

# Crisis of Representation and New Media Policies in Latin America

by

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*The emergence of new communication policies in Latin America from 2004 to 2015 took place in the midst of an unprecedented public antagonism between governments and media groups in Latin America. To understand the emergence of this conflict, the following variables are proposed: (1) the populist features of the governments involved, (2) a crisis of representation, (3) high levels of media concentration in a context of historically permissive regulation and a crisis of the traditional media, and (4) the governments' perception of the media as opponents and even as threats to their power.*

*La emergencia de nuevas políticas de comunicación en América Latina desde 2004 a 2015 tuvo lugar en medio de un conflicto público inédito entre gobiernos y grupos de comunicación. Con el fin de explicar la emergencia de este conflicto, las siguientes variables de análisis se plantean: (1) las características populistas de los gobiernos, (2) la crisis de representación, (3) la concentración mediática en escenarios de históricas regulaciones permisivas en conjunto con la crisis de los medios tradicionales y (4) la percepción de los medios como fuerza opositora o destituyente por parte de los gobiernos.*

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After a history of limited presence on the public agenda, the regulation of the communications media in Latin America has emerged as a public issue in the past decade. While media regulation in the region in the twentieth century was determined by political actors and media owners in settings remote from public scrutiny, this tradition was broken in a number of countries, with antagonism between governments and large private media groups leading to public discussion of new rules of the game for this sector and the questioning of established policies. Although it is more visible, conflict between governments and large media groups couched in terms of arguments about freedom of the press

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is not as new as its regulatory consequences. These consequences cannot be generalized to all of Latin America, but in 2004–2015 countries with governments of different political orientations such as Venezuela, Uruguay, Argentina, Bolivia, Colombia, Ecuador, and Mexico enacted fundamental modifications to the regulation of private commercial media. This in turn resulted in new roles for state-run media and for community, alternative, and indigenous media (in Argentina since 2009 termed the “nonprofit” sector). The regulatory reforms have taken shape in the tension between the economic logic of media ownership and the logic of freedom of expression and the ability to produce, impart, and receive different views.

Studies of communications policy in contemporary Latin America agree in identifying the principal variables of analysis as the structure of the sector, technological change that has undermined the classic rules of operation of the traditional media, societal processing of the organic crises experienced by many countries in the region over the past two decades, and the ideologies and leadership styles of the governments that have promoted legal changes. Researchers differ in the degree of emphasis they place on these variables. Thus some stress political leadership styles (Kitzberger, 2008; Natanson, 2012; Rincón, 2014; Vommaro, 2008; Waisbord, 2013) while others underline the effect of digitalization and technological change (Carlón and Scolari, 2009; Ruiz, 2010; Sorj, 2010). Others focus on social pressure for regulatory change (Segura, 2011) or on structural, economic, and technological change in the communications sector (Becerra and Mastrini, 2009; Trejo, 2010).

In a broad sense, as Lessig (1998) suggests, regulation of the area of communications technology and the mass media has four levels: the legal or normative level, social customs (communications culture), the configuration of markets, and the morphology of the information sector. The regulatory changes discussed here include all of these levels. Therefore, while we recognize the descriptive and sometimes explanatory validity of the variables mentioned in the literature, we suggest that studies have generally focused on the conflict itself, the degree of concentration of the multimedia system, or the intentions associated with the new regulations—approaches that limit the possibility of understanding their causes and effects.

In contrast, we intend to produce a coordinated view of the material conditions that contributed to the emergence of the conflict. Therefore, in the context of disputes between governments and media groups, we propose the following four independent variables: (1) the nature of the so-called populist governments, (2) a crisis of representation, (3) media concentration in a setting of historically permissive regulation and as part of an unprecedented technological transformation in the mass communications sector and a crisis in the traditional media system, and (4) governments’ perception of the media as opponents or even as threats to their power.

