

Chapter 2

Democracy, Media, and Their Democratization in Latin America

This chapter aims to outline the larger problem discussed over the following chapters. The central goal is to understand what is at stake when we talk about the “democratization of communication” in the context of Latin American mass media. Section 2.1 starts by laying out a normative theoretical foundation for the role of mass media in democratic society, based on Habermas’s concept of the public sphere. From there, the need for a regulatory approach is developed, resulting in a formal definition of “democratization of communication” (Sect. 2.1.2) and also discussing whether the rise of the internet has made this approach obsolete. Section 2.2 introduces the Latin American context by focusing on the region’s historical background and recent developments in the debate about the democratization of media structures. I show that mass media have developed as private enterprises, closely linked to the (conservative) political elite, resulting in a sharply concentrated and commercialized system. Since the 1980s, but more so since the political shift to the Left around the beginning of the twenty-first century, media activists and civil society have reacted by developing specific reform demands. Following this, Sect. 2.3 gives an overview on international norms and institutions that intervene in this otherwise mostly domestic policy domain. In Sect. 2.4, the central ideas of this chapter come together to conclude with the central research question.

2.1 Mass Media and Democracy: From the Public Sphere to Broadcasting Regulation

2.1.1 *Deliberative Democracy and the Concept of the Public Sphere*

Calls for a “democratization of communication” are based on a specific understanding of what democracy is about and how the system of social communication relates to it. With good reason, critical scholars concerned with the role of mass media in democracies often turn to Habermas, his concept of deliberative democracy, and especially his concept of the public sphere (Avritzer 2002; Bresnahan 2003; Calhoun 1992; Cammaerts and Carpentier 2007; Costa 2004; Curran 1991; Polan 1993). It is thus worthwhile to delve into these ideas to understand the normative foundations for the demands to democratize social communication.

At the core of Habermas’s theory of democracy stands the importance of deliberative processes for will-formation, while the assignment of rights is considered the foundation for the institutionalization of democratic discourses. The model of “deliberative democracy” thus combines aspects of the republican model (development of the collective will through communicative processes) and the liberal model (citizens as independent holders of constitutional rights) (Habermas 1996). It is important to emphasize that Habermas assumes interests—and in consequence opinion formation—only emerge through communication, in contrast to the liberal model where democratic will-formation consists largely of aggregating previously defined interests. (As we will see in the next section, this has consequences for the understanding of media regulation: While the liberal perspective would take issue with concentrated media markets in terms of distorting opinion aggregation, it is unable to capture the structural limits of *commercialized* media systems.) With this emphasis, Habermas offers a normative theory of democracy that focuses on emancipatory and participatory aspects, rejecting more functionalist approaches where democracy consists mostly of the rule of law and periodical elections. Deliberative communication, the lifeblood of democracy, takes place not within the political sphere marked by hierarchical power structures but rather in a distinct “public sphere” that emerges from civil society. Here, civil society describes a sphere that developed historically in autonomy from the state or other institutional authorities like the church and is defined by its self-organizational capacities (Calhoun 1993: 270f).¹

¹ The civil society of this public sphere thus has a fundamentally different character from other liberal or functionalist approaches. According to Habermas’s perspective, the civil society’s task is neither to control the public administration nor to attract policy makers’ attention to new problems or underrepresented perspectives. Rather, civil society is constitutive of a public sphere that is autonomous from the state. Civil society in this regard is not an undifferentiated manipulative mass; rather it enables a communicative space for discursive coordination (Costa 2004: 16–19).

The public sphere is more an abstract idea than a physical space, although it can manifest itself in some physical spaces better than in others. Habermas defines the public sphere through its steering medium of discursive communication—or more generally “communicative action,” as he called it later. In this sphere, understandings are reached through a “critical-rational discourse,” where the only valid “currency” is the power of the argument (Calhoun 1993: 276; Habermas 1995). Class, social status, or financial wealth are—by definition, though not necessarily in the “real world”—irrelevant in the public sphere. The public sphere thus becomes distinguishable from both the public administration and the economy, which are structured by the non-discursive modes of (administrative) power and money, respectively. This exemplifies Habermas’s view that democracy comprises not only institutional mechanisms that aggregate existing interests for decision-making but also a (preceding) sphere where political opinions are formed in the course of deliberative processes, not bound by administrative or institutional limits. This separation between the public sphere and the political system takes into consideration the (communicative) limits of modern society’s bureaucratic systems without giving up the possibility of a participatory public domain (Avritzer 2002: 41f).² In sum, Habermas defines the political public sphere as the “concept denoting all those conditions of communication under which there can come into being a discursive formation of opinion and will on the part of a public composed of the citizens of a state” (Habermas 1992: 446).

The goal of democratic action is thus to strengthen the public sphere as an independent sphere where neither (political) power nor financial aspects distort the discursive formation of opinions. The purpose is not to overcome the economic or bureaucratic spheres, which fulfill legitimate functions, but to build dams against their expansion into the public sphere—or, as Habermas called it, against the “colonializing” of the “life world” (Habermas 1992: 444; cf.; Calhoun 1992: 6). Habermas’s central concerns are therefore to defend the public sphere and to study its conditions for existence (i.e., How and where is a rational-critical discourse possible?). This is not an easy task if one considers the demanding requirements, for example that the social position of the speaker should not affect the “influence” of his or her argument. Even if we acknowledge our inability to ignore the class or status of a speaker, it still makes sense to aim at pushing back the importance of these factors.

But what does this idea of a public sphere have to do with broadcasting regulation? While at some point in time, a society’s public sphere might have centered on physical spaces like the coffee houses where emerging bourgeois citizens met in person to debate, this is not the case in modern and differentiated capitalist societies. Here, mass media play a crucial role in the formation of the public sphere (Dahlgren 1995: 7f). Where personal communication is unrealistic because of the large number of citizens, these mass media fulfill crucial roles to

² Despite their conceptual separation, the political and public spheres remain structurally dependent on each other—although this link is indeed a bit vague in Habermas’s theory.

facilitate deliberative processes across large and diverse sectors of society. However, mass media are not neutral transmission belts of the “better argument,” particularly if they are enmeshed in commercial markets and driven by capitalist developments. Habermas thus saw the growth of modern mass media quite critically. The professionalization of the publishing industry, the emergence of electronic media, the increasing relevance of advertisement, and the fusion of entertainment and information undermine the conditions necessary for discursive communication. The public sphere becomes more fragmented, making its autonomy vis-à-vis other spheres precarious (Habermas 1992: 436f; Piccato 2010: 168). The early venues of the public sphere are crowded out and political debates are substituted by the *consumption* of culture. As a result, “media power” has emerged as a new force of influence used for manipulation:

The public sphere, simultaneously prestructured and dominated by the mass media, developed into an arena infiltrated by power in which, by means of topic selection and topical contributions, a battle is fought not only over influence but over the control of communication flows that affect behavior while their strategic intensions are kept hidden as much as possible. (Habermas 1992: 437)

In his early years, Habermas was very pessimistic about this “infiltration” of power in the public sphere. Later, however, he called his analysis of a “unilinear development from a politically active public to . . . a culture-consuming public” too simplistic (Habermas 1992: 438; Landes 1998: 137). He acknowledged the potential for resistance in a “pluralistic, internally much differentiated mass public” (Habermas 1992: 438), just as other authors refer to “ambivalent publics” that include commercialized mass media but also the emergence of multiple critical counterpublics (Cohen and Arato 1992: 460f; Costa 2004: 17).

