without media practices in mass democracies" (MAIA, 2018, p. 349). She also stresses that, although many deliberative scholars recognize the importance of mass media in democracy, discussions are often based on 'anecdotal illustrations' and few systematic empirical studies have been performed[1]. The purpose of this article is to help fill this gap by investigating the different ways in which the media, and more specifically the news media, are appropriated by politicians, experts and ordinary citizens in public hearings.

We focus on a case study of public hearings on the reduction of the age of criminal responsibility in Brazil, a controversial issue that has given rise to discussions in different arenas — including such formal ones as the

---

[1]She recognizes the interest in communication studies on the internet and democracy over the last fifteen years but argues that other media spaces and the interaction of the media with deliberative systems need more attention.

National Congress and such informal ones as social networks and the news media. We believe that this case contributes to the understanding of connectivity in deliberative systems as it is an issue that features in ordinary conversations, media coverage and discussions in the National Congress. Among other reasons, this is due to the fact that it touches on many of Brazil's hot button issues of violence, race and class, since many of the adolescents who commit offenses[2] are black and poor. Our data come from transcripts of public hearings organized by the Brazilian Senate and broadcast on the Senate website and news articles on the issue of criminal responsibility and violence committed by adolescents published during the period of the public hearings. Our findings show that Brazilian news media played a key role in bringing about a deliberative discussion on reduction of the age of criminal responsibility and were responsible for connecting the various actors with other components of this system. However, while the media played an important role, there are some contradictions in terms of its coverage of the issue, due to such aspects as its own logic of operation. Actors on both sides of the debate used news media coverage for different purposes: to legitimize and support their own arguments, to delegitimize the debate and/or the proposal to reduce the age of criminal responsibility, and to delegitimize alternative arguments. We find ourselves in alignment with scholars who argue that deliberative system studies cannot be undertaken without considering the role of the media system (MAIA, 2018, 2012; MENDONÇA, 2016) and believe that systemic analysis of deliberation processes will enable us to identify contradictions within the media as a deliberative arena and a bridge between other deliberative arenas.

This article is structured as follows: the first section discusses deliberative systems and the media. The second section briefly contextualizes the debate on the reduction of the age of criminal responsibility in Brazil and clarifies how the news media contributed to triggering this discussion through different deliberative arenas. The third section describes our methodology. The fourth section present our findings and a discussion of them. Finally, we conclude by arguing that citizens use media material in different ways. Despite the controversial

---

[2]Brazilian law treats crimes committed by adolescents differently from those committed by adults. According to the relevant legislation, adolescents don't commit crimes, but offenses. That is why we use the term 'offenses' instead of 'crimes'.

role of news media in Brazil and the need for them to be democratized, it is important to consider their contribution to the deliberative system and observe how citizens interact with them.

The deliberative system and the challenges it presents

In this study, we have adopted a systemic approach to deliberation that allows for analysis of large-scale discussions in a context of different deliberative arenas, which are spatially and temporally distributed. This approach also enables us to observe the division of labor and the challenges of discursive connection between them. This systemic approach also considers the varied means of communicating employed in these arenas. The idea of deliberative systems is an attempt to reconnect the field with mass democracy, since it takes power relations, bargaining, testimonies, emotions, and other forms of political activity into account (MANSBRIDGE et al., 2010). In addition to observing the complex political phenomena that foster liberal democracy, a systemic approach to deliberation calls for it to be analyzed critically and for its limitations and the possible transformations that it may undergo to be identified (CURATO, MIN and HAMMOND, 2019).

Jane Mansbridge (1999) was the first researcher to use the term 'deliberative system' in her article 'Everyday Talk in the Deliberative System'. Her concern was to expose the role of everyday conversations in deliberation by re-inserting ordinary citizens into the role of central actors in democracy. She discusses how citizens relate to the formal deliberation that takes place in the public arena. Although Mansbridge (1999) coined the term 'deliberative system', the notion of a discursive complex that connects the periphery of the political system to the formal political system had already been discussed by Jürgen Habermas in his two-track model of political power circulation (HABERMAS, 1996). Habermas (1996) suggests a process of 'wild' circulation of unlimited communication flows, which would form the components of the public sphere. He also demonstrated the importance of civil society involving itself in the formal political system, including in parliamentary discussions and in conflicts that the political elite ignores or cannot identify. In this context, the mass media and civil society associations and organizations have an

important role to play in bringing public opinion to the formal spheres of the political system where decision-makers are present.

Deliberationists are perennially concerned with citizen participation and interference in the formal spheres of politics. In the words of Dryzek (2000), "sometimes deliberative democracy can find a home in the state, but a vital civil society characterized by the contestation of discourses is always necessary" (DRYZEK, 2000, p. 162). He adds that a strong democracy requires that "these reflective preferences influence collective outcomes, and so both an orientation to the state and discursive mechanisms for the transmission of public opinion to the state are required, so long as the state is the main (though far from exclusive) locus of collective decision" (DRYZEK, 2000, p. 162). Hendriks (2006) proposes a discussion of an integrated deliberative system, which denies the incompatibility between macro- and micro-deliberations, suggesting the existence of a mixed system. She reinforces the view that deliberation occurs in what she refers to as different 'discursive spheres', which may be formal, informal or mixed. According to Hendriks (2006), "conceptualizing the deliberative system as a series of discursive spheres [...] helps to depict how micro and mixed deliberative arenas are embedded in a broader, informal (macro), discursive context" (HENDRIKS, 2006, p. 500). Simone Chambers (2012) sees the logic of deliberative systems as a way to value citizen participation in deliberation. She sees the deliberative system as a means for mass democracy in which ordinary citizens can actively participate in the politics and decisions of the elite of the political system.

Mansbridge et al. (2012) developed the systemic approach more broadly, going beyond formal and organized deliberative arenas. They acknowledge that democratic decisions are made through different spaces and institutions that interact to create a deliberative system. In this sense, formal and informal arenas form part of the system, as well as informal discussions related to issues of common interest. Given the diversity of the parts of a deliberative system, the systemic approach proposed by Mansbridge et al. (2012) defines three main normative functions performed by these different parts: 01. an epistemic function, which enables the forming of opinions, preferences and even decisions with diversified and qualified information; 02. an ethical function,

promoting mutual respect among citizens; and 03. a democratic function, to promote the inclusion and the plurality of voices, discourses, interests and demands. Such a division of tasks would allow one to look at the system as a whole, analyzing how the parts complement each other and correcting each other's faults.

The deliberative systems approach did not develop without controversy. Many theorists question the validity of the concept and discuss whether such a system would not increase the asymmetries of power relations and domination. Others ask whether taking into account different communicative and political contexts would be stretching the concept of deliberation too far (ELSTUB and McLAVERTY, 2013; OWEN and SMITH 2015; PARKINSON, 2012). Even Mansbridge et al. (2012) point out some limitations presented by certain characteristics, viz.: 01. when the parts are too tightly coupled to one another, the self-corrective quality is lost; 02. when the parts are completely decoupled from one another, the reasonings of one cannot penetrate the others; 03. there would be problems if one part could dominate the others; and 04. if social class or interests control many parts of the deliberative system, this can also be problematic[3]. In dialogue with Christiano (1996), Papadopoulos (2012) and Sunstein (2009), Hendriks (2016, p. 46) points out the risks of thinking about the issue of coupling/connection[4] in the deliberative system as passive, as if its occurrence was something organic. On the contrary, she alerts us to the possibilities of the dominance of certain spaces by elites, to the unequal deliberative capacities between the different arenas and to the formation of isolated enclaves, in the event that connectivity is not fostered (where fostered, connectivity would happen through incentives given by institutional channels).

Nevertheless, the deliberative approach and the discussion about deliberative systems continues to be one of the main frontiers of contemporary political theory. Bächtinger and Parkinson (2019) have criticized the expansion of

_____

[3]According to the normative ideal, the parts of the system need to be linked to receive ideas emanating from each other via convergence, mutual influence and mutual adjustments (MANSBRIDGE et al., 2012, p. 23).

[4]Hendriks (2016, p. 46) distinguishes the concepts of 'coupling spaces' (a relational proposal, focusing in the interdependence or dependence between the arenas, as well as "the multidirectional linkages between sites") and 'transmission' (more interested in the flows and blockages of discourses between different sites).

the notion of deliberation in the last years. However, by attributing centrality to the concepts of reason-giving and active listening, they still recognize that deliberative actions can occur in different spaces, not only in fixed and determined ones, and can be combined and recombined in 'surprising' ways (BÄCHTINGER and PARKINSON, 2019). A significant recent study that systematized the diversity in the field, defined deliberation as "mutual communication that involves weighing and reflecting on preferences, values, and interests regarding matters of common concern" (BÄCHTINGER et al., 2018, p. 03).