In the next section of the article we discuss the regulatory reforms of recent years, which have developed in the context of technological convergence and political crisis that have been catalysts of these initiatives. In the third section we explain why it is the type of leadership (populist) rather than ideology that is useful for analyzing the conflict. We maintain that populisms, which foster a binary logic of friend-or-foe, create the notion of a virtuous and undivided

people opposed to “an enemy of the people” and therefore have tense relations with public intermediaries such as the media. An alteration of the operating rules of the traditional media is inherent in populism, which involves direct leader-society communication that disrupts the mediation of mass communications. Thus we dismiss the populism-authoritarianism equivalence and focus on a comprehensive view of the Latin America’s different populist experiments. We show that populism develops what we call a “re-intermediation” of public space—a series of government strategies aimed at recovering space and media prominence without the intermediation of journalism. This is seen, for example, in the provision of new spaces (among them new media whose economic survival depends on state financing, state media, and radio or television programs hosted by presidents themselves) or new uses of existing mechanisms (national broadcasts) as well as the abandonment of old ones (press conferences).

In the fourth section, we substantiate how a political setting steeped in a crisis of representation, in which political parties lose some of their power as intermediaries, promotes movements that in the medium term foster the conflict between the media and the government: the emergence of antiestablishment leaders and the rise of new intermediaries. In the fifth section, we describe the regulatory scope of the conflict in various countries through a summary of the new laws, which cannot be grouped homogeneously. Some of them are in the tradition of the right to freedom of expression of the inter-American human rights system and some in contention with that tradition by containing chapters on the control of editorial content. Regulation is examined here not just through legislation but also through the activism of the governments in altering media systems and through the structural changes resulting from technological convergence. In the final section, we weigh the impact of the concentration of media ownership within the context of a crisis of the traditional media system and a tendency toward state discretion in the allocation of resources or granting of licenses.

## THE FRAMEWORK FOR REGULATORY REFORM

If the countries that have adopted regulations for the communications media have anything in common, it is the setting of these new rules within a broader program of confrontation with a political economy model that was in crisis in the late 1990s and throughout the ensuing decade. Organic crises were the trigger for modification of the paradigm of communications policy. In some cases they became coups or attempted coups (Venezuela in 2002, Ecuador in 2012), in others social explosions and intense institutional shocks (Ecuador in 1999, Argentina in 2001) or socioeconomic earthquakes (Brazil in 1998, Uruguay in 2002–2003). The 2013 Mexican case, in which constitutional reform had telecommunications and audiovisual regulatory reform as one of its central themes, exhibits features similar to those of the implementation of neoliberal economic policies, which resulted in increasing concentration of activities linked to communications in the broad sense (telecommunications, audiovisual, graphic), but differs in other respects. Rather than following the pattern of confrontation

between government and large media groups, it has been criticized precisely for the close ties between President Enrique Peña Nieto and the principal audiovisual operator, Televisa (Calleja, 2014; Trejo, 2014).

Another consistent feature of the new communications policies is that they encompass the audiovisual sector but only exceptionally (as in Ecuador) affect the print and digital media. Telecommunications are not usually included in the regulations either (except in Mexico, where the regulatory changes were called “Telecommunications Reforms”), despite the technological convergence that allows all content to be distributed equally, after digitalization, through audiovisual or telecommunications networks.

The Latin American media system has been guided by a commercial logic, with private groups prevailing and lukewarm accompaniment by the state media, which also adopted a commercial rationale (Fox and Waisbord, 2002). For at least the past two decades the concentration of ownership of the media system has been conglomerate in nature. The degree of concentration surpasses that recorded in the central countries, in part because in the latter there are usually authentically public media that offset the commercial logic of the private groups (Becerra and Mastrini, 2009). This concentration of ownership has been combined with centralization of the production of content in the principal urban centers of each country. Media systems in Latin America have been little regulated in comparison with those of Europe or the United States but strongly controlled by the active informal relationship between governments and the owners of media companies (Fox and Waisbord, 2002). Thus Waisbord (2013: 56) declares, “Historically, presidential discretion was a determining factor in the structure and dynamic of the media systems.”

In other words, in Latin America the system of commercial media, essentially private, concentrated, centralized, and controlled by deals between presidents and media groups, was not compensated for by a state-run public service; state actors tended to reproduce the private actors’ commodification of the sector and subordinated their editorial content to government propaganda. The resulting fluctuation and lack of credibility of its information services in turn resulted in low audience levels (except in Chile and in Colombia until 1995). The content of Mexico’s state-run media was less subject to a logic of government use, but their television and radio stations lacked the national reach of private channels such as Televisa or TV Azteca.

