Title: Gender and sexualities in contemporary communication policies in Argentina

Abstract

In recent years Argentina went through a process of public debate over communication policies which resulted in the enactment of the Audiovisual Communication Services Law in 2009 and the creation of public bodies in charge of applying and monitoring the Law. Questioning the social role of media, its economic structure and regulatory framework, introduced issues, perspectives and knowledge which had up to then been the exclusive domain of the communication and culture fields. These debates took place simultaneously with the advances in issues related to sexual rights and gender, which materialized in laws (Equal Marriage Law ,Violence against Women Law, Gender Identity Law, to only mention a few) and introduced the discussion on the role of mass media in the reproduction of discriminatory cultural patterns and the exercise of symbolic violence against women. From the analysis of current legislation, this paper attempts to explore the potentialities and limitations of its implementation and media theories that support it. Also, the centrality of "media text" - as object of analysis, as object of complaint and as object of regulation – inasmuch as this new role is in tension with the consensus on the cultural study of audiovisual media.

Keywords: media, gender, communication policies, feminisms, cultural critique

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Introduction

The sustained struggle of the feminist movement and sexual dissident groups has succeeded in achieving rights which were unthinkable a decade ago and which have materialized in the enactment of a number of laws -Law of Sexual Health and Responsible Parenthood (2002), Law of National Comprehensive Sexual Education (2006), Law of Integral Protection to Prevent, Punish, and Eradicate Violence against Women (2009), the aspects relating to symbolic violence in particular; Law of Equal Marriage (2010), Law of Gender Identity (2012), Law of Assisted Reproduction(2012), Law of Prevention and Sanctioning of Human Trafficking and Assistance to Victims (2008, modified in 2012) amongst others-, in the design of public policies and the creation of regulatory agencies intended for management and control.

Similarly in the communication field, the public debate around the social role of media has resulted in the enactment of the Law of Audiovisual Communication Services (2009), a reference for the region. In this context of opportunity, it was possible to place on the political agenda the issue of the centrality of media discourse in the configuration of gender stereotypes and roles, the reproduction of heterosexist and discriminatory patterns in relation to certain gender identities and sexual orientations and its contribution to the perpetuation of an inegalitarian society with regard to gender, all of which have been matters of concern for feminist organizations and communication and gender studies for over forty years.

This paper intends to first characterize the way in which matters related to communication and gender have been included on the public and political agenda, leading to specific legislation and government policies. The creation of public agencies in charge of the implementation of communication and gender policies, the management of civil complaints and monitoring of mass media in relation to the forms

of representation of gender and sexualities demands careful consideration of its potentialities as well as its blind spots.

From the analysis of current legislation on communication and gender, this paper explores the potencialities and limitations of its main modes of implementation. Our main interest lies in media theories that support it, the subjects of rights it creates, and the modes of analysis and intervention it displays. Regarding the latter, we will focus on the centrality of "media content" – as object of analysis, as object of complaint and as object of regulation - inasmuch as this role is in tension with the consensus on the cultural study of audiovisual media.

We have built a body of work comprising the texts of the two laws that articulate communication and gender (Law on Audiovisual Communication Services 26522 and Law on Integral Protection to Prevent, Punish, and Eradicate Violence against Women 26485, both enacted in 2009); the declarations and recommendations regarding communication by International Organizations (World Conferences "on Women" under the auspices of the United Nations - México (1975), Copenhague (1980), Nairobi (1985) y Beijing (1995)-; the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) which was approved in 1979 and later ratified by Argentina in 1985), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belem Do Pará, 1994); the reports, monitoring, recommendations and decalogues produced by Argentine public bodies in charge of the enforcement of legislation (Federal Authority of Audiovisual Communication Services, Discrimination in Radio and Television Observatory, the Public Defender of Audiovisual Communication Services), publicly accessive official web sites; the complaints lodged with the Public Defender of Audiovisual Communication Services by individuals and organizations in 2014, collected through a request for access to public information; decalogues and recommendations of media professionals and universities and other reference documents.

This work is not intended as an exhaustive analysis of the public policy in communication and gender in Argentina but as a critical interpretation of the current intervention guidelines on the matter and the possible conceptual matrix for their actions. In line with Nelly Richard´s views (2009) on feminist cultural critique, this paper aims to engage on reflection on some tensions that exist in the contemporary ways in which state bodies and civil organizations conceive communication and gender policy. More specifically, what we would like to problematize in this paper, then, is the way the dominant modes of feminist criticism of the media in Argentina have articulated with state agencies in drafting the laws and making interpretation for their implementation to emphasize the tension between the inclusive and pluralistic spirit that guided the Law on Audiovisual Communication Services and the punitive intervention strategies demanded by feminist organizations involved in their production. We wonder how feasible it is to address the tension and the rather displaced relationship between regulations, social discourse and cultural production, especially with regard to language, format, genre and aesthetic. How to engage in cultural critique - from state agencies, social organizations and academic studies- without ignoring the historical social contexts in which media discourse is produced; without extricating media from the societies they are part of - making way to genre and format features, enunciative modalities, rhetorical strategies and reading contracts of the communication devices in question.