Neblo and White (2018, pp. 449-451) have tried to identify key issues impeding the connection between sites in deliberative systems. They established four criteria for understanding interactions between sites. There are: 01. awareness — related to the ability of one site to know about the existence of others, which is related to the question of how these other sites make their outputs public. In this sense, the news media are "the prominent example of this, as their entire function is to increase public awareness of issues of note" (NEBLO and WHITE, 2018, p. 450); 02. translatability — related to the possibility of information moving between sites without distortion. The outputs must be resistant to miscommunication and must be clear, as the 'telephone game' problem can happen all the time. This requires "not only simplicity, but also the ability to translate across different nomenclatures" (NEBLO and WHITE, 2018, p. 450); 03. receptivity — the ability of a site to take "seriously the information it acquires from another site" and to discern what information is relevant, which is related to the fact of being aware of its role in the system. Some kind of equilibrium is necessary (NEBLO and WHITE, 2018, p. 451); and 04. flexibility — related not only to the ability to 'do things' with the information received from other sites but also to produce outputs that can be used by other sites once they have left.

Boswell, Hendriks and Ercan (2016) say that "transmission depends on both existing structures and individual agency" (p. 266) and point out three transmission mechanisms: 01. middle democracy — actors spread throughout the systems with shared interests that can connect people with empowered spaces (via GUTMANN and THOMPSON, 1996); 02. democratic innovations — such as mini-publics (NIEMEYER, 2014) and coupling institutional mechanisms (HENDRIKS, 2016); and 02. discourses — considering a discourse as a

set of ideas, categories and metaphors which can help actors share argumentative resources, as inspired by Dryzek (2009).

In this article, we are particularly interested in the challenge of connecting the parts of a deliberative system. And we argue that the media are a possible connector, especially when they link the demands of ordinary citizens to the formal political system, where the greater part of decisions are made. Despite its contradictions, the coverage that the media achieve in society can contribute to large-scale deliberation by allowing different discourses to gain visibility and circulate in the public sphere and, possibly, across different arenas.

The media and their controversial role in deliberation

The role of the media in deliberation has started to be explored, and interest in their relationship with the deliberative system has grown. There are those who understand the media as a fundamental part of the deliberative system and others who take a more critical view. Maia (2018) stresses that media play a more complicated role in public debates than is usually assumed by critics and that is why "media communication operations [...] should not be presumed, but investigated" (MAIA, 2018, p. 352) by highlighting the capacity of mass media in reason-giving (ETTEMA, 2007) and 'mediating the debate forum'. Among other functions, the mass media fulfill the purpose of promoting large-scale circulation of information and debates on political issues, as well as helping to connect ordinary citizens to the formal political system (MAIA, 2018, 2012; MENDONÇA, 2016). Habermas (2006) states that the media is at the periphery of the political system, where "the public sphere is rooted in networks for wild flows of messages" (HABERMAS, 2006, p. 415). He describes as 'published opinions' the opinions of different actors that are selected and shaped by mass media professionals. Among them, he distinguishes the 'polled opinions', which are pro and con attitudes regarding controversial issues. "These attitudes are influenced by everyday talk in the informal settings or episodic publics of civil society at least as much as they are by paying attention to print or electronic media" (HABERMAS, 2006, p. 416). This circulation of different opinions is important to the system as a whole and to foster a plural public opinion, which is essential to deliberative democracy.

Friedman and Kadlec (2006) also see in mass media the possibility of expanding the scale of deliberation. They discuss how mass media contributes to the empowerment of citizens and the circulation of different points of view on a given subject in civil society, eventually reaching the elite of the political system. One of the possible inducers of connectivity between the parts of the deliberative system identified by Mendonça (2016) is the media. The connection between citizens and elites in a political system can take the form of mechanisms within formal institutions themselves, such as public hearings and participatory budgeting (AVRITZER, 2008, 2007; HENDRIKS, 2016; WARREN, 2016). The media can also play the role of connector in a less sporadic and more inclusive way. We can point to at least two main possible contributions of the media to the connectivity between parts of a system to foster dialogue between ordinary citizens and the formal political system. These are to provide visibility and information to citizens and to give visibility to and uncover the interests and demands of citizens, both of which are closely intertwined and interdependent.

The first contribution is related to the media's ability, by giving visibility to certain issues, to direct or build events by conducting discussions in the public sphere. Considering the systemic approach, information provided by the media can foster discussions and allow the formation of public opinion, as well as provoking responses in the formal political system. The media can also contribute to parliamentary activities reaching citizens, contributing to the connection between these two parts of the system. Thus, the media can contribute to fostering and encouraging political engagement and citizen participation (MAIA, 2018; NEBLO and WHITE, 2018; MENDONÇA, 2016).

The second contribution (to give visibility to the demands of the citizens) is related to the possibility of the media to allow the positions and demands of civil society to reach the center of the political system, even if informally — media give visibility to pressures from society, which generates discussions in the formal political system that would not happen otherwise. Some of these demands can be in small groups, but they are broadened through social networks and online conversations, they reach the mass media and other citizens and strengthen and deepen the formal political system. In this same sense, the use of the media is

fundamental for organized civil society and for formal political actors in order to give greater visibility to the demands raised by them (MENDONÇA, 2016, pp. 12-14).

Journalists are also able to translate some speeches and information in a way that is more intelligible and accessible to ordinary citizens (LYCARIÃO and WOSNIAK, 2017; MENDONÇA, 2016). In this sense, Lycarião and Wosniak (2017) propose the idea of mediation as an epistemic operator, whereby media can facilitate communication exchanges between different audiences and actors and also invite and guide citizens to search for more information. They argue that the media can fulfill their systemic function when this involves lay citizens in an active search for information – they also augment the visibility of the governance process by making its political backstage publicly visible (LYCARIÃO and WOSNIAK, 2017, p. 22). Rinke (2015) stresses that the main ideal of the journalist, which is to inform people, has a deliberative connotation, since it can "help citizens in understanding the merits of public arguments for or against specific policies" (RINKE, 2015, p. 04).

However, it is necessary to recognize that there are contradictions within the media system itself. The media, especially the mass media, have their own operating dynamics that can restrict, shape and limit the way information reaches citizens, by restricting the access to certain actors, selecting, clipping and framing issues, in addition to their own political and economic interests (BIROLI, 2013; BOHMANN, 2000; MAIA, LARANJEIRA and MUNDIM, 2017). Biroli (2013) argues that the boundaries to media access are both internal and external. External boundaries are related to access to the media and to the matters that gain visibility. Internal boundaries indicate which part of the newspaper will provide visibility to an actor or theme. These filters "define the transit through distinct media territories, which hierarchize and politicize, or politically dehydrate, themes and actors (the internal borders) to the extent that they make them visible – and, in that sense, public" (BIROLI, 2013, p. 130[5]). Parkinson (2012) criticizes some

_____

[5]Original in Portuguese: "*definem o trânsito por territórios midiáticos distintos, que hierarquizam e politizam, ou desidratam politicamente, os temas e atores (as fronteiras internas) na medida em que os tornam visíveis — e, nesse sentido específico, públicos*" (BIROLI, 2013, p. 130).

deliberative democrats who treat the media as a perfect mechanism for transmitting information, forgetting that they are also institutions that have filters and interests and can cause distortions to the deliberative system. Thus, the role of the media is controversial. Just as they contribute to scaling up deliberation, they also reproduce hierarchies and hinder the participation of some groups, which leads us to maintain a 'healthy skepticism' (CURATO and ONG, 2015; MAIA, 2018, p. 350).

In some studies, Habermas (2006) also presents the media as having an ambivalent role. They belong to an elite and while they may be actors of manipulation of public opinion, where they may have an arbitrary character and eliminate reciprocity between speakers and listeners, the media also have the ability to be a place for visibility, publicity, provision of inputs for debate and argumentation and to be the place where debates and exhibitions of arguments happen (HABERMAS, 1996). Habermas (1996) recognizes that it is impossible to think of a public sphere in complex societies without the presence of the media. For him, both professionals from the media system and politicians are indispensable actors for the political public sphere and "are both the coauthors and addressees of public opinions" (HABERMAS, 2006, p. 416).