As a sociologist and philosopher, Habermas, does not look at the translation of his concepts into political institutions and media policy. Other authors, however, take on this task; for those discussing the interplay of media and democracy, Habermas’s public sphere remains an important theoretical starting point (Dahlgren 1995: 7ff; Garnham 2000b: 44f; Herkman 2010; Goldstein 2011; Lucas 2006). This is also true for the Latin American context, where the role of mass media is often discussed in the context of democratization processes, with a central focus on the effects of commercialized and concentrated media (Bresnahan 2003: 41f; Avritzer 2002; Schulz 2001; Haje 2007).

Nevertheless, the application of Habermas’s concepts to Latin America is not self-evident. The origin of the public sphere out of a bourgeois and then civil society was marked by the specific history of Central and Western European societies. According to Habermas, one cannot ignore this historical context, nor can it simply be generalized (Habermas 1990: 51; Calhoun 1992: 6). Still, one can productively speak of public spheres in Latin America if one considers this different context (Avritzer and Costa 2004). Prominently, Piccato (2010) relates the emergence of a politicized public sphere to the time of independence, when a common vocabulary of the “people” in the colonies was developed to mobilize in favor or against independence and later in the long process of nation building (see also

Guerra 1992). However, in Latin America, this development remained structured by the colonial context (Piccato 2010: 178). Costa (2004: 19f), on the other hand, stresses that an autonomous and differentiated public sphere first emerged much later. It developed relatively early in Argentina, Uruguay, and Chile at the end of the nineteenth century, but in other countries such as Brazil and Mexico, a public sphere did not emerge until the second half of the twentieth century. By the end of the last military dictatorships in the 1970s and 1980s, the public sphere was revitalized in some countries and constituted for the first time in others (Costa 2004: 19f; Avritzer 2002: 98). Thus, the public sphere should not be understood as static but rather as having a procedural nature that “refers to an unfinished historical transformation rather than a stable structure” (Piccato 2010: 167).

Although Habermas’s concepts, from different backgrounds, have been widely applied to Latin American societies, these concepts have also met with a variety of general critiques, three of which are particularly relevant for the South American continent. First, the term “civil society” (as the basis for the public sphere) has become a contested one and is, as Kößler and Melber (1993: 60, author’s translation) argue, “frowned upon among all those considering themselves critical thinkers.” Indeed, scholars with structuralist or Marxist backgrounds criticize the term “civil society” for the (neo)liberal tinge that it assumed during the 1990s after several shifts in its connotation (Boris 1998: 18ff).³ Since then, civil society and the market collapsed into almost indistinguishable concepts since citizens are conceived of primarily as individual market actors. In such a conception of civil society, democratic claims by grassroots organizations were considered disruptive and troublesome (Lechner 1996: 48ff). Discussing the background of these transformations, Boris (1998: 20, author’s translation) considers “civil society” a “diffuse and hardly analytical term” that serves better to distract than to guide analysis. Still, others defend the critical notion of “civil society” as a sphere separate from the state and the market (Kößler and Melber 1993: 65, 74). Defined in such a way—with reference to Habermas—it is academically productive to refer to the public sphere.

Second, feminists (e.g., Fraser 1993: 9–13; Benhabib 1992) and others criticize Habermas’s claim as naïve and simply impossible that status inequalities do not

³ Originally, Gramsci’s notion of civil society was dominant in Latin America. It referred to a sphere comprising institutions like schools, church, or family—the “trenches” that stabilize modern capitalist societies—where the battle for hegemony is fought (Bobbio 1988; Callinicos 1999: 202–214). Civil society, according to Gramsci, is thus contested territory, and the objective of social action is its transformation (see also: Buchanan 1997). In the context of military dictatorships and the subsequent democratic transition, “civil society” grew ever more popular but simultaneously underwent a semantic transformation toward a classic liberal understanding. It was now associated with a free and critical press or independent election monitoring and served as a normative guideline in an anti-authoritative and state-critical sense. The purpose of political action was no longer the transformation of civil society but its consolidation and strengthening (Boris 1998: 18f). The concept of civil society underwent yet another transformation as neoliberalism became the leitmotiv for reforms in the economic and social sector (Teichman 2001; Gwynne and Kay 1999).

matter in the public sphere. They stress that equality in real life is a precondition for discursive deliberation on a level playing field: “*as if they were equal*” does not work. As Habermas (1992: 448f) himself acknowledges, cultural capital is necessary if one’s claims in the public sphere are to be accepted as legitimate. For critics then, this often implicit but real precondition of equality “excludes, in a movement of symbolic violence, those who are not members of the social group who are the carriers of that practice, whether conceived as intellectuals or as the white male bourgeoisie” (Garnham 2000b: 46). On an empirical level, the prevalent inequality in all aspects of public life in Latin America indeed strongly undermines the equal access conditions to the public sphere through exclusions based on gender, race, and class (Piccato 2010: 169). However, and despite the omnipresent exclusion existent in any society, it is the universalist *claim* to equality in the public sphere that points to the promise of inclusion. This claim provides common ground among the included and the excluded and thus demonstrates the potential for the sphere’s constant self-transformation (Habermas 1992: 429). Even if it might be hard to find instances of “ideal” speech situations where status does not matter, this does not preclude the existence of spaces where the rational-critical argument is the *pre-dominant* mode of legitimation.

The third criticism is related to the second and refers to the supposedly unitary character of the public sphere. Fraser (1993: 13–18) criticizes the notion of *one* public sphere, which throughout history has essentially been a bourgeois male public sphere—despite its claims on universality. Instead, she argues that there have always been additional “subaltern counterpublics.” Similarly, Kößler and Melber (1993: 61f), although defending the concept of the public sphere, refer to a plurality of rationalities. Indeed, considering the exclusion mechanisms in Latin America based on class, race, or gender, as well as the geographic and social fragmentation there, it is difficult to identify a unitary public sphere on the continent. However, several scholars have demonstrated the productivity of this category in Latin America and even its empirical existence (Piccato 2010: 184f). More importantly, for a critical perspective and a focus on counterpublics, one does not need to assume multiple public spheres or an absolutely fragmented one. The different “publics” and their interaction can be better understood when analyzed within the framework of *one* national public sphere (Piccato 2010: 190). Fraser’s reference to the existence of counterpublics as alternative discursive arenas can thus be understood not as a counterargument but rather as a useful extension of Habermas’s model of the public (Costa 2004: 18).