The text is arranged in three sections. In the first, we outline the historical development between the first academic studies and feminist political slogans in relation to gender representations in the media and the state of contemporary debate on communication and gender.The aim of this section is to formulate a hypothesis on the conceptual matrix that informs the dominant interpretation of the legislation on media and gender in Argentina today.

The second section analyzes current regulations and the modes of intervention of state management and monitoring agencies

The third section characterizes the subject of rights configured by these modes of state intervention and brings up our main concern: communication and gender policies conceived from the perspective of the effects result in punitive responses on the media and build what we shall hereby call "defensive citizenship".

The paper concludes exploring other possibilities of making feminist cultural critique which are present in the regulations themselves but overshadowed by the dominant defensive trend and which would enhance the agency of the communication subjects towards of a more plural and egalitarian exercise of the representation.

1. The discomfort of content: inappropriate images and harmful effects.

The critique of sexism and gender violence in media content has had a long tradition both in the academic field and in activist groups dating back to the early 70s, which is when we can identify a body of research work on the role of media messages in the construction of social meanings over the inequality between men and women.[1] We place these early studies in the tradition of the American functionalist perspectives (Elizalde, 2009; Hollows, 2000) but we also want to highlight Michelle Mattelart´s (1970; 1982) outstanding work in Chile, organized from the perspective of media effects but with a strong imprint of the German critical theory. As above mentioned in the introduction, we do not pursue to develop a state of the art work in communication and gender studies as this would exceed the scope of this paper, but to characterize the specific time of emergence of these studies, which still frame the main feminist critique, as well as some of the modes of implementation of the state policies under analysis.

This period is relevant to our line of argument because it coincides with early feminist advocacy actions -within the general framework of the inclusion of women's rights in declarations of rights and platforms for action of the international organizations mentioned in the introduction- to include the definition of the role of media in the reproduction of discriminatory cultural patterns towards women. We will summarize some of the structural axes of the positions at the time to observe the residual elements in contemporary actions.

It is important to clarify the reasons why feminist positions, women's and gender studies and public policies are considered together in this work. The articulation between feminist activism and the production of scientific knowledge is at the core of the development of women's studies, of gender studies and then in communication and gender studies in academic and scientific institutions (Scott, 1996; Stolke, 2004; Gonzalez Diaz, 2009). In the case of communication and gender studies in particular, Milly Buonanno (2014) notes that "feminist media studies have the peculiar characteristic of having taken origins and stimulus *outside* academia, in the activist circles of second-wave feminism" (:8). In this sense, it was the interest of feminist activists and academics that started the debate over the role of media in gender configurations and transferred those interests into academic studies and claims to government bodies and supranational organizations (van Zoonen, 1994).

The academic studies which developed since the early 70s, were known as "the studies on the images of women". Joanne Hollows maintains (2000), that that body of knowledge that began to build was based, on the one hand, on the analysis of the role of media in the "socialization of women into restrictive notions of femininity" (: 17). The author argues that this work was strongly influenced by "the dominant modes of communication research in the period which carried out research into 'content' of media output and the 'effects' of media messages" (: 17) which led to a set of assumptions about popular and mass culture, for example that the media "misrepresented reality".

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[1] It is worth remembering that at this stage, the category "gender" was neither used in academic studies nor in feminist activism.

The images of women presented in the media constituted limited and discriminatory stereotypes that needed to be replaced by positive images. This claim to reverse the modes of representation and / or eradication of inappropriate images of women will become part of the common sense of feminist activism around communication and gender as well as of the declarations of principles of international agencies (Cf. Conference of Women of the United Nations Platform; UNESCO Report -1975-). We will see that this same type of demand continues to hold in Argentina today.

According to Hollows (2000), there are three main issues with this approach: the first is the relationship between the media and society, which considers it as a window on the world whose images are or should be a reflection of reality. In the present case, this might also mean that we could agree on a real model of femininity. Joanne Hollows retrieves Charlote Brunsdon´s illustrative statement of this conflict over representation "arguing for more realistic images is always an argument for the representation of 'your' version of reality" (: 18). The second problem has to do with the methodological scope of content analysis intended as a purely textual or discursive surface analysis. This often entails the decontextualization of the audiovisual discourse from the context in which it appears and from the wider cultural context in which it is produced and consumed - thus neglecting its polysemy and the true value of decoding in processing social meaning.