The concentrated, conglomerate, and centralized ownership structure of the industries of production and mass distribution of culture and communications was combined with the expansion of social capacities for expression (a process begun in the 1980s, after the return to constitutional rule in many countries in the region). The concentrated media groups established an extraordinary coordination with the political powers, one indication of which was the scant regulation of the sector. For example, in several countries there were no provisions regarding the terms of audiovisual licenses, which blocked the scheduling of periodic selection processes (Uruguay and Brazil), and in some cases where terms were determined by law they were not honored, producing a *de facto* model in which licensees held their licenses in perpetuity (Argentina and Venezuela).

## POPULISM OR IDEOLOGY?

Criticism of the concentration of media ownership sparked unprecedented conflict between governments and the media. Some maintain that this is accounted for by a populist-type leadership, with “populism” being defined as a political construct in which the traditional channels that handle representative democracies (including republican institutions and public and private spaces such as the mass media) are challenged by a direct demand by the leader of the sector of society identified as the heart of the people (see Laclau, 2005). Others see the cause in the leftist ideology of the government in power. We consider populist leadership the more influential. First, there are counterexamples of poor relations or regulatory activism between governments and the media in countries with center-right governments, such as Colombia under Álvaro Uribe Vélez (2002–2006, 2006–2010) and Mexico during the terms of Felipe Calderón (2006–2012) and currently with Peña Nieto. Secondly, the variable of ideology has significant problems of conceptualization (Arditi, 2008: 59) and operationalization. Populism may lean left or right (Levitsky and Roberts, 2011: 6). In fact, conflict between the media and governments has become more evident in countries with populist governments (such as Venezuela, Ecuador, and Argentina) than in the cases of more moderate leftists (such as Uruguay and Brazil) (Waisbord, 2013: 9).

Seligson (2007), de la Torre (2009), Aboy (2014), Castañeda (2006), and Waisbord (2013), among others, locate the Latin American governments of the past 10 years in what has been called a political shift to the left. Arditi (2008: 59) says that if we can talk about a shift to the left it is because presidents such as Hugo Chávez, Evo Morales, Cristina Kirchner, Tabaré Vázquez, and Rafael Correa are clearly different from leaders of the previous decade such as Carlos Andrés Pérez, Gonzalo Sánchez de Lozada, Carlos Menem, and Alberto Fujimori—a comparison that does not clarify the meaning of the term or associate it with a specific programmatic content. According to Levitsky and Roberts (2011: 17), the neoliberal failure, along with a period of institutionalization of democratic authority under harsh conditions of social and economic inequity and a permissive international climate, fostered leftist proposals that managed to place the demands of the great protest movements in the political arena. These writers see the left as committed to equity, social justice, and popular participation—a concept sufficiently imprecise to allow many of the region’s countries to be located within a leftist paradigm. In fact, they acknowledge that Latin American left variants are very diverse and it is hard to think about similar agendas in all cases. Added to these problems are difficulties in operationalizing the concept. With so vague a definition, the analytical options are attributing ideological motivations to public policy outcomes (which is a problematic procedure)<sup>1</sup> or referring solely to the declarations of the governments to assign them a certain ideological essence.<sup>2</sup> In this sense, relativizing the importance of ideology is saying not that the governments are not leftist but simply that, given the arguments presented, ideology is not the most significant factor in explaining the conflict between governments and media groups.

Many writers also maintain that a progressive, radical, or moderate populism associated, to a greater or lesser degree, with the left has reemerged in