In sum, Habermas’s concept of the public sphere is useful for a normative perspective on democracy anywhere, including in Latin America. Its separation from the administrative sphere and the market sphere allows for the construction of a genuinely democratic space without neglecting the exigencies of complex modern administrations. Still, one should be aware that the public sphere is an abstract and ambivalent concept (Dahlgren 1995: x). It should be used less to identify physical implementations than to examine how democracy can be understood as a participatory and empowering system. The notion of three separate spheres proves particularly helpful when discussing the structures of media markets. Given that

mass media prestructure the public sphere, the media's dependence on both the administrative and the market spheres becomes a focal point for debates about the quality of democracy. The democratization of communication is consequently concerned with the relation between mass media, politics, and commercial markets. How this relation should be shaped—by public media regulation—is the question to which I will turn to now.

2.1.2 The Public Sphere as a Rationale for Media Regulation: Defining the “Democratization of Social Communication”

Habermas was not interested in specific policy suggestions. Thus, his concern for a democratic public sphere can and must be furthered by theoretical considerations of how media markets are legitimate objects of political interventions. Starting from the assumption that mass media are an integral part of modern societies' public spheres, this section discusses the translation of Habermas's concepts into policy suggestions regarding regulatory interventions into these markets. I will contrast the (market-based) liberal perspective with a critical one,⁴ complemented by a regulatory approach that more closely considers how media markets work, identifying possible market failures. As we will see later, these two perspectives—liberal-economic and democratic—also form the basis of the opposing advocacy coalitions in the case studies.

The central goal of democratic media regulation would be to strengthen the public sphere, that is, to facilitate equal access conditions to the means of social communication, independent of social status, position, ethnicity, gender, or class. For (economic) *liberal thinkers*—and more explicitly the neoliberal version—this largely implies a rejection of regulatory interference. This rejection of regulatory interference is legitimized by pointing to the danger of political censorship when the state gets involved in the democratically sensitive media sector (a critique shared by most critical scholars), but more importantly by emphasizing the superiority of the market. The public sphere is understood as functioning like a commercial market: opinions float around freely and are on offer in the “marketplace of ideas,” where they compete through the laws of supply and demand for the scarce resource of the audience's attention (Cammaerts and Carpentier 2007: 3f; Costa 2004: 15f; for affirmative perspectives, see Veljanovski 1989; Rosston and Hazlett 2001). Commercial media are portrayed “as virtual slaves to ‘the market,’”

⁴The distinction between a liberal and a democratic perspective is common in discussions about the media's role in societies (Costa 2004: 15f; Cammaerts and Carpentier 2007: xiii; Bresnahan 2003; Curran 1991; Crouch 2003: 26f). However, to describe the specific structure of media markets and the relation between the media and the state, other classifications exist, mostly from communication studies (Hallin and Mancini 2004; Freedman 2008: 24f; Siebert et al. 1956).

providing the content requested by the audience (Downing 1984: 5). Here, the commodification of information becomes a precondition for its circulation on the market. Indeed, liberals often emphasize that the possibility to make a profit with media products ensures their independence and is a stipulation for pluralist representation. The former head of the Chilean Communication Secretariat, shortly after the return to democracy, praised commercial media as democratic, because in seeking profits, they must necessarily respond to advertisers and thus to audience preferences (cited in Bresnahan 2003: 42). Consequently, it is assumed that media products function like other goods or services. In this vein, Mark Fowler, former president of the U.S. Federal Communications Commission (FCC, 1981–1987) considered television to be “just another appliance. It’s a toaster with pictures” (quoted in Freedman 2008: 48). But even liberals who acknowledge the special role mass media play for democracy—as opposed to the role toasters play—conclude that it should be left to the market, since any public interference would constitute a limitation on the freedom of expression (Giudici 2008; La República 2013; see also I044: 13; I062: 59). However, (pluralist) liberal thinkers would attenuate some of the neoliberal prescriptions by more readily recognizing potential market failures (see below), but they still adhere to the concept of the “marketplace of ideas” (Freedman 2008: 36f). In this perspective, democracy becomes reduced to formal procedures, where the rational and informed citizen makes his or her choices during elections (Cammaerts and Carpentier 2007: xii).

In contrast to this (neo)liberal perspective, *critical scholars*, and not least Habermas, reject the idea that markets provide for equal access conditions to mass media and point to the media’s more complex role. They uphold the media’s watchdog function vis-à-vis the government but complement it with other responsibilities, principally empowerment. According to Curran (2000: 148), media should

empower people by enabling them to explore where their interest lies; it should foster sectional solidarities and assist the functioning of organizations necessary for the effective representation of collective interests; it should sustain vigilant scrutiny of government and centres of power; it should provide a source of protection and redress for weak and unorganized interests; and it should create the conditions for real societal agreement or compromise based on an open working through of differences rather than a contrived consensus based on elite dominance.

From this point of view, media might even be expected to “redress the imbalance of power in society” by “compensating for the inferior resources and skills of subordinate groups in advocating and rationalizing their interests” (Curran 1991: 30). For Curran, these tasks are best fulfilled by a variety of media types, including strong public service broadcasting media, as well as private, civic sector, social market sector and professional sector media (Curran 2000: 142). Crucial for the critical perspective is to view mass media not as neutral actors coordinating the demand and supply of opinions on the marketplace of ideas, but rather as power actors that shape political and social realities. The public sphere cannot be assumed a priori to be democratic; rather, this characteristic must be created politically (Dahlgren 1995; Garnham 2000a: 168f). When media become key players in

democracy, “they are not seen as just passively expressing or reflecting social phenomena, or as sites where discourses merely circulate, but as specific machineries and ‘systems of dispersion’ (Foucault 1984: 37–38) that produce, reproduce and transform social phenomena” (Cammaerts and Carpentier 2007: xiii).

While in this study I adhere to the critical perspective, this should not be confused with a condemnation of commercial media per se. As Freedman (2008: 37) has rightfully pointed out, there is a danger in referring to neoliberalism as “an umbrella term for all that is wrong with a more commercially minded society.” Liberals reject a simple dichotomy between consumer and citizen by emphasizing the emancipatory potential of profit-driven enterprises in the media sector (Couldry 2004). They argue that a consumer culture can also be politicized and used to make civic statements (Harju 2007: 103). And they are right to criticize some “critical scholars” as elitist for being “afraid to view the public as anything but a bewildered herd unless they participate over the author approved Indymedia channels” (Singh 2008: 718). Large commercial mass media—even in concentrated markets—can indeed absorb and further social, cultural, and political innovations.⁵ This liberal critique highlights the critical perspective’s tendency to regard the public as primarily manipulable, where political debates are consciously transformed into meaningless commercialism (Costa 2004: 22f, 28f). Nonetheless, and despite these potentials, commercial media suffer from some inherent limitations for democratic public spheres, as we will see now.