In this way, the media can function as arenas for discussions, considering that they give visibility and publicity to certain subjects and positions. Maia (2012) argues that "the mass media function as a civic forum and the media professionals are also actors shaping public debates" (MAIA, 2012, p. 78), because they define what does and what does not gain visibility and also have the ability to interpret political events and themes. Considering deliberative systems and the connectivity issue, Mendonça (2016) argues that: 01. the media can reduce asymmetries in attention given to discourses that would otherwise remain invisible, compelling actors to consider them; 02. with its broad visibility power, the media fosters the necessity of justification of political actors, it "makes decisions and arguments more susceptible to public scrutiny"; and 03. the media can expose some incompatibilities of discursive arenas — which occur when they try to translate discourses of these arenas to broader audiences and are "challenged by social actors who do not agree with the way their discourses

bpsr   ▪

News Media and Connectivity in Deliberative Systems: Reflections on the Debate about the Brazilian Age of Criminal Responsibility

have been represented" (MENDONÇA, 2016, p. 13)[6]. According to Mendonça (2016), "there are (many) circumstances in which the mainstream media ignore significant parts of potential systems. What I do claim is that a deliberative system cannot operate democratically without the media" (MENDONÇA, 2016, p. 13).

While agreeing with most of the caveats, we believe that the media are essential to deliberative processes, especially on a large scale, that involve and encompass ordinary citizens and everyday conversations. We recognize that the media have problems and limitations, as do other parts of the system or deliberative arenas. Nevertheless, the media should always be considered when discussing more inclusive deliberation and deliberative systems, in which civil society — organized or not — is more involved. One cannot expect the media to act as perfect connector and arena and solve the problems of the whole system. "Mediated deliberation is not an end in itself. Normative theory expects mediated deliberation to improve the political process by exerting influence on both citizens and politicians" (RINKE, 2015, p. 822). Furthermore, in a systemic approach, it is possible that other arenas correct the specific limitations and problems of media. As an example, we can refer to the formal arenas of our study, in which it is possible to foster a more qualified debate on an issue that has gained visibility (in a distorted way) through the media, as in the case of the reduction of the age of criminal responsibility in Brazil[7].

The goal of this study, then, is to analyze the controversial role of the media in the deliberative system constituted around the reduction of the criminal age of responsibility in Brazil. We believe that the way the media organizes information that will reach citizens can interfere with the way issues appear in a deliberative process. As such, we formulate our first question thus:

RQ1: How have offenses and the reduction of the minimal age of criminal responsibility been portrayed by the media? Which discourses and agents have gained visibility?

---

[6]He stresses the capability of the media, bureaucracy and activists to induce the connectivity of deliberative systems but also recognizes the ambivalent role played by them.

[7]In a normative analysis, of course, it is also impossible to identify a place where the problems are corrected.

We believe that matters that gain visibility in the media are harnessed and appropriated in different ways and by different actors in a deliberative process. In this sense, we also ask:

RQ2: How did the content and statements published in the news media circulate in the three public hearings organized by the Federal Senate? Is there a difference between the way each actor convened the media in the deliberations on the reduction of the age of criminal responsibility?

Case study: the reduction of the age of criminal responsibility in Brazil

The age of criminal responsibility in Brazil was established by the Federal Constitution of 1988 and the Statute on Children and Adolescents (ECA)[8], promulgated in 1990. Instead of being sent to common penitentiaries, adolescents between the ages of 12 and 18 who commit offenses go to the so-called 'socio-educational system', in which they are supposedly subject to socio-educational measures according to the severity of the offense committed.

Since the approval of the ECA, there have been questions from some conservative actors regarding the age of criminal responsibility adopted by Brazil. This debate was intensified in 2003 when a teenager known as Champinha, then 16, murdered a couple of lovers, and in 2007, after the murder of a six-year-old boy, João Hélio, who died during a robbery in which one of the robbers was a teenager. Other two cases brought the discussion to the public's attention once again: in April 2013, a 17-year-old adolescent murdered a student in front of his house after robbing him of his cell phone and, in that same month, a dentist was burned alive by a 17-year-old adolescent during a robbery of her clinic. Both cases occurred in the city of São Paulo. Soon after the episodes, the governor of the state of São Paulo at the time, Geraldo Alckmin (PSDB), sent a bill to Congress that proposed tougher punishments for adolescents who commit 'heinous crimes'[9]. The debate about reducing the age of criminal responsibility frequently grows intense in Brazil when

_____

[8]A set of laws on children's rights approved in 1990 after an intensive process of mobilization of social movements and other civil society actors during the Brazilian's re-democratization process of the 1980s.

[9]In Brazil, crimes characterized as 'disgusting or barbaric' are considered heinous, are not eligible for amnesty, pardon or bail. Rape, robbery, qualified homicide and, recently, femicide are considered heinous crimes.

a serious offense, such as a homicide, gains media coverage, especially in the mass media, which highlights homicide coverage on TV, radio, print and electronic media for weeks.

The reportage led to public opinion surveys on the issue, which showed that the Brazilian public is mostly favorable to the reduction of the criminal age of responsibility. In 2013, the same year the two aforementioned occurrences took place in São Paulo, a survey by the National Transport Confederation (CNT) released in June revealed that 92.7% of respondents were in favor of reducing the age of criminal responsibility. That same month, the Brazilian Senate hosted a series of three public hearings on the issue with the participation of specialists.

During the first public hearing, the Senate presented a survey from DataSenado reinforcing part of the population's opinion on the topic:

> DataSenado conducted a national survey that revealed that 89% of respondents are in favor of lowering the age of criminal responsibility, now set at 18 years old. For 35% of the people interviewed in the survey, the age should be 16. Eighteen percent feel (that the age should be) 14 years old and 16% that it should be 12. Twenty percent argue that anyone, regardless of age, should be tried and, if appropriate, condemned as an adult. This is the thinking of Brazilian society as per DataSenado (Vital do Rego, Senator) (FERRAÇO, 2013, p. 14)[10].

Based on the visibility and repercussions of a serious offence and the subsequent dissemination of surveys on the reduction of the age of criminal responsibility, the media became the main trigger of a broader deliberative system on the issue of reduction of the age of criminal responsibility in Brazil. This system involves the National Congress, politicians, political parties, experts, ordinary citizens and civil society actors. For this reason, the issue in question provides a rich seam of material for analyzing the participation of the news media in a deliberative system that they contributed to forming.

In addition, the reduction of the age of criminal responsibility is related to a more general issue in perennial circulation in the public sphere, which is violence and criminal issues in Brazil. Discussing this issue means discussing the

---

[10]Translated from Portuguese.

possibility of reducing crime rates in the country. Issues such as these, which are in the public interest and are part of formal and informal citizen conversations, are suitable for empirical analysis of the deliberative system. They usually draw the attention of the media, ordinary citizens and also the political class, and involve different interconnected arenas.

Method

This analysis seeks to consider the interactions between debates hosted by the media and those that took place in parliament. The study is based on the transcripts of the three public hearings on reducing the age of criminal responsibility, organized by the Brazilian Senate in June 2013. The deliberations were broadcasted live on an online platform where citizens could leave comments in real time. We also had access to these comments, which were sometimes read by the Chairman of the Senate and the Justice Committee during the public hearings — we analyze only the comments read by the Chairman.

In addition to the argumentative exchanges in the deliberations, we also analyze news articles that were published between April and June on the issue in order to identify how it gained visibility in the public sphere through the media. The news articles were collected from UOL and G1, the two news portals with the largest audiences in Brazil at the time. The two national newspapers with the largest circulation in that year, Folha de São Paulo and O Globo, are hosted on these news portals[11]. We also chose both portals because they have profiles on Facebook and Twitter with a considerable number of followers. We selected news items through keyword searches on the website search mechanism.

Our method is a systematic qualitative analysis that brings elements of interpretive approaches. Despite variations in how it is implemented, the interpretative approach is related to the interpretation of the meanings presented by data collection (BEVIR and RODHES, 2002; YANOW, 2007). "Interpretive

---

[11]Besides that, UOL houses different communication vehicles, with different owners and different editorial lines in news production that are not necessarily aligned with the Folha de São Paulo and UOL itself. So, in this analysis we consider content published by other news vehicles which content is hosted in UOL, such as Congresso em Foco, A Tarde and Jovem Pan.

approaches often begin from the insight that to understand actions, practices and institutions, we need to grasp the meanings, beliefs and preferences of the people involved" (BEVIR and RHODES, 2002, p. 134). An interpretive analysis starts from the identification of the meanings presented and their sources, such as words, speeches, acts and language, among others.

More than explaining causality, our analysis aims to understand, explore, situate and contextualize the problem at stake, focusing on the agency of the subjects involved (MARSH and FURLONG, 2002). It is a discursive approach that seeks to capture shared ways of apprehending the world (FAIRCLOUGH, 2003). "Embedded in language, [discourse] enables those who subscribe to it to interpret bits of information and put them together into coherent stories or accounts. Discourses construct meaning and relationships, helping define common sense and legitimate knowledge" (DRYZEK, 2013, p. 09). Discourses design and constrain communication and coordinate actions of people, movements and organizations, being permanently connected with the reality of the political context in which they are inserted (DRYZEK, 2013).