Latin America (Castañeda, 2006; Novaro, 2011, Schuliaquer, 2014). Over the past decade the governments of Presidents Néstor Kirchner and Cristina Fernández de Kirchner in Argentina, Evo Morales in Bolivia, Rafael Correa in Ecuador, Daniel Ortega in Nicaragua, and Hugo Chávez in Venezuela have been considered populist (Waisbord, 2013: 14). According to Schmitter (2006: 208–209), populism is a “political movement that creates its support by bridging or overlooking the cleavages of the existing political formations and does so focusing on the leader, who claims to be capable of resolving a set of issues previously considered elusive, incompatible, or excluded.” Populist regimes, marked by a friend-or-foe logic (Waisbord, 2013), generate confrontational ties with various actors that are often based on criticism of the concentration of media ownership. Waisbord (2013: 8) asserts that, historically, populism has always been obsessed with “media issues” and believed that the primacy of its leaders in this area was essential to political success. The goal of populism is to create mechanisms that promote direct communication between the citizen and the leader, who exercises the powers of decision making and representation (Pasquino, 2008). Thus populisms reject mechanisms of intermediation such as journalism, which are believed to distort the true will of the people, the legitimate interpretation of which falls to the leaders of those movements. Therefore, populist representation is based on a strong personalization of politics, whose realm is divided into followers and enemies of a cause and therefore also of the homeland or nation (de la Torre, 2009). Accordingly, populism’s rejection of media intermediation is due in large part to the rejection of actors that may question its legitimacy in the center of political space (Pasquino, 2008: 15). To combat this, governments attempt to circumvent the media as intermediaries between the leader and the citizenry but not without making use of the tools the media make available (for example, announcements at broadcast public events in which the leader can communicate directly with the public and the use of *cadenas nacionales* [joint broadcasts], in which the programming of all channels is interrupted to present a presidential speech). As Enrique Albistur, the secretary of media during Kirchner’s presidency in Argentina, said (Reinoso, 2007),

The problem is that journalists do not understand that the president has a style and that style is what some call “the killer podium.” The president communicates directly with the people. It is also arrogant of some journalists to say that Kirchner is mistaken because he lacks intermediation. That’s what hurts reporters: that they are no longer necessary intermediaries. There have been cultural changes in Argentina, but those changes haven’t reached the media and the reporters yet.

In other words, populist leaders such as Chávez, Morales, Lula da Silva, Kirchner, and Correa, among others, sought media coverage but attempted to keep traditional journalism from interfering in that coverage. The media continued being the mechanisms through which politics was transmitted. As Martín-Barbero (1999) says, politics is not dissolved, but its mediations are reconfigured. For example, this meant that leaders did not provide settings for communication with the population in which journalists could ask questions or intervene: they did not give press conferences, appeared on television

programs, or granted interviews (all mechanisms that cast reporters as “representatives” of the audience, “the citizenry,” and as intermediaries). Rather, leaders opted for national broadcasts or televised versions of public events and created, bought, or promoted their own television or radio programs or newspapers (e.g., *El Telégrafo*, C Televisión, Gama TV, and Ecuador TV in Ecuador, Venezolana de Televisión, Televisora Venezolana Social, and Telesur in Venezuela, Bolivia TV in Bolivia, and Canal 7 in Argentina), including television or radio programs directed by themselves such as Chávez’s *Aló Presidente*, Correa’s *Enlace Ciudadano*, and Lula’s *Desayuno con el Presidente*.

The characteristics of populist leadership pointed to a contest for the dissemination of the word in public space. Structurally reconstituting the media system is something that Latin American populism considers urgent (Waisbord, 2013). Therefore it has invested legal and administrative resources and has publicly and openly created enmity with large media corporations with the ultimate goal of modifying the relationship between the state, the market, and civil society regarding the media. This debate, which has been raised in the public arena in terms of defense of rights and freedoms and ultimately in ideological terms, has produced a highly polarized climate involving economic and political interests on both sides.

### REPRESENTATION IN CRISIS

The new media regulations in Latin America can be analyzed as a response to a crisis of representation that has eroded partisan identities in a general climate of political disaffection and disparagement of the ability of politicians to resolve problems, all linked to the weakness of the party system. This crisis is a symptom of a degradation of democratic politics that has no regional boundaries in which parties lose their capacity to aggregate and articulate society’s interests (Novaro, 1993; 1998). According to Manin (1998), the media system has had significant influence in the transformation of the nature of representation. Thanks to the massive use of radio and television, candidates have regained channels of direct communication with the citizenry without having to depend on the party structure, which means the death of the “activist and the party men” (Manin, 1998: 268). Within this framework, there has been a change in the organization of political preferences, with votes becoming mostly reactive and personalized rather than corresponding to identities and a sense of partisan belonging. This has caused electoral results to vary noticeably from one election to the next, largely with the individuality of the candidates. The crisis of representation (see Novaro, 1993; 1998; Nun, 1989; Ruiz, 2010; and Waisbord, 2013) is a fundamental variable for analyzing the conflict between governments and media groups in Latin America.