The liberal emphasis on the “*marketplace of ideas*” reveals some serious flaws if one looks closer at how these markets are constituted in practice. An (institutionalist) political economy perspective offers three fundamental arguments to identify possible market failures (Garnham 1986, 2000a; Bennett 2004; Baker 2002: 7ff). They provide a basic rationale for public media regulation, but also point to the structural limits of media *markets* per se when it comes to strengthening the public sphere.

First, a central characteristic of media products and services—in contrast to “normal” goods—is that they have negligible marginal costs but high fixed and production costs. To produce a movie, grab a high-quality radio feature, or operate a network of political correspondents demands high investments. But to produce another DVD copy, broadcast the same radio feature on a different station, or integrate a live interview of your own correspondent in the news is very cheap. Consequently, markets with these characteristics are structurally prone to horizontal and vertical integration, forming monopolistic structures (Hart 2004: 9, 18). A monopolistic structure is among the most blatant market failures. At the same time,

⁵ During and after the screening of the Harry Potter movies, the discrimination against spectacle-wearing boys in schools and kindergartens diminished because the hero wore small glasses (Netzeitung 2008). Similarly, there are several examples from the dominant commercial O Globo network in Brazil. When a character appears in their prime-time telenovela who suffers from a specific illness, the acceptance rate of that illness in society rises abruptly (1072). After a telenovela subtly included pictures of missing persons, a general excitement for searching for missing people started in Brazil (Costa 2004: 13).

the example of the international correspondent network indicates that high-quality journalism may require high investments that market actors would not provide if they could not use economies of scale (Anderson and Coate 2005: 947). So concentrated media markets might, in very specific settings, better provide for diverse and high-quality media products—but only if there are rules to enforce these guidelines internally.

While the market failure induced by concentration tendencies can be addressed by antitrust regulation, a second critique refers to the role of advertising and points to a more fundamental limit of commercial media markets. In any media financed primarily through advertisement, the relationship between producer and consumer is mediated by the advertiser. Here, media production is not paid for directly by the audience but by those placing the advertisements. While the size of the audience is a central factor in determining the price, this relationship is distorted by the fact that for advertising, certain audience groups—those with consuming power—are more attractive than others (Bresnahan 2003: 42). As a result, in a free market, the audience's interests are served only insofar as they are compatible with those of the advertisers, so that media owners must “service audiences on advertisers’ terms” (Herman and McChesney 1997: 190f). Particularly in economically highly unequal societies, it is easy to imagine that subaltern classes’ perspectives and issues are underrepresented in commercial media.

A third and related problem with commercial media are positive external effects that cannot be accounted for in the allocation decisions of private market actors. For commercial broadcasters, the democratically desirable plurality of voices, high participation rate, or politically informed citizen are, at best, only positive external effects. This is not to say that commercial media are not political or that they ignore politics (indeed, often the contrary is true), but that structurally, democratic values must only be of secondary or instrumental importance for commercial interests (Herman and McChesney 1997: 38; Avritzer 2002: 75, 77). In any case, the production of media content is filtered through a cost-benefit analysis. So even when high-quality programs would get the same audience ratings, infotainment programs are preferable as long as their production is significantly cheaper.⁶ These last two critiques exemplify that, indeed, the citizen and the consumer are two distinct concepts with distinct exigencies, so that even in functioning, competitive media markets, supply does not necessarily reflect either individual or social demand (Bennett 2004: 140; Bresnahan 2003: 41f; Harju 2007: 103; Varney 2006). The distortions of commercial markets grow stronger the more economically unequal a society is.

These market failures, together with the normative considerations of a democratic public sphere, justify a regulatory intervention into media markets and complementary communication policies to facilitate equal access to the mass

⁶ Indeed, tabloid and infotainment programs are more prevalent in more commercialized media systems. Even public broadcasters are not exempt from this tendency when markets are deregulated (Bennett 2004: 138ff; see also Barendt 1995: 122).

media. Regulation is broadly understood as the “establishment, monitoring, and sanctioning of general rules” (Czada and Lütz 2003: 15, author’s translation) that limit the freedom of action of individuals for the sake of a general interest. Regulation is not necessarily state-centered; it also seeks to include private actors in the complex tasks of rapid rule adaption and implementation (Abbott and Snidal 2009; Black 2008). A broad body of literature exists on regulatory approaches.⁷ However, it is not as relevant here because this study is about *how* certain social actors impose their ideas about media democratization—and not about specific regulatory arrangements. On a more fundamental level, one can distinguish economic regulation (protecting consumers from market failures such as monopolies) and social regulation (establishing broader political or social goals, such as protecting citizens from health risks) (Czada and Lütz 2003: 18). Democratic media regulation encompasses both, as we have seen: it establishes specific anti-trust rules to counter inherent concentration tendencies in the media sector, but it also acknowledges the democratic function of social communication and therefore limits the general scope of markets, for example by promoting non-commercial media (public or private). In the broadcasting sector, regulation is primarily concerned with the licensing process for frequencies but also addresses certain standards in programming.⁸ It does not, however, give the government discretionary power over specific media content, because regulation, understood as rules, does not imply control. Such regulation might be complemented by targeted communication policies to promote a diversification in concentrated markets and compensate for structural disadvantages (e.g., broadcasting workshops for community radio stations, production funds for neglected regions or cultures).

Regulation is thus a means to overcome market failures in media markets and can promote democratically desired conditions of equal access that necessarily transcend market criteria. In relation to the public sphere, “access” must be understood in terms of both consumption (Who can buy/read a newspaper? Who can afford a television set or a computer?) and at the level of dissemination (Whose perspective gets cited in a newspaper? Whose voice gets on air at a radio station? Who counts as an expert?). In Habermas’s words, the normative goal is to fence in the public sphere—and within them the mass media—from both economic and administrative control. It is indeed a central advantage of Habermas’s concept to transcend the classic dichotomy of the state *or* the market, because the public sphere exists independently of these other two spheres. The institutionalization of

⁷ Some interesting debates include the consideration of regulation as a corollary to privatization efforts (Jordana and Levi-Faur 2005; Levi-Faur 2003); the causes and consequences of regulatory capture, as well as the nature of responsive regulation (Ayres and Braithwaite 1992; Braithwaite 2006; Coslovsky 2011; Mattli and Woods 2009); public-private regulation (Perez 2002; Scott 2002); and the effects of globalization on regulatory regimes (Lütz 2011; Levi-Faur and Jordana 2005).

⁸ Examples include a regulation of advertisement (to not exceed a certain percentage, to be distinguishable from editorial content), requirements of national/regional content production, and protection of minors from inadequate content before a certain time of day.

such regulation must be based on constitutional guarantees, that is, citizens' rights. At this point then, we can conclude by defining the democratization of social communication as

the process of (re)structuring the media sector through regulation and communication policies, based on communication rights, to facilitate conditions of equal access to the media in terms of both reception and dissemination, irrespective of social status, position, ethnicity, gender, or class.