Our main purpose is to analyze the role played by the media in a deliberative system on the proposed reduction of the age of criminal responsibility in Brazil, observing to what extent the media acts as a connector of deliberative arenas. Ercan, Hendriks and Boswell (2017) argue that an interpretative approach can "help us understand the way different sites within a deliberative system interconnect (or do not interconnect), and the nature of transmissions and blockages" (ERCAN et al., 2017, p. 201). They point out three main roles of this method in empirical studies: 01. portraying the sites, agents and discursive elements that comprise a deliberative system, 02. understanding connections and transmissions within a deliberative system, and 03. appreciating the context of deliberative forums and systems. We are especially interested in identifying the connections between the arenas and an interpretative approach can "offer a deeper understanding of the nature of these connections and the democratic consequences of these" (ERCAN et al., 2017, p. 201).

Therefore, our analysis is based on an interpretive reading of the transcription of the public hearings. At the same time, it is a systematic

analysis, as we observe some patterns, such as types of reference to news media and their objectives, besides the arguments in favor or against the reduction proposal. In the news media texts, we also observed the types of news (e.g. op. ed. pieces, reports on crimes and news about politicians) and the main journalistic sources.

During the three public hearings we observed, each participant had 20 minutes to expound their arguments about the issue at stake. We analyzed each speech act, which means that each time a participant spoke his/her speech was counted. It is important to say that even if a participant's speech was briefly interrupt and then resumed, we counted this as a single speaking turn, since the line of reasoning remained the same. In all, 58 speaking turns were identified in the three public hearings. We also analyzed 218 news articles on UOL and G1 related to violent acts committed by adolescents[12].

Media, violence and reduction of the age of criminal responsibility

Our aim is to analyze the different ways in which the discourses and content that appear in news media articles are appropriated by politicians, experts and ordinary citizens in the public hearings held by the Brazilian Federal Senate. The deliberation on the reduction of the age of criminal responsibility was triggered, initially, by two cases of serious offenses that gained visibility. Therefore, before we look at the public hearings, it is important to discuss how the issue gained visibility in the news media. We begin, then, by answering our RQ1: How have offenses and the reduction of the criminal age of responsibility been portrayed by the media? Which discourses and agents have gained visibility?

Among the 218 stories collected in UOL and G1, 120 (56%) only reported the occurrence of offenses, without bringing broader contextualization on the subject — 36 (17%) were related to the death of the young student, 13 (6%) reported the death of the dentist, and 71 (33%) related to other crimes that did not gain as much impact as the other two. In addition, 10 (5%) texts focused on the dissemination of surveys on the opinion of Brazilians regarding the

_____

[12]At first we also planned to do a content analysis of our data collection. However, this was not possible due to the low number of speaking turns and news articles, which were therefore not statistically significant.

reduction of the age of criminal responsibility or statistical data related to the involvement of adolescents with crimes. The other two types of text that had more relevance in the news media were opinion articles and those of politicians and the relevant institutions' positions on the matter (Table 01).

Crimes happen every day in Brazil and other countries and arouse the interest of the media. Therefore, it is common for the media to maintain a relatively close relationship with the police to obtain information for their news and coverage about crime (MAWBY, 2010). However, some cases of violence gain more visibility than others. The fact that the death of the young student and that of the dentist gained visibility is related to the media's tendency to exploit cases that involve the middle class and the elites, that is, "ideal victims" that "includes those who are perceived to be vulnerable, defenseless, innocent and worthy of sympathy and compassion" (GREER, 2007, p. 22). In this sense, Greer argues the existence of a 'hierarchy of victimizations' — on the one hand are the ideal victims and on the other those who do not deserve to be considered victims. This hierarchy is reflected and reinforced in news media discourses. The panorama of media coverage related to the offenses in the period we analyzed is an example of this; only two cases gained wide coverage, while others were under-represented, only reported once or even made invisible.

Table 01. Types of news

Types of news	N	%
Report of offense (other)	71	33%
News about politicians and organization's positions	47	22%
Report of offense (young student)	36	17%
Opinion articles	24	11%
General discussion on reduction of the age of criminal responsibility	17	08%
Report of offense (dentist)	13	06%
Survey/Statistical data	10	05%
Total	218	100%

Source: Elaborated by the authors.

Among journalists' sources, the politicians of the three spheres of government (24%) stand out, followed by public security officers (15%) and specialists (11%), which is also related to the types of texts that had more relevance during the three months analyzed, that is, news about politicians and organization's

positions, reports of offenses and opinion articles. Among the 218 news items, 63 (22%) did not use sources, especially those that merely reported on an offense.

Not surprisingly, politicians are the main sources consulted by journalists. This result reinforces the logic of the media, which usually follows the agenda of politicians and uses official sources for the production of content. But this is a two-way relationship. Politicians also need to consolidate themselves as journalistic sources and often act with a view to the impression created by their words in the media (BIROLI, 2013; LÜCK et al., 2018). This close relationship is important to the system as a whole, as one arena must be aware of the existence of others (NEBLO and WHITE, 2018). On the other hand, there must be also translatability and receptivity, in a way that information can move without distortion and be taken seriously (NEBLO and WHITE, 2018). At this point, the media fails as a good connector. Apart from its distortions of information, media access is unbalanced. In our case study, for example, experts had room in public hearings, but very little in the media. Thus, it is also important to observe how journalists interact with other actors in the deliberative system (LÜCK et al., 2018).

Our data, besides showing a certain logic of media functioning — such as the tendency to give more visibility to official sources — also reveal certain aspects of the configuration of the deliberative system constituted around the discussion on the reduction of the age of criminal responsibility. By giving visibility to two serious offenses, the media triggered the discussion on the issue as different actors in society felt compelled to go public to explain and defend positions, this being one of the ways to foster deliberation on the issue, including through the media. In addition, following the discussion and positioning of politicians through journalistic texts, ordinary citizens also began to express themselves and send comments to the news portal. The following excerpt from the Folha de São Paulo's editorial section is an example of how the deliberative system was activated:

> The survey Datafolha published on Wednesday revealed record support for the reduction of the age of criminal responsibility, now set at 18. No less than 93% of 'Paulistas' [citizens of São Paulo state] said they were in favor of legislative change. Near unanimity is rare in such surveys. Although the uproar resulting from a recent murder committed by a teenager has stimulated public feeling, it is clear that society is rightly crying out for actions capable of fighting insecurity. There is no escape

from this debate. Criminal law must, on a symbolic level, be able to preserve order, and a complete divorce with public opinion only undermines this objective. However, it does not follow that reducing the age of responsibility is the best measure to achieve the desired effects. Nine thousand and thirteen adolescents live with restricted freedom at Fundação Casa, an agency of São Paulo state responsible for juvenile offenders. Only 134 of them, or less than 1.5%, committed crimes involving deaths[13] (FOLHA DE SÃO PAULO, 2013).

Regarding the statements and positions that gained visibility, arguments against the proposal were the most cited (53%) in the news that presented some kind of argument, with a small difference compared to the favorable ones (47%). The media gave some visibility and space to different positions and arguments on the issue. The circulation of different discourses is important for deliberation and the deliberative system as a whole, so that people get qualified information from both sides of the debate to be able to formulate their own preferences (DRYZEK, 2000; BOSWELL, HENDRIKS and ERCAN, 2016; HABERMAS, 1996). These data show that the media are capable of favoring different transmission mechanisms, as pointed out by Boswell, Hendriks and Ercan (2016), which are 'discourses and middle democracy', since they can open space for different actors. However, among the 218 news items, 123 (44%) did not present any type of argument. This significant number is due to the fact that news reporting offenses alone, without deepening the debate about the reduction of the age of criminal responsibility, were strongly present on the UOL and G1 portals.

The predominance of this type of news also contributes somehow to the discussion, even without expounding arguments and sometimes without even touching on the subject. Stories that report an offense, for example, help to reinforce an idea of public insecurity and also provoke people to develop their position on what must be done in relation to it. The statement of the mother of the young boy who was murdered, published on the G1 portal, is an example of this: "All minors are allowed to kill because they can carry a gun in their hands without the slightest fear of doing anything, of destroying families. Let's change. We'll make it happen and my son will help" (DEPPMAN, 2013)[14].

_____

[13]Translated from Portuguese.
[14]Translated from Portuguese.