The decline in legitimacy of the major parties and the deinstitutionalization of the party system, which were some of the catalysts of a crisis of representation, created a climate favorable to the emergence of antiestablishment leaders such as Chávez or Morales (Molina, 2004, cited in Zúquete, 2008: 93). Because the factors that generated the fragmentation and political disaffection characteristic of a crisis of representation were in turn the substrate of the rise of populist

movements, these leaders tended to take on populist traits. They emerged outside the core of the traditional system and took advantage of a climate of disenchantment to mobilize social groups alienated by the breakdown of the representation contract (formal and informal workers, indigenous movements, the landless) toward what appeared as “a fleeting moment that regenerates politics” (Balán and Tiberti, 2014: 185). Rincón and Magrini (2010) speak of these political figures as new celebrities or “telepresidents” and go on to list features of the conflict between governments and the media that they believe are common to all countries: (1) the presence of “neopopulist” governments with various ideological traits, (2) the creation of the collective “people” as sovereign and ideological guarantor, (3) a dramatic appeal to “the national,” (4) direct communication with the population by presidents, (5) a message of political inclusion, (6) denial of the legitimacy of the conflict (considered solely a matter of enemies of the national project), (7) the processing of public information by the government itself but to be circulated by nongovernmental organizations in exchange for official publicity, and (8) the elevation of the communication media to political actors in the struggle for control of public space.

With the crisis of representation fostering a climate of political disaffection and reduced party affiliation, parties no longer operated as traditional entities of mediation between politics and civil society. In this scenario, new actors arose with the capacity to become a space for mediation—for the time being in terms of information and the formation of opinions. The concentration of media ownership fostered by permissive regulation led to a consolidation of powerful business groups as settings for the production and distribution of news and entertainment. These became devices for the legitimation of opinions, perceptions, and social needs. Populist leaders therefore viewed the communications media, which played an essential role in the formation of the population’s perceptions, with suspicion and mistrust. For this reason, according to Ruiz (2010: 43–48), the politicians’ strategies for regaining a margin of autonomy for politics referred to interventions in the media realm in terms of regulations, creation of state-governmental media, and, in some cases, control of content. Examples of these interventions are state media created or reinvented (to those mentioned above we add the Empresa Brasil de Comunicaciones, created by Lula in 2007), the implementation by the Ecuadorean government of the “media lynching” clause (which has since been challenged by the Organization of American States’ freedom-of-expression rapporteur), the Venezuelan media law, and the extensive economic intervention by states through resources channeled as official publicity.

When political leaders perceived media companies as uniting their opposition or promoting their removal, an open conflict emerged. This took the form of a dispute for mediation, in which both the media companies and the political leaders used the tools they possessed to pursue their objectives.

### THE NEW LAWS

The new media regulations in the various countries have both similarities and differences. Among the similarities is that all of them (up to 2015) have



targeted the audiovisual sector, although in Ecuador they also extend to the print media and the Internet and in Mexico to telecommunications. In addition, every case follows the path opened up by Uruguay when in 2007 its congress approved the Community Radio Broadcasting Law, reserving 33 percent of the radio spectrum for social actors that had historically been prohibited access to licenses. In some countries this reservation is made for “nonprofit” organizations (Argentina), in others for “community media” (Ecuador). All the media laws establish stricter limits on ownership by a single group, thus institutionalizing the critique of concentration of ownership in a few hands. All of them call for public competitions for access to radio and television licenses and for original production, national production, and independent production in the hope of promoting productive capacities, which are generally centralized in the more populated areas.

There are also important differences. Venezuela, with the Radio and Television Responsibility Law of 2004, and Ecuador, with the 2013 Communications Law, authorize control of the informational content of the media. The Venezuelan law was a direct result of the coup d'état suffered by Chávez in April 2002 and of participation of the traditional communications media in that attempt against the constitutional order (see Becerra and Lacunza, 2012). But this law, tied to a need to reorder the media map with which he had coexisted peacefully during his first year and a half of government, also regulated content in order to counter the editorial line of media considered tools of the opposition. Thus it alluded to the “quality” of information and established the right to receive “timely, truthful, and impartial” information, with all the discretion involved in the absence of objective indicators of timeliness, truthfulness, and impartiality and the possibility of abuse by the authorities.