Sections 2.2 and 2.3 will demonstrate the extent to which this definition is inspired not only by theoretical considerations regarding the public sphere and media markets, but also by the developments of Latin American mass media and democracy, the interventions of media activists, and international cultural and human rights bodies. Before turning to the historical evolution of the issue in the region, however, I will shortly address a central caveat that questions the relevance of broadcasting (regulation) when the internet allegedly provides a genuinely democratic and pluralistic platform.

2.1.3 Broadcasting Regulation: Obsolete in the Age of Internet and Digital Convergence?

I am not fascinated by any specific type of media (radio, internet, . . .), but by its purpose. For the middle class and above, access to an own radio station is a question of freedom. For the poor, it's a necessity.

(Journalist and media activist in Brazil, I060)

At this point, not only liberal thinkers might object that concerns of diversity in mass media have been strongly attenuated or even become obsolete in light of technological developments. With digitization, the convergence of different media types, and the diffusion of the internet as a universal platform for distribution, the distinction between telecommunication, broadcasting, print, and online media becomes blurred. The scarcity of the electromagnetic spectrum, which in analogue times could only accommodate a limited number of stations, pales in comparison to the infinite number of blogs or videos available online. Moreover, the internet has made it easier to produce and diffuse content. Setting up a simple web page with a blog, adding pictures and videos shot with a small digital camera, requires just a few dozen dollars' investment and a handful of change per year for operating costs. These trends have actually affected media regulation in Europe and the United States, where sector-specific rules have been replaced by common competition laws (Just 2009: 101), the rationale being to reduce complexity and avoid inconsistencies.

However, while regulatory rules should indeed take into account technological developments, regulation to strengthen the public sphere and democratize mass media has not become obsolete for two broad reasons. First, the aforementioned distortive role of advertisers mediating the interplay of supply and demand applies

to digital media as well. Furthermore, a multiplication of available media channels does not necessarily translate into increased content diversity (Galperín 1999: 629; Burri-Nenova 2008: 38ff). Rather, increased competition for a comparatively stable advertising budget and audience usually occurs at the expense of programming quality (Feintuck and Varney 2006: 42), and content homogenization might increase if different media try to sell their audience to the same advertising client in a competitive environment (McQuail 1992: 175; Mauersberger 2011b: 28). Multi-channel markets are thus equally in need of regulation and media policies to guarantee plurality (Marsden 2000).

Second, the use and development of technological innovations are not independent from their social and political context. New technologies are usually absorbed and diffused by corporations that are already dominant in the sector, so the “future is constrained by the past” (Collins 2000: 108; see also Wagner 2014). Again, an increase of democratic participation is, for commercial market actors, only a potential positive external effect. As a result, also in Latin America, the new media “intensify historical relations of domination” instead of undermining them (Amaral 2002: 45), even as emancipatory struggles also make use of social networks and other online media. The much-debated “digital divide” condenses the politically ambivalent nature of technological development. While it is important to acknowledge internet technologies’ democratizing potential, the use of these technologies requires corresponding competencies, which are—reflecting socio-economic inequalities—unevenly distributed (Mariscal 2005: 409). Particularly in developing and emerging economies, ownership of a computer depends on a person’s level of education and in turn may influence his or her level of income (Herrera 2001; CNTV 2011: 19f). New information technologies “do not nullify the effects of other variables on one’s life chances” and might rather “reinforce inequalities more than alleviating differences” (Hargittai 2008: 942).⁹ Just as the digital divide affects the probability of increased prosperity, it also affects the inequalities in terms of participation in the public sphere through digital media. For this reason, Garnham (2000b: 46) dismisses the term “information society” as an analytical category because of its rather ideological connotation. Instead he emphasizes the timelessness of the issue of access to the public sphere:

This is not to deny that a combination of technical and socio-economic developments have rearticulated the structure and somewhat modified the conditions of access to and usage of those channels of social communication. But the fundamental questions raised by the relation between those media and democracy, and the role of regulation within that relationship, to which the term ‘public sphere’ points, have not fundamentally changed.

⁹ Michael Powell, head of the US Federal Communications Commission from 2001 to 2005 and son of Colin Powell, emphasized in a pointed commentary in 2001 that a digital divide is nothing to worry about and that communication technologies can be treated like any other (luxury) good: “I think there is a Mercedes divide, I would like to have one, but I can’t afford one” (cited in Clewley 2001).

While concerns about democratic access to the public sphere have not become obsolete in light of technological development, in Latin America it also makes sense to place particular emphasis on the *broadcasting sector*. As we will see in the next section, radio and television have developed into *the* mass media par excellence in the region. The press has always remained mostly an urban middle- and upper-class phenomenon, although the distribution of print media is uneven throughout the continent. After World War II, far more than half of all Latin Americans were not able to read. Broadcasting, however, spread rapidly over the region, reaching an almost 100 % coverage rate by 1990 (Fox 1995: 521). Compared to other media, broadcasting is superior in terms of social importance: it overcomes barriers of both comprehension and geographical distance (Wilke 1992: 106) and, at least today, does not require either specific competencies or larger financial investments. Consequently, it is unlikely that new media will substitute the established ones; rather they will complement them, as has happened with media innovations in the past (Feintuck and Varney 2006: 246). Ultimately, in Latin America and elsewhere, the regulation of broadcasting has been legitimized by research that considers the combination of audio and video more powerful than other media in democratic debates, increasing the fear of concentrated economic and political power over information flow in the sector (Aitken 1994: 716; Barendt 1995: 7; Dahlgren 1995). As we will see now, the development of Latin American media (regulation) provides a case in point for the necessity of democratic media regulation.

2.2 The Development of Media (Regulation) in Latin America: From Markets and States to Recurring Calls for Democratization

“Nos están meando y el periodismo dice que llueve”
 – “They piss on us, but the press says it’s raining”
 (Graffiti in Argentina, cited in Lamas 2011: 149).

Latin America constitutes a particularly interesting region in which to discuss the interplay of mass media, its regulation, and democracy. Here, social actors’ struggles for political democratization have been connected to and translated into demands for a democratization of the structures of social communication. This section aims to trace the historical development of media markets and media regulation as well as the relationship between mass media, politics, and social movement actors. The goal is to better understand the historical and political backdrop of contemporary conflicts in media regulation. I will show that in Latin America, the broadcasting sector developed as an almost exclusively commercial enterprise, while its relation to the (conservative) political elites was marked by complicity and shared goals. On the basis of this relationship, the mass media evolved into highly concentrated conglomerates by the end of the 1990s.

Movements and scholars have, for some time, criticized the resulting “economic censorship” that excludes large parts of the population. They have demanded reforms to strengthen the public sphere through the democratization of media markets. After a long period of frustrated reform attempts, the political context has changed with the rise of center-left governments across the continent since 1998. This political turn has not only opened up new opportunities for civil society to push for change in media regulation, but it has also increased the level of conflict between the progressive sectors of society and the established large media.