The above statement is typical of ordinary citizens who believe that there is impunity for adolescents who commit offenses. When the media reports a serious crime that stays in the news for many days, they also contribute to the creation of social meanings about acts of violence and about what could be done to contain them. People tend to conclude that there is something wrong in society and that certain measures and attitudes must be taken to stop the problems they face. Innes (2003) discusses so-called 'signal crimes' that, in addition to affecting those directly involved, also have an impact on a large audience. "The response to the signal may involve either an individual or collective decision to make changes to the environment through situational crime-prevention measures; modifications to routine activities to integrate risk-avoidance techniques; political demands for more policing, laws and social control..." (INNES, 2003, pp. 52-53). Although the media contributes to a sense of fear and of an increase in crimes, there may already be certain values and beliefs in society that relate directly to a 'panic morality' (FERGUSON, 2013) that finds support and response in the media.

The commentary above is an example of this. A person comments on the supposed impunity enjoyed by adolescents that encourages them to commit offenses and implies that they are responsible for the sense of insecurity shared by many Brazilians. This is a type of statement very present in the deliberation on the reduction of the age of criminal responsibility, even if statistical data points the other way. In the 2014 Annual Survey of the National Socio-Educational Service System[15], the percentage of homicide-related offenses was 9% (2,481), while 44% (11,632) was classified as analogous to robbery and 24% (6,350) was recorded as analogous to drug trafficking. This means that the occurrence of more serious offenses or heinous offenses (of the type the comment refers to) represents a relatively small percentage compared to other types of offenses. However, the broad coverage of serious offenses, coupled with a growing sense of criminality experienced by Brazilians citizens on a daily basis, contributes to the construction of an idea that adolescents commit many 'heinous crimes', a fact that is mistakenly used to justify the reduction of the age of criminal responsibility.

_____

[15]An institution that organizes the execution of socio-educational measures applied to adolescents who have committed offenses.

The media in the public hearings

We know that even actors who do not explicitly make any reference to the media in deliberative processes may also have a repertoire based on media content. The media coverage contributes to the construction of positions and points of view (GOMES and MAIA, 2008; MAIA, 2012; GAMSON, 1992), especially in cases such as the age of criminal responsibility in Brazil, which was a debate initially encouraged by the media. However, in observing how people made reference to media material during the public hearings, it is important to discuss how this controversial informal arena can appear in different ways and for diverse purposes in a formal space. At this point, we move to RQ2: How did the content and statements published in the news media circulate in the three public hearings organized by the Federal Senate? Is there a difference between the way each actor cited the media in the deliberation on the reduction of the criminal responsibility?

The three public hearings organized by the Senate aimed at discussing two main points on the subject: the constitutionality of the purpose of change in the law and the ability of adolescents to understand the severity of their acts. For this purpose, representatives of different institutions, such as organized civil society and members of the Brazilian judiciary, were invited to participate alongside senators and representatives of Brazilian states. The speaking time of each invited expert was approximately 20 minutes. This characteristic gives us a relatively small number of long utterances, about 114 pages transcribed from the audience.

In addition, the public hearings were held in June 2013, two months after the occurrence of the two offenses and the resulting intense media coverage and after the release of the public opinion surveys. This context contributes to explaining the fact that almost half of the statements in the three public hearings made some reference to the media as well as to showing that the media can function as a connector of citizens and the elite of the political system (MAIA, 2018, 2012; MENDONÇA, 2016). This connection can be perceived by reference to the fact that reports on the offenses and the disclosure of surveys by the media contributed to the Senate organizing the series of public hearings. Of the 59 statements, 29 (49%) made some reference to the press, mainly referring to cases of offenses or commenting on the general coverage of offenses and violence.

We observed three main types of references to the media: 01. references to general media coverage about offenses and violence; 02. references to specific cases that gained visibility in the media; and 03. references to statistical data and surveys published by the media. These results corroborate the studies that argue that media can promote a large-scale circulation of information (MAIA, 2012; MENDONÇA, 2016) and can act as a connector of deliberative arenas, since they foster the circulation of discourses.

Analysis as to the purpose of the participants at the public hearing when they refer to the media is every bit as important as identifying the types of references they make. People use media material for different purposes in debates, sometimes to support their own arguments, in other moments to delegitimize other's opinions, for example. As such, we tried to identify the role played by the media in the legislative discussion about reduction of the age of criminal responsibility through the participants' speech acts by identifying the following three main objectives of references to the media:

I) Legitimize and support one's own arguments: media material is currently used to support reason-giving and to explain a participant's position. In the case of reduction of the age of criminal responsibility, participants at the public hearings who were in favor of the change in legislation made reference to specific cases of violence that had appeared in the media as proof of the growing violence and to justify their positions, such as the following excerpt from a statement made by a senator: "Last year, the growth in the number of juvenile prisoners was more than twice that in adult prisons. This information comes from a report published by the newspaper 'O Globo', based on official data obtained from the governments of eight states in different regions of the country" (FERRAÇO, 2013, p. 23). In this example, the senator used the media to show that he knows the source of his information. He assumes that what comes out in the media is legitimate and reliable and, consequently, that his view has proven validity. The surveys published by the media function in the same way. They are used to justify the importance of the reduction and of the debate itself: "We're here to address the issue, to debate it. This is our task as representatives of the population. It is necessary to consider the pressure of Brazilian society. And, of course, research has pointed out — even

in the latest survey — an enormous concern: 94% of people consulted in the state of São Paulo are favorable [to reducing the age of criminal responsibility]" (FERRAÇO, 2013, p. 24).

II) Delegitimize the debate/the reduction proposals: among actors contrary to the reduction of the age of criminal responsibility, it was possible to identify common criticisms of media coverage about offenses committed by adolescents. Participants in the public hearings argued that the news media actually disrupted the quality of the discussion. There are claims that the debate on the proposal should not have happened at that time because it would have been triggered by the media in a misleading way and that changes to legislation should not be made in "the heat of the moment" at times when serious offenses involving adolescents were in evidence in the public sphere: "I believe that this debate has been raised by the media — more than by other actors. [...] Two or three minors commit a crime. The minors engage in crimes as a result of an absolute lack of perspective in their lives. [...] So, you can see these things: panic in legislation, the press carrying on day and night, some exceptions being made a rule, but being made a rule by the media..." (FERRAÇO, 2013, p. 20). In this example, another senator made reference to the general media coverage about offenses and violence to show that adolescents are not as involved in offenses as the media tries to make it look. Therefore, media material can also be used in a critical way to delegitimize the debate and to counter favorable opinions.

III) Delegitimize others' arguments: news media articles are also used to delegitimize other people's positions or arguments and show that participants with different positions are wrong. In general, participants favorable to the reduction of the age of criminal responsibility mostly made reference to the media to show that people who are contrary do not see the increasing violence shown by the media. It is a way to justify their position and question other's positions: "In your view, we are faced with an indisputable clause [of the Constitution]. But we are also faced with dramatic data. I am going to make a few remarks here on a recent article published by 'O Globo' newspaper that sets out the dimension of the growth of

crime: The entry of children and adolescents into the world of crime has increased in Brazil" (FERRAÇO, 2013, p. 23). In this example, the participant made reference to statistical data to show that people who are against the reduction of the age of criminal responsibility are wrong. The participant argues that it is important to observe what news media publish about violence so as not to ignore the suffering of the Brazilian population. In this case, the media is also seen as a mediator between ordinary citizens and the elite of the political system.

These three main purposes with which the media were referenced in the Senate public hearings say much about the opposing views on the role that the media play in this discussion. On the one hand, participants opposed to the proposal argue that the media harms and disrupts the debate, due to skewed coverage on the involvement of adolescents with criminality. On the side favorable to the proposal, media reports are used to support the argument that criminality is growing and that something must be done. That is, media material can be used for both sides of the debate but to contrasting ends.

The media and both sides of the debate

We can also observe how the media can be associated with different arguments, contrary and favorable to the reduction of the age of criminal responsibility. In other words, public hearings participants made references to media material with different intentions and to advocate different points of view on the issue, i.e., the media contribute to promoting the circulation of different discourses, which is an important task for the connection of a deliberative system (BOSWELL et al., 2016).

Surveys and statistical data appear, above all, to reinforce the importance of the discussion and to legitimize positions favorable to the reduction of the age of criminal responsibility. Therefore, they are more associated with arguments such as, 'there is strong support for reducing the age of criminal responsibility and the reduction process has been underway in Congress for a long time' and 'changing the law will reduce violence and save lives because teenagers are increasingly involved in criminal activities and they must be criminally prosecuted'.

On the other hand, the references to general media coverage tend to have a more critical tone regarding the way news is framed. This type of reference is more often made to oppose the proposal, being more associated with arguments such as 'investments in education and public policy are better ways to prevent adolescents from getting involved in criminal activities' and 'current measures applied to teenagers who get involved in criminal activities are sufficient'. However, references to offenses that have been reported by the media appear on both sides of the debate, supporting different positions:

> Today, in the morning, I woke up early at 6am and watched the news on a news channel. From 6:00 a.m. to 10:00 a.m., one channel explored the death of a person, a citizen in São Paulo, four times — four times! I began to develop a feeling of revolt against that violence. After the fourth time, I decided to change channels. I went to another channel that showed the video of the same event[...]. To develop the hatred of the population against any and all crimes does not explain and solves nothing. Unrestrained punishment will not solve the problem of violence in the country (ARAÚJO NETO, 2013, p. 48, Federal Public Lawyer)[16].