Three decades ago, in a similar vein, authors like Jaddou and Williams (1981) argued that "in many cases content analysis simply affirms and confirms the obvious" (:106). They refer to one of the first documents published by UNESCO in 1979 in which they concluded that media, particularly television programming, mirrored an inaccurate and distorted image of women. Jaddou and Williams argue that this is obvious and explain that this type of methodology, based on the analysis of the frequency of appearance or the stereotypes women feature in the media "fails to analyze and investigate the contradictions in the ways these stereotypes are presented. For example, on the role of secretary, does it seek to confirm the place of women in the office or to question the sexual division of labour "? (:106). In connection with this idea of inadequate representation through the repetition of certain stereotypes, the authors argue that "stereotypes are problematic ideological constructions that derive their effectiveness from the fact that they are never fully false or wrong" (Jaddou and Williams, 1981: 106). Stereotypes reproduced in mass media are then adjusted to a plausible social truth about the place of women in, for example, a capitalist society based, among others, on gender inequalities, to conform with the real positions of women in those societies. To claim for the disappearance or eradication of these stereotypes is unfeasible as this would imply disentangling the media from the society they are part of. To claim for the reversion to "positive images" could undermine the struggle of the women's movement to the extent that they might appear as already "liberated women".

The criticism to the inadequacy of the representations of women in the media entails the existence of more appropriate and representative images – more "real", if taken to its extreme. This opens a set of questions, the most obvious of which is what women are like, but also whether there is the possibility of establishing a benchmark that adjusts to women´s heterogeneity as concrete subjects and if so, who would assume the role of its representation and why. These questions, which are part of the constituent discussions of feminism as a political and intellectual movement emerge in each of the arguments raised in this analysis (Mouffe, 1992; Butler, 2007). Discourse theoretical elaborations on the symbolic dimension of gender and sexualities have recovered the distinction between "*the woman*" as the subject of the representation- and *women-*as historical subjects (de Lauretis, 1992). Thus, the illusion of the existence of "a" real representation identifiable from outside the discourse yields to the notion that the representations of women not only could not exhaust the universe "women" but they have a non-direct or non-reflex relationship with the configuration of

the individual women's experience. On the contrary, they may enhance these experiences.

A set of questions arise when arguing that it is necessary to regulate media content: what kind of images of women should be screened on the media?, Who would define them?, Who would assume the right to decide what is an "appropriate image"? also, and if possible, how would the ideas of "appropriate images" be maintained when the socio-historical and political context changes? These definitions can only be conceived in the framework of plural and honest debates around what we consider harmful and / or violent in communication, gender and sexuality terms. There has been consensus around hate speech, for example, but we cannot afford to assume that the debate is settled.

Even if we agreed that we have reached a point of discussion in which there seems to be consensus on what is sexist, what constitutes gender-based violence, how mass media should address certain issues related to gender and sexuality, and that that consensus has been materialized in protocols, decalogues, recommendations and even legislation, could it be assumed that these are the possible, desirable limits for the representations of women? In what way would we argue that we have not left anything beyond what is representable or have reached a desirable threshold of pluralism? Is that even possible? What shall we do when a group of women feel excluded from the representation protocols and start a debate?

An approach to media texts that understands them mainly as reproducers of gender stereotypes and discriminatory restrictive categories, can only stand in opposition to them and propose their removal from circulation and their replacement by other representations -just as it was maintained in early communication studies and the first recommendations produced by international organizations.

It is important to remember that there was great tension within feminism in relation to pornography in the United States at the same historical moment we propose to backtrack as the conceptual matrix. The early elaborations on the limits of freedom of expression and violence on women engaged in certain types of representations took place within the anti-pornography movement. Andrea Dworkin and Catherine McKinnon´s position led to a whole line of thought around the capacity of damage of the representations of sexuality - in many cases with the high cost of having allowed alliances with deeply conservative sectors (Duggan and Hunter, 2006) as they shared the vision of sexuality as a terrain of victimization and degradation for women, and their representations as a privileged vehicle. As Duggan and Hunter state, none of these positions, "offered a vision of the female sexual subjectivity, power or joy in the sexual arena" (2006: 38). By contrast, they offered a perspective of pornography as a space for violence exclusively against women which could later be replicated by other media discourse genres. Including the debate on the category of violence is key to understanding further elaborations on "media violence" and its legal classification.