2.2.1 The Origin of Latin American Media: Between Commercial Markets and a Complicit State

Despite distinct national developments and certain asynchronies, the geneses of the media sectors in most Latin American countries show fundamental similarities. The development of the media also reveals strong historical continuities rather than radical changes, despite frequent political turnovers. In a very general sense, private initiative dominated the media sector, while the state still played an important role for shaping and subsidizing private media. Alternative media and particularly non-commercial private community radios emerged early on to fulfill the communications needs of local populations, although usually on a very precarious and often illegal basis. Print media emerged unevenly in Latin America but have mostly remained an urban and elite outlet rather than a real popular mass medium. The limited proliferation of the press is related to analphabetism and the restricted purchasing power of popular classes (Fox 1995: 521).¹⁰

The first radio broadcasting in Latin America occurred not much later than the introduction of this technology in Europe and the United States. Broadcasting began in 1920 in Argentina, 1 year later in Mexico, in 1922 in Brazil and Cuba, and in 1925 in Peru. The introduction of radio was a cultural turning point for the Latin American societies, and it soon developed into truly mass media (Fox 1995: 521). Originally radio was primarily a private endeavor. While broadcasting in Europe was subject to a public monopoly for many decades, the contrary was true for Latin America. In some cases, the state did establish public or government-run radio stations, but they were usually inferior to their private competitors for a lack of financial resources and for actually serving as government propaganda stations (Fox 1995: 527, 540f). As early as the 1930s, many countries passed first regulatory

¹⁰ While in the 1930s Argentina had a vibrant press sector including many periodicals and magazines, in Venezuela only four newspapers existed—all from the capital. In the mid-1980s, the newspaper circulation per 1000 people was 186 in Venezuela, 96 in Chile, 57 in Brazil, and 50 in Bolivia, compared to 268 in the United States and 350 in Germany (UNESCO 1989: 310ff). Despite having remained a niche sector, the print media are politically relevant because they address the political elite and are sometimes used by other media as news sources (Wilke 1992: 96f; Massmann 2007: 265f; I030: 221).

rules that strengthened their political decision to follow the North American commercial model, opposed to the European model of public broadcasting (Wilke 1992: 107f; Fox 1995: 524ff). The first radio boom in the 1940s and 1950s was connected to a phase of rapid urbanization and industrialization, where radio (and later television) assumed an important role for the expansion of capitalist markets and national integration. Foreign and domestic industries relied on the new technology to advertise their products and develop new markets, thus consolidating the commercial nature of the medium. Governments did not remain inactive and even censored critical broadcasts, but they generally relied on indirect regulation without developing strong public media (Mastrini and Becerra 2002: 3). Radio also served as a tool to integrate the vast territories and create a sense of national unity including areas where the state had little presence. Brazil is a prime example, where the state deliberately supported the expansion of private media to that end. National integration was gained through the expansion of markets and consumerism, and private radio and later television were the principal means (Wilke 1992: 108; Guedes-Bailey and Barbosa 2008: 57f; Straubhaar 2001).

Television emerged in the 1950s and 1960s and had a similar commercial origin. Notwithstanding some attempts to create public, educational, or cultural broadcasting, by the late 1960s the commercial model for television was firmly established throughout the continent (Fox 1995: 541). Most Latin American media companies grew in cooperation with US counterparts, which provided technology, know-how, and media content in exchange for market access. Although foreign ownership of broadcasting licenses was usually prohibited or restricted, US companies had a dominant position early on in the markets for advertising, technology, and content production (Herman and McChesney 1997: 163). According to UNESCO, in 1970 an average of 31 % of Latin American television content was imported from the United States, yet these figures varied strongly from 21 % in Argentina to 93 % in Panama. In 1973, Uruguay and Chile imported 62 % and 55 % of their TV content, respectively, primarily from North America (Fox 1995: 528, 542). Probably the most important US export, however, was the commercial model established for Latin American broadcasting. This dominant role of the United States provided the backdrop for a first international debate on the democratization of communication, with UNESCO as the most important forum and “media imperialism” a central concept (see Sect. 2.3.1). Television developed rapidly along with radio, and by the 1980s, the broadcasting markets of Brazil, Argentina, and Mexico were among the largest in the world (Fox 1995: 521). A distinct feature of these markets was and still is the geographical concentration in terms of content production. Usually the nation’s capital is the most important center where content is developed—even for geographically and culturally remote regions (Becerra and Mastrini 2010a: 7f, 2010b: 616).¹¹

¹¹ Even in comparatively decentralized and federal Brazil, Rio de Janeiro and São Paulo are the uncontested hegemony when it comes to TV and also radio production, neglecting the cultural diversity of the country (Guedes-Bailey and Barbosa 2008: 50; Brock and Behn 2012: 1). In Chile,

The relationship between private media and politics developed as a symbiotic one. Neither side had any interest in challenging the interests of the other: “Pressures from both domestic and foreign industries to use broadcasting as a vehicle to reach mass markets for their products converged to make a docile commercial broadcasting system under the political control of the government attractive both to the private sector and the state” (Fox 1995: 532). Given this stable relationship, the commercial impetus, and the expansion of new technology, broadcasting was highly innovative and successful in terms of production and technology (Fox 1995: 532). While in other regions, at least some mass media emerged out of social struggles for political inclusion, in Latin America mass media have always been understood primarily as a commercial business to generate profits and/or to serve private political ambitions. Therefore these media did not consider it their primary role to represent and mediate interests, but “instead supported existing elites, including military regimes” (Cañizález and Lugo-Ocando 2008: 221). Still, some scholars emphasize that these mass media also assumed some of the political functions that the traditionally weak political parties did not, like agenda setting and public discussion (Goldstein 2011: 117f).

An additional characteristic of the Latin American media landscape is the early emergence and diffusion of alternative and non-commercial grass roots media, particularly local community radio stations.¹² They can be defined as neither profit-oriented nor part of governmental structures (Downing 1984). Usually they emphasize internal participation, identify themselves strongly with the local community, and often consider themselves part of broader political or social struggles. In practice, however, the distinction between genuine community radio stations and religious or small local commercial radios is at times difficult (Klinger 2011: 5). The first community radios are said to have emerged in the mining areas of Bolivia by the end of the 1940s (“Radio Sucre” in Cancañiri, 1947) or the 1950s (“La voz de los mineros,” 1952) (Aguirre Alvis et al. 2009: 111). Other predecessors, although they were rather elitist, include the Brazilian radio clubs of the 1920s (Fox 1995: 524). More widespread have been the (catholic) radio stations, motivated by the Liberation Theology in the 1960s, which worked with and for the popular sectors with the aim of spreading education and promoting an informed citizen, seen as a prerequisite to overcoming deeply rooted inequalities (Klinger 2011: 5; Wilke 1992: 100; I010: 127; I049: 126; I055: 126). Based on these radios, the Latin American Association of Radio Education (ALER) emerged as a continent-wide network. It was founded in 1971 in Ecuador and later counted dozens of member radio stations in seventeen countries, with a combined audience of about two million (Fox 1995: 543; Massmann 2007: 266f). During that time, experimental

TV channels repeat the capital’s traffic reports even in regions almost two thousand kilometers away (I089: 38).