The above statement was a response to a citizen who had her comment (posted online) read during the public hearing. The citizen uses the argument "if teenagers gain civil rights, such as being able to vote and get married at 16 years of age, they should also be punished when involved in criminal activities" (ARAÚJO NETO, 2013, p. 47) to question why adolescents cannot be punished as adults. The public lawyer's speech act is a way to say that he understands citizens' fear of violence, since the media always explores extreme cases, however, he argues that stiffening legislation alone will not put an end to violence. Even if the public lawyer disagrees with the citizen, it is important to the deliberative system that he considered her opinion. When the claims, especially those of ordinary citizens, arrive at a formal institution, it does not necessarily mean that the transmission occurs in a complete way. It is important that "there is recognition of claims raised in public space and careful consideration of them within more empowered settings" (BOSWELL et al., 2016, p. 03). Despite being a response to a specific comment, the public lawyer's speech is directed at a

---

[16]Translated from Portuguese.

larger portion of the population, who see reducing the age of criminal responsibility as a way to reduce the violence they watch and read daily on the news media.

The following makes references to an offense that received a lot of media visibility to reinforce the need to reduce the age of criminal responsibility:

> What we see daily in the press and in commentary is unbridled and very serious violence. [...] Some recent serious crimes committed by adolescents in São Paulo: "teenager admits guilt for setting fire to a dentist who died". What horror! And all because she had little money in her bank account. "Teenager kills his mother with the help of boyfriend in Rio". The person rapes, kills and cuts up his victim, and few delinquents under 18 years of age spend three years in youth detention (KOPYTOWSKI, 2013, p. 09 -Judge of the Court of Justice of Paraná)[17].

Although completely opposite, the two excerpts from statements above come from members of the justice system — specifically, a public defender and a judge. This reveals that references to the media occur in different ways, even by actors belonging to the same category. All the above examples in some way refer to citizens in an attempt to show that the discussion is due to a demand from the population that has gained visibility through the media. The contents of media reports are usually part of everyday conversations among ordinary citizens (JACOBS, COOK and DELLI CARPINI, 2009; MAIA, 2012). This can occur with news about heinous offenses, and it contributes to the formation of preferences. In addition, the media can function as connectors between the formal political system and the periphery of the public sphere, as they allow politicians to stay informed about the people's desires, while citizens have access to political discussions in parliament through the media (FRIEDMAN and KADLEC, 2006; MAIA, 2012; MENDONÇA, 2016). Of course, this connector role is not perfectly played by the media. As stated earlier, one must consider that the media also interpret, frame and can distort issues due to private interests and their own logic of operation (BIROLI, 2013; BOHMANN, 2000; MAIA, LARANJEIRA and MUNDIM, 2017). When we look at the system as a whole, there is a possibility that these problems may be alleviated by other arenas or actors (MANSBRIDGE et al, 2012).

---

[17]Translated from Portuguese.

Experts and members of civil society, for example, may circulate through different spaces – and different discourses also circulate with them (DODGE, 2014, 2010; FARIA, 2017; MENDONÇA, 2016; MOTTA, 2016). This circulation of discourses often occurs through news media.

Just as in the case of the politicians and experts, ordinary citizens have also appealed to the media in different ways and for different purposes in commenting on the public hearings: 'The media is not an enemy for informing the population and exposing situations that need to be exposed. The failure is in its choice of news to release. All information should have the same focus and should not be prioritized in relation to others'[18]. This comment makes clear reference to the serious offenses of a teenager burning a dentist alive in her office that had gained much attention in the media and contributed to triggering the debate on the reduction of the age of criminal responsibility.

The contents and discourses disseminated by the media are appropriated in different ways. Issues that gain visibility in the media are available to citizens, who also interact with and interpret them in different ways. The media are very present in daily life and permeate interactions between subjects, and there is even a tendency for people to "mix media material with their own experiences, moving quickly from political issues to personal issues and to topics or episodes provided by the media" (GOMES and MAIA, 2008, p. 205).

Regarding the different ways in which the participants of the public hearings make reference to the media, we can say that the media can function as a deliberative arena where different arguments and points of view gain visibility and, at the same time, that the media have great potential to be an arena connector insofar as they can promote the circulation of discourses (MENDONÇA, 2016). In our case study, the Senate also had an important role in the transmission of discourses once it was open to citizens' claims, civil society and to the media. This kind of awareness is also important to understand interaction among arenas (NEBLO and WHITE, 2018).

_____

[18]Comment from a citizen watching the live broadcast of the audience through the Senate website.

In the public debate on the reduction of the age of criminal responsibility, the presence of the media is so strong in the deliberation that its role and the way it deals with the cases of crimes were questioned during the public hearings. This excerpt also includes public policies for the democratization of media communication and its regulation:

> We are talking about this today not because not because adolescents are creating problems for Brazil due to offenses. We are talking about it here because there is a media agenda that has set out to select isolated, specific items, restricting the focus of the discussion to the issue of children and youth. When adolescents commit offenses and these acts happen to occupy our televisions, our news, this is not only because adolescents are involved. It is because there is an election [for the Presidency and Congress this year]. And in this country we know that the news is edited a certain way. Perhaps ten [communication] companies today dominate our country … the power of information. [...] We know that the media often want us to feel fear and they choose, from time to time, whom we must be afraid of. [...] I want a regulatory framework for communication, because we want communication to be democratized to end this absurd fear that is broadcast and that in fact is not real in our country (CIARALLO, 2013, p. 04, Counselor of the National Council of Psychology)[19].

With regard to the specific UOL and G1 coverage on the reduction of the age of criminal responsibility — that is, in the articles that discussed the subject — there is a certain plurality of positions and arguments. It is possible to say that different discourses circulated in a similar way in the audience and media texts, especially in relation to the opposing arguments, which were the majority in both arenas, although in different proportions (53% in the news and 82% in public hearings). Therefore, this specific case of reduction of the age of criminal responsibility in the period in which the debate was resumed after two serious offenses shows the media's potential to function as a connector of deliberative systems and also as a deliberative arena, since they give visibility to different arguments and positions (MAIA, 2018, 2012; MENDONÇA, 2016).

We recognize the importance of the Senate and the media having awareness of citizens' claims. However, in the case of the reduction of the age of criminal

---

[19]Translated from Portuguese.

responsibility, the citizen's demands contravene a fundamental right conferred by the Brazilian Constitution; they want to deny adolescents a guaranteed right. Therefore, our case study also poses a complex challenge to deliberationists. Deliberative concern should not be restricted to ensuring that issues of public interest are publicly debated and reach decision-making spaces. The democratic conditions under which ordinary citizens' interests are built (with the participation of the media) are also important. These problems alert us to two issues. They are connected with the proposal of Böker (2017), who argues that deliberative theory needs to discuss not only institutional aspects but cultural ones, "the ethos, social norms and self-understandings that shape and constrain political processes" of the people and "that are decisive for deliberation fulfilling its legitimacy ambition" (BÖKER, 2017, p. 01). With another argument, and regarding democratic epistemic aspects, Chambers (2017) points out that one of the core qualities of deliberation is the capability to ensure better results by means of reason-giving processes. However, she argues that it is necessary to adopt good procedures so that citizens can learn and explain their opinions about the issues in a better way — the procedural and epistemic axes are very close.

Final considerations

The purpose of this article was to discuss the role of the media in deliberative systems, focusing on the relationship between the news media and a formal arena, the Brazilian National Congress. We have addressed the challenge of connectivity between arenas of a deliberative system, one of the key points for systemic analysis. There are different connection mechanisms, with their limitations, including the media. We sought to identify and analyze the different ways in which the media were referred to in a series of three public hearings in the Federal Senate on the reduction of the age of criminal responsibility. These public hearings occurred after two serious offenses committed by adolescents that were widely reported in the Brazilian press. In this context, we observed how the media were one of the main inducers of a deliberative system on the issue, which also included social movements from the childhood area, politicians, ordinary citizens, and national and international institutions, such as UNICEF and the National Conference of Bishops of Brazil (CNBB).