We will proceed to observe the imprint that this tradition of communication and gender studies from the early 70s has left in the ways of conceiving the role of media in the construction of gender relations and the reproduction of inequality and how this continues permeating the formulation of regulations/legislation and public policies. We will focus especially on the centrality occupied by media text in supporting sexism, the persistence of a communicational model centered on the "effects" of media and the preeminence of the role of the State as a channel for complaints.

2. Gender and media on the public and political agenda

As previously mentioned, two key laws on communication and gender were enacted in Argentina in 2009. The law of Audiovisual Communication Services (hereinafter referred to as ScaAct) and the Law of Comprehensive Protection to Prevent, Punish and Eradicate Violence Against Women (hereinafter referred to as Gender Violence Act). Both were the result of a long struggle of civil society

organizations and were in line with the compliance of agreements, recommendations and international conventions subscribed by Argentina, some of which have constitutional status (cfr. Boschiero, 2013).

The Sca Act was inspired by the 21 points elaborated by the Coalition for Democratic Broadcast Regulation in 2004. This collective included the participation of labour unions, social organizations, community media as well as feminist organizations and professional networks such as the "Argentine Network of Journalists for Non-sexist Communication (Par Network)[2]. The debate was held at various forums and public hearings across the country with the participation of several feminist organizations such as the Network against Human Trafficking, Feminists in Action, Atem, Feim, the Women in Equality Foundation (Mei), Social Studies Group (Ges), Amunra, who argued in favour of the inclusion of gender as a priority issue under international commitments subscribed by Argentina which will be considered further below.

The Gender Violence Act, referred to in the text of the Sca Act, was the result of the struggle of the women's movement and reflected different types and forms of gender violence that far exceed the former category of domestic or family violence. It should indeed be noted that the law focuses on a subject of rights whose gender identity is named woman even when gender violence is not restricted to her but virulently manifested also in relation to, for example, trans-identities. In 2012 Argentina enacted the Gender Identity Law that guarantees rights to this collective.

The Gender Violence Act includes symbolic violence as a manifestation of violence against women and media violence as one of its modalities. In accordance with Article 5 of the Law, symbolic violence is "the violence exercised through stereotyped patterns, messages, values, icons or symbols to transmit and reproduce domination, inequality or discrimination in social relations, naturalizing the subordination of women in society" , and in Article 6 it specifies that media violence is "the publication or broadcasting of messages and stereotypical images through any form of mass media which directly or indirectly promotes women´s exploitation, offends, defames, discriminates, dishonors, humiliates or violates the dignity of women, adolescents and girls in pornographic messages and images, thus legitimizing unequal treatment, or build social and cultural patterns of inequality that replicate or generate violence against women ".[3]

To the extent that this Act does not impose effective sanctions but protection and prevention, feminist organizations advocated for its inclusion in the Sca Act as this does impose penalties on the media for specific cases through its enforcement body, the Federal Authority for Audiovisual Communication Services (AFSCA)[4]. Therefore, the text of the Sca Act includes issues related to gender and sexualities in several articles; first, Article 3 about the objectives of the legislation, subsection "m" makes explicit reference to the interest of "promoting the protection and safeguard of equality between men and women, as well as the plural, egalitarian and non-stereotypical treatment, avoiding all forms of discrimination by gender or sexual orientation." The inclusion of this subsection in the text of the law is considered a substantive achievement of activism (Pelazas, 2011; Boschiero, 2013) by the feminist organizations that participated in the legal drafting.

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[2] A comprehensive report on the process of discussion and enactment of the Sca Act can be found in Baranchuk and Rodriguez Usé, 2011.

[3] Throughout this work we will primarily refer to the female gender identity as this is mentioned not only in Law 26.485 but also in most of the complaints lodged with public bodies. It is also at the core of the concerns of the feminist organizations mentioned here.

[4] We wish to note that since December 2015, following the change of Government, the Sca Act has been suspended and the control body renamed ENACOM. The political disputes around the drafting of a new Sca Act create an environment of uncertainty as to the rights gained but stand as a window of opportunity to further discuss future modes of implementation.

This interest results in three specific articles:
"Article 70 – Audiovisual communication services under this law should avoid contents that promote or incite discriminatory treatment based on race, colour, sex, sexual orientation, language, religion, political or any other opinions, national or social origin, economic position, birth, physical appearance, disabilities or any other condition that undermines human dignity or induces detrimental behavior to the environment or the health of people and the integrity of children or adolescents."

"Article 71 - Those who produce, distribute, broadcast or obtain benefits of any kind from the broadcasting of programmes and / or advertising shall ensure compliance with the provisions of..." mentioned here several laws, among which is the Law of Violence of Gender.