¹²There is quite some heterogeneity within “alternative” broadcasting media, and different concepts exist to analyze them (see Hintz 2007: 244; Brock 2012; Kleinstauber 1991). For our context, however, it makes sense to use the term “community radio,” as it is widely employed and indeed best describes the prevalent type of non-commercial civil society media.

radio from university campus also contributed to the spread of the technology in sectors with social rather than commercial interests (Brock and Behn 2012: 3). These civil society initiatives also had repercussions in the political arena during the 1970s, as some countries began to formulate National Communication Policies with the goal of democratizing information. Given the increasing social tensions at that time, media were discussed as instruments for education, social cohesion, and as relevant means for economic development. These rather timid policies were abandoned during the 1980s, often in relation to the rise of military regimes and free-market policies (Mastrini and Becerra 2002).

2.2.2 After the 1980s Transition: Between Calls for Broader Democratization and Neoliberal Transformations

By the end of the 1980s, all but three Latin American countries were governed by military dictatorships. Brazil was among the first to lose democracy in 1964 through a coup d'état; later came Bolivia (1964/1970), Peru (1968), Uruguay (1973), Chile (1973), and Argentina (1976, although an earlier coup occurred in 1966). The rise of military dictatorships was facilitated by the failure of previous governments to deal with rising social tensions and economic problems, but it was pushed primarily by the established elites, encouraged by the United States, who sought to prevent progressive reforms by calling for the military to take over power. These “modern-type” military juntas differed from previous dictatorial episodes on the continent by establishing comprehensive systems of control and repression (Puhle 2004: 37f). The “culture of fear” is epitomized by the figure of the “desaparecido” (“the disappeared”). It was common for the juntas to simply kidnap those suspected of being “subversive” and to make them disappear—without informing them or their relatives of their charges and whereabouts or even acknowledging that the person was in the hands of governmental forces, much less opening a judicial case. In Argentina, with a population of about 30 million at that time, estimates speak of 30,000 disappeared, most of whom never appeared again (Jelin 2007; Kaiser 2002; Schindel 2003; Walsh 2006). With the “Operación Cóndor,” repression became coordinated among several military juntas in South America (Chile, Argentina, Uruguay, Brazil, Paraguay, Bolivia), supported by the United States (McSherry 2005). Most of these military juntas also reversed the former mercantilist economic policies (the strategy of import substitution industrialization, ISI) by privatizing formerly state-owned companies, deregulating markets and suppressing collective workers’ rights. This reversal was most abrupt in dictatorial Chile under Pinochet (1973–1990) and less pronounced in Peru, where at first the junta had a progressive self-understanding, or Brazil, where regional powers in the vast territory prevented the kind of centralized control exercised in Chile or Argentina (Valdés 1989; Teichman 2001; Boris 2001).

The abolishment of democratic rights naturally had consequences for the media. Broadcasting was tightly controlled by the military, social communication considered an issue of national security. In many cases (notably Argentina, Uruguay, and Chile), the foundational regulatory laws were reformulated. Oppositional media were shut down, censorship was omnipresent and numerous journalists were among those tortured and disappeared. The juntas recognized the relevance of the media for securing their power and oppressed oppositional voices. However, changes in media policy under military rule were not as drastic as one might expect. As broadcasting media in particular had, in the commercial context, already developed into politically docile allies of traditional elites, there was no need to change the foundational structure of the media markets. Only rarely did the governments take over broadcasting stations; more often they left them in private hands (Fox 1998: 21). On the contrary, free-market policies led to a boom for the private media which constituted important allies of the military regimes (Fischer 2009: 313). The further consolidation of monopolistic structures was perceived as appropriate for political control: "The military found the modern media's monolithic organizations, sophisticated new technologies and frequent use of symbols well suited to achieve their goals" (Fox 1995: 552).

During the 1980s, most countries returned to democratic electoral systems. Bolivia (1982) and Argentina (1983) were among the first, Brazil and Uruguay followed in 1985, and Chile was a latecomer in 1990. With the exception of Argentina, transitions were usually negotiated to safeguard the privileges and exemption from punishment for the old powers (Jelin 2007; Fischer 2009). Although some large media (e.g., in Brazil) turned their backs on the military regimes during their last days (Fox 1998: 32f), the media generally had a stabilizing effect on the regimes and played a supportive role in the regimes' attempt to reorganize society (Meinecke 1992: 31). However, small community radio stations and other alternative media successfully challenged the juntas' attempts to control communication, provided possibilities to circumvent the official information monopolies, and thus played key roles for the democratic movements (Bresnahan 2002; Wiley 2006).

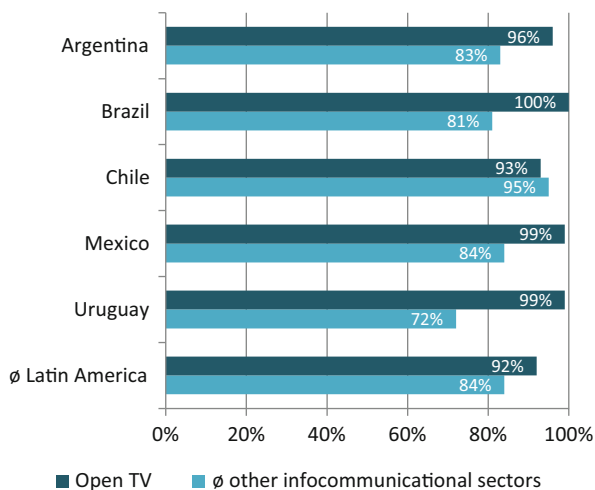
After transition, censorship was abolished and the freedom of the press and other democratic rights re-established in national constitutions. Media were largely free to fulfill their democratic functions, but the established ones were met with suspicion by the democratic movement for two reasons. First, their involvement with and support for the dictators made them, in most cases, implausible defenders of democracy. Second, the concentrated media structure, controlled by the old elite, continued to prevent alternative perspectives from accessing the realm of democratic debate.

The demand for a democratization of communication was thus a natural and popular corollary to the struggle for political democratization during the 1980s and early 1990s (Ramos 2010; Bresnahan 2007; Lugo-Ocando 2008). This was not directed against government censorship but rather against "economic censorship" resulting from monopolistic structures and unequal access conditions to the media. Civil society's agenda included the problem of monopolies, public service

broadcasting, support for community media, and a regulatory system independent from direct government control (Ramos 2010: 21f, 25). When it comes to actual policy reforms, however, hardly any of these demands were addressed. Regulatory norms were largely taken over from (pre-)dictatorial times. Censorship was abolished and formally liberal media laws were re-established, but so-called “contempt” or “defamation laws” continued to restrict journalists’ power against government officials (Grossman 2000: 450; OAS 2005: 155).¹³ Other threats to independent journalism included precarious working conditions, a lack of union protection, and violence (Massmann 2007: 263).