Article 20 of the Organic Communication Law in Ecuador stipulates the ultimate responsibility of the communications media and requires them to create records of the personal information of those who participate with opinions or information in electronic publications. It also creates the legal notion of “media lynching,” which allows the authorities to restrict or censor media content and says that information must be “true, verified, timely, and contextualized, respecting the principles of professional independence and pluralism.” These mechanisms are in conflict with the tradition of free expression because they call for self-censorship and inhibit the publication of critiques of the political and judicial authorities, thus contravening the obligation of facilitating the free flow of opinions essential to the construction of robust deliberative spaces (see Becerra, 2015). At the same time, the law includes rights that fall within the tradition of guaranteeing freedom of expression such as that of rectification or response and, as already mentioned, access to licenses for community organizations.

Argentina’s 2009 Audiovisual Communications Services Law and the bill being debated in the Uruguayan congress since late 2013 expand the right to access to licenses by nonprofit organizations but include standards that respect the freedom of opinion of each station and explicitly cite the standards on freedom of expression of the inter-American human rights system (IAHCR, 2000; 2012). They do not enable the authorities to challenge the editorial stances of the various media. Meanwhile, a community media law was passed in Uruguay in 2007, and Brazil’s Workers’ Party included in its platform for the October

2014 elections the modification of an old radio broadcasting law. In 2013 Mexico carried out an ambitious constitutional reform through a unique agreement between the governing party and the two opposition parties that anticipates deconcentrating the telecommunications and audiovisual markets. Today that reform seems to have been compromised by the breakdown of the “Pact for Mexico” and by legislative proposals that, according to the opposition, would allow officialdom to evade the core of the commitment to deconcentration.

The regulatory reforms have not yet significantly altered the region’s high levels of concentration of ownership (see Mastrini and Becerra, 2012), although they have bolstered the rise of media groups aligned with the governments that promoted the legal changes, in some cases at the expense of long-standing groups, which sold their assets or were replaced. Rather than deconcentration, the result of the media policies, especially in the audiovisual sector, has been equally concentrated structures with new owners or leadership and a change in their editorial lines. In this “polarized concentration” there are media that have swung from staunch opposition to militant pro-government support.

### ACTIVE STATE INTERVENTION

Communication policies are not limited to the legal realm but include states’ intervention in the economy of the sector through their participation as advertisers (official publicity) and through guidelines related to the tax and retirement policies of the media companies. In the past 30 years the media system in the region has consolidated a structure concentrated in the hands of large multimedia conglomerates. Concentration of ownership and the geographic centralization of production were greatly strengthened during the 1990s, in the framework of economic modernization (Becerra and Mastrini, 2007: 460; de Moraes, 2011: 33) and a shrinking of the state that allowed for enormous national and international mergers in some countries (Cañizález, 2010: 66; de Moraes, 2011: 36). Although this was a common occurrence the world over, it was particularly intense in Latin America (Becerra and Mastrini, 2009: 211). Operating in vague and largely obsolete regulatory settings, large corporations were able to accelerate the processes of concentration. These processes enabled corporations to establish themselves as the owners of the units of production, storage, sales, and distribution of more than 80 percent of the info-communication content (Becerra and Mastrini, 2009). Given that the flow of diverse and plural information promotes democratic coexistence and debate that enriches the population, the concentration and centralization of cultural industries erode those principles. If concentration of media ownership is what explains the propensity for conflict between the media and government, this is largely because it is one of the rationales most commonly employed by governments, claiming the intent to regulate and dismantle the large media conglomerates because of the harm they do to the plurality of voices—to democracy. This rejection of private concentration is also linked to populism, with the large commercial media operating as competition for the leaders in appealing to the society and thus drilling holes in their direct communication through editorializing and publishing that, by definition, they cannot control.