However, although there is some plurality of arguments and points of view in journalistic texts, as we said before, the way in which news about offenses is framed interferes with the way people perceive violence. In general, the media only reports cases of offenses committed by adolescents and does not promote any kind of discussion on public policies that could reduce these offenses — which is also suggested by the absence of diversity of sources in news articles. Where sources are cited, they are public security agents who only comment on the apprehension of the adolescents who committed the offense and the progress of the investigations. The presence of a diversity of perspectives is seriously compromised. This type of coverage on violence ends up contributing to a perception of increased levels of crime, culminating in proposals to reduce the age of criminal responsibility as a more immediate solution to the problem.

Therefore, the role of the media is complex and controversial. In the case of the reduction of the age of criminal responsibility, they were inducers of a deliberative system on an issue that puts at stake the removal of a constitutional right. This right was validated in international conventions to which Brazil is a signatory. At the same time, this deliberative system opened space for debate on important issues in the country, such as the effectiveness of the implementation of socio-educational measures that exist today, and also the need to implement a range of public policies for children and adolescents that are provided for by law but have not been adequately implemented.

Our data show that the media were called on in different ways, both to legitimize the proposal and to refute it. That is, people appropriated media materials in different ways, and this appropriation was linked to the values, beliefs and experiences of citizens. It is also worth to pointing out that issues not covered in this paper, such as the need for policies to democratize communications in Brazil and to construct a more critical view on the part of the population vis-à-vis media coverage of violence (through an increase in media literacy actions, for example) also emerged from the analysis of the case. As for the democratization of the media, could the presence of a vigorous public communication system (now non-existent in Brazil, where the media are controlled by large private groups) provide balanced news coverage of offenses? Could the presence of a public communication council (also non-existent) monitor coverage and point out possible arbitrariness in relation

to human rights, such when the identities of adolescent offenders are exposed, and suggest improvements to coverage? As for public policies to promote media literacy (nowadays present only experimentally in some Brazilian education systems), there are also questions to be asked in the future: without in any way suggesting media manipulation of minds, we cannot help but wonder if the existence of a public education system in which a critical reading of media content were taught would produce a different deliberative system for public debates on violence. These themes deserve specific empirical and theoretical work and we wish to stress that no literature on the media and deliberative system can be conceived of as complete without taking heed of this research agenda.

We recognize that our study addresses specific issues and has its limitations. However, we believe that a look at the controversial and complex role of the media as a deliberative arena and a possible connector of deliberative systems is useful for studies on democracy.

References

ARAÚJO NETO, Wagner (2013), Comissão de Constituição e Justiça e Cidadania. Redução da maioridade penal: eficácia e constitucionalidade. June, 10, 2013. Available at <https://www12.senado.gov.br/ecidadania/documentos/anexos/notas-taquigraficas-de-audiencias-interativas/2013-06-10-ccj/atdownload/file>. Accessed on June, 28, 2020.

AVRITZER, Leonardo (2008), Instituições participativas e desenho institucional. *Opinião Pública*. Vol. 14, Nº 01, pp. 43-64.

AVRITZER, Leonardo (2007), Sociedade civil, instituições participativas e representação: da autorização à legitimidade da ação. *Dados*. Vol. 50, Nº 03, pp. 443-464.

BÄCHTIGER, Andre; DRYZEK, John S.; MANSBRIDGE, Jane, and WARREN, Mark (2018), Deliberative democracy: an introduction. In:. *The Oxford handbook of deliberative democracy*. Edited by BÄCHTIGER, Andre; DRYZEK, John S.; MANSBRIDGE, Jane, and WARREN, Mark. Oxford: Oxford University Press. pp. 01-32.

BÄCHTIGER, André and PARKINSON, John (2019), *Mapping and measuring deliberation*: towards a new deliberative quality. Oxford: Oxford University Press. 208 pp..

BEVIR, Mark and RHODES, Roderick (2002), Interpretative theory. In: *Theories and methods in political science*. Second edition. Edited by MARSH, David and STOKER, Gerry. London: Palgrave Macmillan. pp. 01-37.

BIROLI, Flávia (2013), Limites da política e esvaziamento dos conflitos: o jornalismo como gestor de consensos. *Revista Estudos Políticos*. Vol. 01, Nº 06, pp. 126-143.

BOHMAN, James (2000), The division of labor in democratic discourse: media, experts and deliberative democracy. IN: *Deliberation, democracy and the media*. Edited by CHAMBERS, Simone and COSTAIN, Anne. New York: Rowman and Littlefield Publishers. pp. 131-152.

BÖKER, Marit (2017), Justification, critique and deliberative legitimacy. *Contemporary Political Theory*. Vol. 16, Nº 01, pp. 19-40.

BOSWELL, John; HENDRIKS, Carolyn M.; ERCAN, Selen A. (2016), Message received? Examining transmission in deliberative systems. *Critical Policy Studies*. Vol. 10, Nº 03, pp. 263-283.

CHAMBERS, Simone (2017), The epistemic ideal of reason-giving in deliberative democracy. *Social Epistemology Review and Reply Collective*. Vol. 06, Nº 10, pp. 59-64.

CHAMBERS, Simone (2012), Deliberation and mass democracy. In: *Deliberative systems*. Edited by PARKINSON, John and MANSBRIGDE, Jane. Cambridge: Cambridge University Press. pp. 52-71.

CHRISTIANO, Thomas (1996), Deliberative equality and democratic order. In: *Political order*. Edited by SHAPIRO, Ian and HARDIN, Russel. New York: New York University Press. pp. 251-287.

CIARALLO, Cyntia Rejanne Correa Araújo (2013), Comissão de Constituição e Justiça e Cidadania. Redução da maioridade penal: eficácia e constitucionalidade. June, 10, 2013. Available at <https://www12.senado.gov.br/ecidadania/documentos/anexos/notas-taquigraficas-de-audiencias-interativas/2013-06-03-ccj/at download/file>. Accessed on August, 18, 2020.

CURATO, Nicole; MIN, John B., and HAMMOND, Marit (eds)(2019), Deliberative democracy in dark times. In: *Power in deliberative democracy*: norms, forums, systems. New York: Palgrave. pp. 137-172.

CURATO, Nicole and ONG, Jonathan Corpus (2015), Inclusion as deliberative agency: the selective representation of poor women in debates and documentaries about reproductive health. *Television & New Media*. Vol. 16, Nº 06, pp. 576-594.

DEPPMAN, Marisa (2013), Projeto sobre menor infrator entregue por Alckmin há 10 anos foi arquivado. April, 24, 2013. Available at <*http://g1.globo.com/sao-paulo/noticia/2013/04/projeto-sobre-menor-infrator-entregue-por-alckmin-ha-10-anos-foi-arquivado.html*>. Accessed on June, 28, 2020.

DODGE, Jennifer (2014), Civil society organizations and deliberative policy making: interpreting environmental controversies in the deliberative system. *Policy Sciences*. Vol. 47, Nº 02, pp. 161–185.

DODGE, Jennifer (2010), Tensions in deliberative practice: a view from civil society. *Critical Policy Studies*. Vol. 04, Nº 04, pp. 384-404.

DRYZEK, John S. (2013), *The politics of the earth*: environmental discourses. Oxford: Oxford University Press. 270 pp..

DRYZEK, John S. (2009), Democratization as deliberative capacity building. *Comparative Political Studies*. Vol. 42, Nº 11, pp. 1379-1402.

DRYZEK, John S. (2000), *Deliberative democracy and beyond*: liberals, critics, contestation. New York: Oxford. 208 pp..

ELSTUB, Stephen and McLAVERTY, Peter (2013), Ten issues for a deliberative system. *Paper* presented at American Political Science Association 2013 Annual Meeting .

ERCAN, Selen A., HENDRIKS, Carolyn M. and BOSWELL, John (2017), Studying public deliberation after the systemic turn: the crucial role for interpretive research. *Policy and Politics*. Vol. 45, Nº 02, pp. 195-212.

ETTEMA, James S. (2007), Journalism as reason-giving: deliberative democracy, institutional accountability, and the news media's mission. *Political Communication*. Vol. 24, Nº 02, pp. 143-160.

FAIRCLOUGH, Norma (2003), *Analysing discourse*: textual analysis for social research. London and New York: Routledge. 288 pp..

FARIA, Claudia Feres (2017), Sistema deliberativo, formas de conexão e inclusão política. Alcance teórico e prático. *Revista Brasileira de Ciências Sociais*. Vol. 32, Nº 95, pp. 01-15.

FERGUSON, Christopher J. (2013), Violent video games and the Supreme Court: lessons for the scientific community in the wake of Brown v. Entertainment Merchants Association. *American Psychologist*. Vol. 68, Nº 02, pp. 57–74.

FERRAÇO, Ricardo (2013), Comissão de Constituição e Justiça e Cidadania. Redução da maioridade penal: eficácia e constitucionalidade. June, 10, 2013. Available at <https://www12.senado.gov.br/ecidadania/documentos/anexos/notas-taquigraficas-de-audiencias-interativas/2013-06-03-ccj/atdownload/file>. Accessed on August, 18, 2020.