Similarly, Article 81, subsection "i" which deals with the provisions that authorized licensees or authorized individuals on audiovisual communication services shall have to comply with when advertising, argues that "advertising shall not incur in any type of discrimination of race, ethnicity, gender, sexual, ideological, socio-economic orientation or nationality, among others; they shall not affect the human dignity, nor offend moral or religious beliefs, induce detrimental behavior to the environment or physical and moral health of children, girls and adolescents".

These articles focus on audiovisual content produced and broadcasted on radio and television and put forth once again the claim of feminist organizations that the State should intervene with sanctions and concrete recommendations on mass media.

At the same time, both laws regain the spirit of the recommendations of international organizations which already included on their agenda the role of the media in disseminating stereotyped images of women since the UN First World Conference on Women in Mexico in 1975: the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belem do Para, 1994), article 25 which maintains the need to develop "public policies, including legislative measures (where possible), in order to contribute to the **eradication** of sexist, stereotypical, discriminatory and racist media content and to encourage the role of the communications media as promoters of egalitarian relationships and responsibilities between women and men" (emphasis added), and the Beijing Platform for Action (1995). This Platform is the first to include a specific section on the media - known as Chapter J – which in Article 236 states: "The continued projection of negative and degrading images of women in media communications - electronic, print, visual and audio - must be **changed**. Print and electronic media in most countries do not provide a balanced picture of women's diverse lives and contributions to society in a changing world. In addition, violent and degrading or pornographic media products are also negatively affecting women and their participation in society. Programming that reinforces women's traditional roles can be equally limiting. The worldwide trend towards consumerism has created a climate in which advertisements and commercial messages often portray women primarily as consumers and target girls and women of all ages inappropriately" (emphasis added).

Going back to Argentine legislation and to the complaints lodged with the management and monitoring bodies - discussed below -, the prevailing focus is on the elimination and/ or eradication of stereotyped images of women. However, it should be noted that in all the Conferences on Women, especially in the comprehensive Chapter J of the above mentioned Beijing's Platform for Action, the recommendations are not especially centered on these restrictive actions but on stating and demanding a set of propositional actions regarding equitable gender participation in content production, knowledge distribution and resources for message production, and education in gender issues at different levels and especially within media. We can argue that narrowing the scope of attention to "image" analysis – text/content – and its "effects", prevents us from focusing on the actions that - far from restricting the senses that circulate socially - might enhance media communication, regardless of whether it is under commercial, state or community management.

Complaints and recommendations: hearings expression channels and privileged mode of state intervention.

Within the context presented in this work, one of the primary channels for the exercise of the rights relating to communication and gender are the complaints lodged with the monitoring bodies: the aforementioned Afsca, the only body with capacity to sanction non-compliance with regulations, the Observatory on Discrimination in Radio and Television**,** (a tripartite body comprising the Afsca, the National Institute against Discrimination, Xenophobia and Racism -Inadi- and the National Women´s Council - Cnm-) and the Defender of the Public of Audiovisual Communication Services Office, created under Section 19 of the Sca Law, put into office in late 2012 and whose mission, among others, is "to receive and channel enquiries, complaints and denunciations of radio and television audiences".

These bodies acquired a key role in the reception and processing of queries and claims related to communication, gender and sexualities, the preparation of ex officio reports (especially in the case of the Observatory) and the organization of roundtable debates and training for media professionals. They have also produced reference materials and guidelines for the treatment of gender and sexuality issues with the participation of networks of media professionals (such as Par Network and the Network of Journalists with a Gender Perspective) and the university community.[5]

We will summarize the characteristics of the complaints received by the official bodies in order to show the key place claims regarding the modes of representation of gender and sexualities in the media have. First, most government interventions respond to this kind of complaint. In the case of the Public Defender's Office[6], from a total of 4269 submissions received until November 30, 2014, 1084 cases fell into the category that the agency defines as the "representational level"[7] - that is, cases related to media text and audience reception, decoding and interpretation - and within this category, 49.6% (537 cases) was linked to what the Office classifies as "discriminatory, harmful, offensive discourse". Within this category - cases in which there is an enquiry or complaint of discrimination or offense to a collective, 205 cases are submissions in relation to "Women" –subclassified in turn as: violence against women, 55 cases; sexualization / objectification, 101 cases; and stigmatization 49 cases - and 72 cases are submissions on "gender identities". This means that 25.5% of the cases are in relation to the representational level and 51.6% of the cases related to discriminatory, offensive and harmful speech have to do with complaints or inquiries on issues of gender and sexualities. It is interesting to note that the significance of complaints / queries related to women - 74% of total submissions on gender and sexualities - made it necessary to distinguish it from other gender identities in the classification.