Relations between governments and the media in Latin America have been close for a variety of reasons that, in one way or another, have worked for both actors. Historically lax regulatory frameworks allowed governments to relate to the media arbitrarily, fostering a close link that in some cases took clientelistic forms (Trejo, 2010). In some countries, these exchange relationships often took the form of tax exemptions, economic bailouts, the extension and renewal of licenses, and exchanges for official advertising on the part of the state. In some cases, as Fox and Waisbord (2002) explain, whenever the state was able to forge mutually beneficial relations with the radio broadcasting industries, as in Mexico and Brazil, large media conglomerates were constructed. The absence of public service media, in a region in which the radio broadcasting media function as government propaganda machines, reinforces the influence of the large commercial media (Becerra, 2012).

Official advertising, unregulated and therefore susceptible to discretionary use by governments, operates in these contexts as one of the more important mechanisms of the close ties between governments and media groups. This happens in Mexico, Venezuela, Ecuador, Brazil, Bolivia, Argentina, and Uruguay (obviously not always with identical uses and therefore with different effects), and in all of these countries political debate over the allocation of national budget resources through government ads is heated. The purpose of official publicity, theoretically, is to “inform about matters of public interest, which include issues related to health, education, safety, and elections” (Becerra, 2011). According to the special rapporteur for freedom of expression of the Inter-American Commission on Human Rights (IACHR), the media are very important to states as tools for transmitting useful information to the population and, in addition, provide profits for media owners. State discretion in handling official publicity, which often becomes legally binding (Saba, 2007), is one way of restricting the free flow of ideas. The “Declaration of Principles on Freedom of Expression” adopted by the IACHR in 2000 establishes that

the exercise of power and the use of public funds by the state, the granting of customs duty privileges, the arbitrary and discriminatory placement of official advertising and government loans; the concession of radio and television broadcast frequencies, among others, with the intent to put pressure on and punish or reward and provide privileges to social communicators and communications media because of the opinions they express, threaten freedom of expression and must be explicitly prohibited by law.

The legally binding nature of official advertising occurs in the framework of a contraction and shift in the advertising pie. The traditional one-way media outlets began to lose their monopoly over intermediation of the masses in light of the new digital formats (Becerra, 2012). In other words, the gradual migration of advertising to the Internet and pay TV (Fosk, 2013) created a crisis for the traditional media system and enhanced the binding nature of official advertising by locating the state as one of the principal actors, if not the principal one, in a market concentrated in a few advertisers.

In many cases, such as in Argentina and Venezuela, the historically unregulated relations between governments and the media can be described as a transition from friends to foes (see Lugo-Ocando and Romero, 2002), in which the

clientelistic balance of an earlier phase was broken and a public dispute began between them, at the center of the public agenda. Gómez Germano (2011) argues that many governments not only had no intention of deconcentrating the media systems but rather needed their collaboration in order to attain power. The regulatory advances in this historically unregulated sector became an objective once they got into power. In short, one could argue that the governments needed the media to build power and therefore tried to create good relations with the large media groups through the use of state discretionary funds, but when they perceived that the media were violating this pact this liaison tended to take a hostile form.

## CONCLUSIONS

In recent years, a number of Latin American democracies have seen confrontations between governments and the large media groups at the center of the public agenda and public space. This unprecedented confrontation led to the adoption of new regulations. For both contenders, the conflict was framed around issues of freedom of expression, but with different conceptualizations of it. The governments that adopted new communications policies argued that freedom of expression and pluralism were threatened by a market of production and circulation of information and entertainment that was highly concentrated in few corporate actors to the detriment of possibilities for access to the media by subaltern groups in civil society. This concentrated media market was identified as the principal enemy of what were considered inclusive and innovative projects. In turn, the media companies understood the conflict as an attempt by authoritarian governments to censor the voices of citizens, which these companies claimed to understand and represent. In other words, both sides saw themselves as defending freedom of expression and representing the interests of a vulnerable civil society. The conflict between governments and the media created a deep polarization in civil society, viewed as the subject of challenged rights. Both sides have fought this battle with the tools that their positions allowed them to employ: the governments through regulations, licenses, and public funds (resources that include but are not limited to economic ones) and the media groups through editorial and informative stances from which to establish the public agenda, shape opinion, and influence the leadership.