FOLHA DE SÃO PAULO (2013), Maioridade legislativa. Editorial. April, 18, 2013. Available at *<https://m.folha.uol.com.br/opiniao/2013/04/1264412-editorial-maioridade-legislativa.shtml>*. Accessed on June, 28, 2020.

FRIEDMAN, Will and KADLEC, Alison (2006), Deliberative democracy and the problem of scope. *Journal of Public Deliberation*. Vol. 02, Nº 01, pp. 01-28.

GAMSON, William A. (1992), *Talking politics*. Cambridge: Cambridge University Press. 292 pp..

GOMES, Wilson and MAIA, Rousiley C. M. (2008), *Comunicação e democracia*: problemas e perspectivas. São Paulo: Paulus. 372 pp..

GREER, Chris (2007), News media, victims and crime. In: *Victims, crime and society*: an introduction. Edited by DAVIES, Pamela; FRANCIS, Peter, and GREER, Chris. London: Sage Publication. pp. 20-49.

GUTMANN, Amy and THOMPSON, Dennis (1996), *Democracy and disagreement*. Cambridge: Harvard University Press. 432 pp..

HABERMAS, Jürgen (2006), Political communication in media society: does democracy still enjoy an epistemic dimension? The impact of normative theory on empirical research. *Communication Theory*. Vol. 16, Nº 04, pp. 411-426.

HABERMAS, Jürgen (1996), *Between facts and norms*: contributions to a discourse theory of law and democracy. Cambridge: MIT Press. 676 pp..

HENDRIKS, Carolyn M. (2016), Coupling citizens and elites in deliberative systems: the role of institutional design. *European Journal of Political Research*. Vol. 55, Nº 01, pp. 43-60.

HENDRIKS, Carolyn M. (2006), Integrated deliberation: reconciling civil society's dual role in deliberative democracy. *Political Studies*. Vol. 54, Nº 03, pp. 486–508.

INNES, Martin (2003), Signal crimes: detective work, mass media and constructing collective memory. In: *Criminal visions*: media representations of crime and justice. Edited by MANSON, Paul. UK: Willan Publishing. pp. 51-72.

JACOBS, Lawrence R.; COOK, Fay Lomax; DELLI CARPINI, Michael X. (2009), *Talking together:* public deliberation and political participation in America. Chicago: University of Chicago Press. 224 pp.

KOPYTOWSKI, João (2013), Comissão de Constituição e Justiça e Cidadania. Redução da maioridade penal: eficácia e constitucionalidade. June, 10, 2013. Available at <https://www12.senado.gov.br/ecidadania/documentos/anexos/notas-taquigraficas-de-audiencias-interativas/2013-06-03-ccj/at   download/file>. Accessed on August, 18, 2020.

LÜCK, Julia; WESSLER, Hartmut; MAIA, Rousiley C. M., and WOZNIAK, Antal (2018), Journalist–source relations and the deliberative system: a network performance approach to investigating journalism's contribution to facilitating public deliberation in a globalized world. *International Communication Gazette*. Vol. 80, Nº 06, pp. 509–531.

LYCARIÃO, Diogenes and WOZNIAK, Antal (2017), The prism of the public sphere: the COP15 coverage by the Brazilian media system. *Journal of Public Deliberation*. Vol. 13, Nº 01, Article 8. pp. 01-30.

MAIA, Rousiley C M. (2018), Deliberative media. In: *The Oxford handbook of deliberative democracy*. Edited by BÄCHTIGER, Andre; DRYZEK, John; MANSBRIDGE, Jane, and WARREN, Mark. Oxford: Oxford University Press. pp. 348-364.

MAIA, Rousiley C. M. (2012), *Deliberation, the media and political talk*. New York: Hampton Press. 373 pp..

MAIA, Rousiley C. M.; LARANJEIRA, Marcela D., and MUNDIM, Pedro Santos (2017), The role of experts across two different arenas in a deliberative system. Journal of Public Deliberation. Vol. 13, Nº 01, Article 02. Available at <http://doi.org/10.16997/jdd.268>. Accessed on August, 18, 2020.

MANSBRIDGE, Jane (1999), Everyday talk in the deliberative system. In: *Deliberative politics*: essays on democracy and disagreement. Edited by MACEDO, Stephen. Oxford: Oxford University Press. pp. 211-239.

MANSBRIDGE, Jane; BOHMAN, James; CHAMBERS, Simone; CHRISTIANO, Thomas; FUNG, Archon; PARKINSON, John; THOMPSON, Dennis F., and WARREN, Mark E. (2012), A systemic approach to deliberative democracy. In: *Deliberative systems*. Edited by PARKINSON, John and MANSBRIDGE, Jane. Cambridge: Cambridge University Press. pp. 01-26.

MANSBRIDGE, Jane; BOHMAN, James; CHAMBERS, Simone; ESTLUND, David; FØLLESDAL, Andreas; FUNG, Archong; LAFONT, Cristina; MANIN, Bernard, and Martí, José Luis (2010), The place of self-interest and the role of power in deliberative democracy. *Journal of Political Philosophy*. Vol. 18, Nº 01, pp. 64-100.

MARSH, David and FURLONG, Paul (2002), A skin not a sweater: ontology and epistemology in political science. In: *Theory and methods in political science*. Second Edition. Edited by MARSH, David and STOKER, Gerry. London: Palgrave Macmillan. pp. 184-211.

MAWBY, Rob C. (2010), Chibnall revisited: crime reporters, the police and 'law-and-order news'. *The British Journal of Criminology*. Vol. 50, Nº 06, pp. 1060–1076.

MENDONÇA, Ricardo Fabrino (2016), Mitigating systemic dangers: the role of connectivity inducers in a deliberative system. *Critical Policy Studies*. Vol. 10, Nº 02, pp. 171-190.

MOTTA, Filipe Mendes (2016), Conflito e deliberação na Serrado Gandarela: pela superação de uma dicotomia. *Master's dissertation*. Ciência política. Universidade Federal de Minas Gerais.

NEBLO, Michael and WHITE, Avery (2018), Politics in translation: communication between sites of the deliberative system. In: *The Oxford handbook of deliberative democracy*. Edited by BÄCHTIGER, André; DRYZEK, John; MANSBRIDGE, Jane, and WARREN, Mark. Oxford: Oxford University Press. pp. 448-460.

NIEMEYER, Simon (2014), Scaling up deliberation to mass publics: harnessing mini-publics in a deliberative system. IN: *Deliberative mini-publics*: involving citizens in the democratic process. Edited by GRÖULUND, Kimmo; BÄCHTIGER, André, and SETÄLÄ, Maija. Colchester: ECPR Press. pp, 177-202.

OWEN, David and SMITH, Graham (2015), Survey article: deliberation and the systemic turn. *The Journal of Political Philosophy*. Vol. 23, Nº 02, pp. 213-234.

PAPADOPOULOS, Yannis (2012), On the embeddedness of deliberative systems: why elitist innovations matter more. In: *Deliberative systems*: deliberative democracy at the large scale. Edited by PARKINSON, John and MANSBRIDGE, Jane. Cambridge: Cambridge University Press. pp. 125-150.

PARKINSON, John (2012), Democratizing deliberative systems. In: *Deliberative systems*. Edited by PARKINSON, John and MANSBRIDGE, Jane. Cambridge: Cambridge University Press. pp. 151-172.

POGREBINSCHI, Thamy (2013), The squared circle of participatory democracy: scaling up deliberation to the national level. *Critical Policy Studies*. Vol. 07, Nº 03, pp. 219-241.

RINKE, Eike Mark (2015), Mediated deliberation. In: *The international encyclopedia of political communication*. Vol. 02. Edited by MAZZOLENI, Gianpietro; BARNHURST, Kevin G.; IKEDA, Ken´ichi; MAIA, Rousiley C. M., and WESSLER, Hartmut. New Jersey: John Wiley and Sons. pp. 813-826.

SUSTEIN, Cass R. (2009), *Going to extremes*: how like minds unite and divide. Oxford: Oxford University Press. 210 pp..

WARREN, Mark (2016), Can we make public spheres more democratic through institutional innovation? In: *The democratic public sphere*: current challenges ans prospects. Edited by NIELSEN, Henrik Kaare; FIIG, Christina; LOFTAGER, Jørn; OLESEN, Thomas; STEPHENSEN, Jan Løhmann, and SØRENSEN, Mads P.. Lancaster: Aarhus University Press. pp. 29- 50.

YANOW, Dvora (2007), Interpretation in policy analysis: on methods and practice. *Critical Policy Studies*. Vol. 01, Nº 01, pp. 110-122.