The data collected from the Observatory on Discrimination in Radio and Television is coincident. In the first half of 2014, from a total of 240 claims, 37.1% corresponds with gender violence, maintaining the trend 2012 and 2013 (Observatory on discrimination in Radio and Television, 2014).This body makes it explicit that the focus is placed on gender violence on the "women" identity, arguing that " it is violence

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[5] To mention a few: Gender and sexualities: a glossary for journalists (Área Queer / UBA, 2008); Decalogue for press coverage of violence against women (Red PAR, 2008); Decalogue for press coverage of trafficking. and sexual exploitation (red PAR, 2012), Media coverage of gender violence (radio and television) (SCAPublic Defender's Office, 2014)

[6] Data regarding the proceedings of the Public Defender's Audiovisual Communication Services has been provided by that Office on an Access to Public Information Request dated December 23, 2014, Order Form: 1536-1514.

[7] The rest of the presentations fall into the "Legal and Physical Status" category on material and technical issues to access audiovisual media services.

against women as a form of gender based discrimination that is specifically considered as this is the most widespread type of violence. However, we assume that gender is a sociocultural, historical construction that includes multiple sexual identities" (Observatory on Discrimination in Radio and Television, 2014: 2).

According to the "Report on Audience Complaints" (January-June 2014), "there are a great deal of complaints on the treatment of women as sex objects in both programmes and advertisements (23.9%) or where the same are stereotyped in fixed roles – like those of submissive housewives or vengeful and / or hysterical women (22.7%). It is important to note the considerable amount of claims warning of the naturalization and even justification of sexual harrassment and/or abuse in some programmes(18.9%). Also of inappropriate media coverage of femicide (2.2%). Finally, the large number of complaints on media violence against women was striking (32.3%). This could be clearly seen in the repudiation of abuse exerted by some famous television and radio presenters on female colleagues and other women" (ibid: 3).

Both the Public Defender´s Office and the Observatory operate in a similar manner to the extent that they address complaints by elaborating content analysis reports. An interesting fact is that the analysis of the texts of the complaints shows that what is at issue is the mode of representation –*sexist, discriminatory, violent*, that promotes *pedophilia*, *pornosoft, submissive*, among other descriptions- in a specific content and what is required is that action be taken against producers and / or broadcasters of such content - in some cases there are petitions to have the content taken off the air (Justo von Lurzer and Spataro, 2013)-. The complaints are mainly related to the modes of representation and not the forms of invisibilization.

The reports produced by the government bodies may lead to a proposed sanction from the Afsca or to meetings with those responsible for content production and / or dissemination. In the case of individual complaints, the Public Defender´s Office forwards a copy of the reports and/or the proceedings to the complainants. Both agencies also develop training tasks with media professionals, organizations and educational institutions. It is necessary to note two points here. First, the Public Defender's Office has a Training Department which provides an articulated and systematic workplan, a central difference with the Observatory on Discrimination in Radio and Television. Both also have an interest in the development of "best practice" policies and encourage audiovisual contests. As we will see at the end of this work, we believe that it is necessary to pursue further into training and content production.

At this point, we would like to sum up and return to a few issues inherent to the way in which the field of communication has articulated with gender and sexualities from the rights perspective - to be discussed in the last two sections. On the one hand we might think that, in a scenario in favour of the claim for rights in gender and sexualities and communication and citizenship, the link between all the actors of the civil society who advocated for those rights and the various state bodies involved, built mainly on the complaint as a channel of expression and communication. This implied the recovery of the centrality of the media text as the subject matter of such complaints and therefore as the subject of intervention. Although, as seen before, this is not new and has been part of the debates in the field of communication and gender from the beginning, we do consider it necessary to point it out insofar as it priorizes a certain way of understanding the media and their relationship with the audience as well as certain methodological strategies, meaning a theory of the effects in the first case and the textual analysis of audiovisual content in the second.

These conceptualizations exist in tension with the transformations that took place in the field of communication, especially under the Cultural Studies –both the anglicized version and the Latin-American tradition - that recover some key elements to think the gendered and gendering dimension of the media: the subject´s experience in relation to media consumption; conflict and contradiction as constituent elements of mass media culture in particular; pleasure and emotions as elements of analysis that

cannot be ignored, to name only a few (Hall, 1980, 1984; Radway, 1991; McRobbie, 1998; Wise, 2006; Gonzalez Diaz, 2009; Martin Barbero, 1987, 1992).