On an analytical level it is useful to identify, on the one hand, the strategies for building legitimacy employed by the two actors and, on the other, the enormous inconsistencies between the discourse of the dispute and the actors' social, political, and economic practices. In some countries where new laws for the media system were passed this inconsistency can also be found in differences between the letter of the law and the ways in which it has been put into practice. To explain this novel and controversial regional situation, the following variables of analysis have been considered: the populist character of the governments, the existence of a crisis of representation, the high degree of concentration of media ownership in a context of historically permissive regulation and a crisis

of the traditional media system, and the government's perception of the media as opponents or, in the most extreme cases, as threats to its power.

First we have attempted to show that the crisis of representation has analytical value for understanding the emergence of a dispute between the media and governments. In a climate of political disaffection, parties stopped being seen as legitimate mediators between the state and the citizenry. On one hand, this resulted in an opportunity for the rise of populist leaders who sought to restore confidence to undecided, disaffected, and volatile voters with the promise of revitalizing politics. On the other hand, it paved the way for the rise of intermediate actors. The media, operating as mobilizers of public opinion, managed to replace certain traditional functions of political parties, drawing together the sectors of civil society that did not feel represented by the new leaders. The leaders, who rejected indirect communication mechanisms, saw the media as powerful political and economic actors capable of competing with them for public opinion. Their friend-or-foe logic, rejection of the concentration of ownership, and competition with the media intermediaries caused them to target the media for criticism.

Finally, highly concentrated ownership and geographic centralization facilitated by a historical tendency toward lack of regulation and permissiveness also contributed to the tense relations between media and governments. This variable was particularly important because it was the one that governments used to justify their regulatory activism in the media system. As Fox and Waisbord (2002) have shown, Latin American media systems were always "highly controlled and little regulated" in the past, and this fostered an ad hoc relationship between governments and the media that took the form of clientelism at the expense of the public interest.

The crisis in the media-government relationship heightened the polarization of public opinion, producing the crisis of journalism and the creed of neutrality and objectivity that had served it for decades as a professional shield. With greater state activity and intervention in the media system, the state's economic contributions served to construct a subsystem of media, producers, and reporters disseminating the official version in the face of the large commercial media of the opposition. Examples include the multimedia groups headed by the major media owners Cristóbal López and Sergio Szpolski in Argentina and the formerly opposition and now pro-government groups Cadena Capriles, Globovisión, and Televisión in Venezuela. Since the allocation of state funds to the media continued to be discretionary, this problem, which altered the conditions under which information was produced and distributed in public space, was an important one.

It does not seem to be ideology that explains the confrontation between two actors that declared that they were acting in defense of the great democratic values of freedom of expression, the pursuit of pluralism, discussion free from major constraints, and diversity. The rhetoric appears to have been simply one more mechanism used by both sides to defend private interests that are often primarily economic. Therefore, rather than structural reform, what we find in the countries where regulation has gone the farthest is a change at the highest level of leadership of the media groups, which till this day remain highly

concentrated. This is why we have spoken of polarized concentration rather than deconcentration.

In this context, the scope of the technological revolution in communications, combined with the political processes we have discussed, has shaken the foundations of the media's role in contemporary societies, reallocating advertising resources and reorganizing the interests and cultural practices of the population. The tension between the media and governments and the contest over the meanings of freedom of expression have emerged from the crisis of a previous paradigm that relegated the majority of citizens to the role of spectators and allowed for low-intensity conflict to be resolved behind closed doors between politicians and media owners. Between 2004 and 2015 a new paradigm with major structural contradictions was developed.

## NOTES

1. Attributing ideological causes to results of public policy leaves out many of the factors involved. For example, should we consider a government more leftist because it gradually redistributes more than another? In which case, why do some countries, regardless of the partisan orientation of the government in power, redistribute more than others? The reasons seem to have more to do with institutional factors. Moreover, the procedure represents the well-known fallacy of the affirming the consequent: "If a government is leftist, then (for example) it redistributes. This government redistributes. Therefore, the government is leftist."

2. A mere programmatic statement in favor of these values does not appear, at first, to be enough to precisely define this variable. If we tried, for example, to examine the "democratic regime" variable on the basis of the countries that say they are democratic, we would have to conclude that all countries except Saudi Arabia are democratic.

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