The addition of issues on gender and sexualities in relation to communication to the public and political agenda seems to be a focal point on the way to the democratization of communication and gender equality. It is also an achievement of the feminist organizations, their sustained activism around sexism in the media and their role in the reproduction of heteronormativity. It is precisely because the window of opportunity so far described has been seized and a ground of debate and consensus on the relationship between media, gender and sexualities has been established, that we need to consider the blind spots of the ways in which gender has been included on the agenda of the right to communication and the media interest in gender violence debates.

3. Defensive Citizenship: victimization rethoric and punitive strategies.

The formulation of public policies, legislative enactments and regulations that affirm rights and the voice of the activists that advocate for them always involve the construction of subjects of those rights, policies and demands. In this section we will wonder about the subject of rights that is given privilege to in the dominant interventions on communication and gender in Argentina and the rethoric and mechanisms that support those rights.

If legislative and cultural transformations around genders and sexualities, as well as the growing debate in relation to the role of mass media necessarily involve the construction of subjects of these new rights and of the ways and channels to exercise them, then the dominant paradigms that guide the debate, formulation and implementation of laws and policies define a communicational citizenship that we will call "defensive" and a punitive and restrictive strategy in relation to the media. This appears to be more problematic insofar as the democratizing spirit of the Sca Act -just as the recommendations of international organizations on which it is based and which have already been mentioned above - enables other modes of intervention and cultural critique that we consider more inclusive, plural and transforming – and to which we will return at the end of this work.

In other papers, we have characterized the Argentine dominant feminist modes of conceptualization of the relationship between the media and the audiences under a bifrontal/two-sided paradigm of "victimization" and "dumbing down" (Justo and Spataro, 2015). Victimization rethoric is indeed a strategy adopted by part of the feminist movement to take forward many of the demands for women's rights, especially pertaining human rights- and which has led to several of their achievements. Ratna Kapur (2002) argues that this is the space for debate par excellence and that "should that common subject disappear, women would be left disempowered and feminists more divided"(: 5). Kapur's argument against the "victim" representing a subject position that summarizes the place of enunciation of all the demands of women's rights, serves to reflect on the claims in communication matters. On the one hand, "gender essentialism" involving the generalization of the demands as if they applied to all women. This essentialism leads to conceive the relationship between women and the cultural industries as homogeneous and univocal, to ignore the issue of polysemy in significant matters and to build a unique and coherent subject of representation, loaded with definable attributes for all cases, and associated with a set of interdict or enabled significants and meanings. That is, a stereotypical, almost mythical "woman subject". On the other hand, the fact that "gender violence operates as an equalizer and at the same time creates a disempowered and helpless subject" (: 10) which encourages the construction of protectionist and punitive responses from the State and other actors of the civil society.

This is the kind of response sought in the case of the demands around gender and sexuality representations in the media, particularly the aforementioned penalty,

regulation and eradication of content as modes of intervention on media coverage of gender and sexualities. This defensive-punitive perspective argues that it is necessary to control media content to protect the audience (Chaher, 2013, 2014).

Restoration of rights could turn out to be a political setback if we think that paradoxically both sides of the punitive-victimizing rhetoric (criminalization and tutelage) have been a matter of debate for feminisms that have historically advocated for the extension of women´s agency and autonomy as well as for the decriminalization of dissident identities or practices that do not abide by patriarchal and heteronormative standards.

Some of the consequences of this victimization rhetoric can be summarized as follows:

- o Underestimation or sheer ignorance of the ludic, pleasure, ironic, parodic dimensions, among others, in the conceptualization of the bonds between audiences and media.
- o Objection to and/ or invisibilization of certain configurations of femininity (e.g. those related to body and erotism, sexual agency)
- o Entitlement of media moral custodians.
- o Demand for punitive and regulatory strategies (content regulation / eradication).
- o Demand for equitable distribution for women in the media: this is an instance of gender essentialism insofar as it is assumed that female subjects shall necessarily guarantee feminist positions and of gender reductionism insofar as it seems possible that a more equitable gender representation might be achieved only in relation to one of the gender identities.

The limitation of the paradigm of defensive citizenship lies precisely in the construction of a unique and homogeneous subject of rights and in the adoption of a unique and homogeneous political strategy that neglects other modes of possible intervention enabled by their own regulations.

Rethinking feminist criticism: disputes over production and education.

Nelly Richard (2009) points out that to engage in feminist critique as cultural criticism should not be limited to purely denouncing dominant stereotypes or encouraging alternative representations, but "to becoming free of the slogan of identities and differences viewed as categories marked by a binary dialectic of affirmation and negation -yes 'or' no'- that does not withstand questioning and hesitations - 'maybe', 'perhaps' "(:81). This would also imply reflecting on other dimensions denied by the dominant positions hereby criticized, such as pleasure, eroticism, ludic attitude and humour, matters which should be pursued further on reception studies that show what women do with the embedded messages and meanings they consume, what implications mass culture has on their identity configurations and in what way this permeates their experience.

Life experience and its relationship with mass media has many more twists than those presented from dumbing down or victimizing perspectives. As formulated by Nelly Richard, we understand feminist cultural critique as a space of intervention that "invites subjects and identities who do not conform with consensual classification of identities, to emerge as an alternative between what is assigned or what can be reinvented, between what is unanimous or divergent, or what is classified or unclassifiable, etc. "(Richard, 2009: 84). This, far from restricting communication, pursues to expand the horizons and positions of socially intelligible gender and sexualities. This kind of perspective is based on two key pillars: the development of criticism "of" culture, that is, the questioning and denaturalization of the modes of symbolic organization of the social structures, sexualized and gendered devices in particular, and the development of criticism "from" culture, that is, the display of modes of criticism that produce alternative meanings on the basis of expressive and aesthetic

work. If we were to imagine two large fields of development of this mode of criticism, these would be education and communication production.

In the first case, education could be implemented in formal and non-formal institutions in the form of pedagogical proposals aimed at the development of critical audiences to achieve: distant and reflective reading of cultural consumption; awareness of the status of subject of rights regarding communication and knowledge of current regulations on this matter; understanding of the gendered and sexualized dimension of social discourse. Comprehensive education in communication and gender should also include the recognition of individuals as content producers -of particular importance in the current context of development of new information and communication technologies and social networks– and offer tools for crafting messages of their own.

In terms of production, communication policies should address, among other issues: the promotion of communication production: access to material resources for production and training in production as well as equitable gender distribution of professional and managerial posts in public, private or community media; training of media professionals and the establishment of channels of dialogue with production and media management.

As mentioned above, some of these tasks are being carried out by the Public Defender of Audiovisual Communication Services (especially those relating to the training of media professionals, dialogue with media authorities and training in audience rights). However, these actions are not part of a coordinated policy between the various agencies that have an impact in the field of communication and gender, and they take place mainly in relation to events or specific cases. In a similar sense, it can be noted that in the last decade Argentina has invested heavily in the promotion of audiovisual production-under the The National Institute of Cinema and Audiovisual Arts (Incaa) and the Ministry of Federal Planning - but without an explicit line of work in relation to gender and sexualities.

Finally, it should be noted that a mode of cultural critique attentive to the inner tension existing in the symbolic processing of social demands requires the consideration of culture as a space in permanent dispute. Probably, this *epistemological nostalgia* that seems to guide the debate on communication, gender and sexualities under paradigms that not only take us back to the origins of research on the subject but which have also been deeply discussed in the last forty years, has led us to forget that popular and mass culture is a space of struggle (Hall, 1984) and in this sense it cannot be studied but from a historical contextual, situated approach. There may be partial agreements, and meanings that hegemonize the cultural production in certain periods but we cannot imagine definitive consensus or completed representations.

Thus, "gender marked identities and cultural forms are produced, reproduced and negotiated in specific historical contexts within specific and changing power relations" (Hollows, 2000: 22) that not only exceed the mere encounter with media text by far but frame it in the contexts of appropriation, personal paths, subjective experiences, and the subject position and can then enable not only oppositional and / or negotiated readings but unobservable appropriations which are impossible to be inferred in textual surface.

Media products are complex and can harden certain sex-gender rules while at the same time and in one text, they put them into question. As Ferguson (2007) argues: "(...) Unless we have a theory of operation of the media that allows contradiction, tension and movement, we shall always conclude in unproductive or mechanical analyzes (...) both tend to work in pursuit of preconceived purposes and ban what is a dynamic and necessary component of semiotic-discursive social work: contradiction and paradox" (:152).

Reopening the issue of the conflictive dimension of cultural production would allow the estrangement from a mechanical approach that might seem to establish

causal relationships between media representation and social transformation. Neither have media and their stereotypical representations prevented transformations in matters of gender and sexuality rights nor can we argue that, conversely, the minor changes in media representations have brought about these transformations. It is of key importance to remove the burden of causality off this relationship in order to further understand the cultural processes and their links with political agendas and social movements.

Placing dispute as the axis of the cultural processes would also allow the identification of the tactical strategies by which many representations manage to percolate into the spaces of legitimacy even at the cost of negotiations and losses. In this process, critical or antagonistic representations may be sweetened, misrepresented and lose much of their conflict potential but they expand and enhance the plausibility structures (Metz, 1970). The support/maintenance of dissident images in the media is also a central task of feminist critique as cultural critique. Creating a dissident media culture which may boost the development of the heterogeneity of possible configurations and continue questioning what already exists.

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