The 1990s heralded a new era as most governments on the continent enacted market-oriented neoliberal policies. Deregulation and the privatization of public enterprises accelerated already existing tendencies toward commercialization and concentration of the media market (Galperín 2002; Bennett 2004: 129; Becerra and Mastrini 2009a; Duarte 1999).¹⁴ As a result, exclusion based on socio-economic factors became “constitutive for the structuring of Latin American media systems” (Massmann 2007: 271). Large-scale, horizontally and vertically integrated media conglomerates emerged and consolidated (Mastrini and Becerra 2002). Figure 2.1 shows the market share of the four largest operators in over-the-air television and the other infocommunicational sectors for selected countries.

Fig. 2.1 Market share of the four largest media operators in 2004 in selected Latin American countries [Author, with data from Becerra and Mastrini (2009b: 327)]



¹³ Among other things, these laws prohibit declarations damaging the “national image” or the dignity of office holders. These stipulations can be (mis)used for political purposes against critical journalists to influence editorial lines and silence opposition (Buckley et al. 2008: 107; IACmHR 2004; Pasqualucci 2006). In most countries, they were repealed during the 1990s.

¹⁴ At that time, few countries still had public broadcasting stations. One of them was Argentina, which privatized the two large public television channels in 1989 (Baranchuk 2006: 211). Still, privatizations in other sectors, particularly in telecommunications, gave new impetus to the advertising market and in turn to concentration trends in the media sector itself.

While privatization and commercialization can work to break up clientelistic relationships with politics, in the media sector, these reforms have not abolished clientelism but rather changed its form. In the context of concentrated markets and a tradition of advocacy media, mass media have gained independence from the state, but as a result have become “potentially a more powerful political instrument” (Hallin and Papathanassopoulos 2002: 191). Still, some scholars identify a process of “political secularization” of the media as a consequence of the same reforms. A professional ethos spread among journalists who increasingly sought to narrate from a position of autonomy. However, this “professionalization” was limited, as market logics and political clientelism often remained stronger forces (Kitzberger 2009: 157ff). In the end, the fundamental policy reforms in the media sector only reshaped relations between media and traditional political elites, where the former continued to “be controlled by private interests with political alliances and ambitions which seek to use their media properties for political ends” (Hallin and Papathanassopoulos 2002: 177, 186). Consequently, these relations were still “marked by complicity, compromise, and mutually shared goals, culminating today in the emergence of monopolistic, largely unregulated domestic media giants” (Fox 1998: 21).

These trends toward commercialization and concentration found their counterpart and resistance in a variety of actors from civil society and academia who upheld demands for a democratic media landscape and, in particular, sought to strengthen community radio stations. After political transition, focal points for the activists became the struggle for legal recognition of those radio stations, the development of a critical discourse on media issues, and the establishment of regional networks (Cabral 2009: 56; Lamas 2011: 143; I060). In many countries, community radio associations emerged, often part of AMARC, the World Association for Community Radios based in Canada. International support also came from the Special Rapporteur on Freedom of Expression (SRFE) of the Organization of American States (OAS), whose office was founded in 1998 (Bertoni 2007: xiv). Early on the SRFE emphasized the importance of supportive legal frameworks for community radios, which are often the only possibility for marginalized sectors to overcome discrimination against their issues in (concentrated) commercial media (Schönsteiner et al. 2011: 365ff) (see Sect. 2.3.2). In this process of international exchange, communication was linked to questions of democracy and increasingly seen as a human right (I029; I043; I055). Simplifying a bit, the activists’ original central concern was the question of why only one social class owned mass media. Then, the issue became less how to establish *the* alternative media, but rather how to strengthen communication as a human right endowed to the individual and breached by a commercial and centralized media structure (Jacobson 1998; Mueller et al. 2007). The “economic dominion of communications” was discussed as “the basis and condition for new forms of inequality and social control” (Bolaño et al. 2004: 48). Still, the legal situation for community radios remained difficult in most countries. Colombia was an exception with a 1994 reform allowing community radio stations to use up to 250 W, to form networks, and to air advertisement (Gómez et al. 2009: 30, 34; I055). The same year, by contrast,

Chile passed a law for “low power” radio, which worked more to restrict the movement by limiting power to 1 Watt, demanding a frequent and cost-intensive application process, and prohibiting advertisement (Bresnahan 2007: 221; Mauersberger 2011a). The 1998 Brazilian law for community radios followed a similar pattern (Moyses and Gindre 2009). In Argentina, it was impossible to apply for a radio frequency for a non-commercial party until 2005 (Marino 2009: 62f). In sum, media policies after democratic transition and during the market-oriented 1990s did not seek to democratize social communication but rather reinforced trends toward market concentration, commercialization of media content, and political instrumentalization of media by their owners.

2.2.3 The New Left Turn Since 1998/2003: Between Political Polarization and Spirits of Change

The market-oriented restructuring of society and economy was met with increasing social resistance and a corresponding rearticulation of social movements by the end of the 1990s. With the perceived failure of (neo)liberal governments to effectively deal with social inequalities and the corresponding social exclusion of large sectors of society, the desire for change eventually reached the government level. After 1998, candidates promising the expansion of participatory democracy, more social policies, and a focus on the lower and middle classes eventually assumed the presidency in every South American country except Colombia. These governments were most often supported by popular movements and leftist intellectuals. Activists for media democratization, often related to these movements, saw new possibilities for media reforms to be implemented by “their” governments—not least because now, with power shifts toward center-left parties, the political power of large private media became even more visible, as did the detrimental effects of concentrated media for a democratic public debate.

Indeed, the relation between the large mass media and the popular center-left governments is often highly conflictual, far beyond the usual tensions arousing because of the media’s watchdog function towards the government. Extreme examples are the broad media support and incitement for an intended coup d’état 2002 in Venezuela (Zeuske 2010: 501ff; Gott 2008; Bartley and O’Brian 2003), a successful coup in Honduras in 2009 and in Paraguay in 2012, as well as calls for assassinating the Bolivian president by oppositional radio in 2008 during a political crisis (Hervieu 2010). In other cases, mass media campaigned against specific legislative projects or deliberately drew negative images of candidates.

The reasons for the traditional media’s often unanimous repudiation of the new governments can be traced to three levels. First, on a rather cultural level, the upper and middle classes in control of the media have always expressed their prejudices against leaders from the working class or indigenous communities, lacking formal higher education, and/or employing populist communication styles. Second, the

new governments often came to power after severe legitimacy crises of the political system as such, most notably in Venezuela, Argentina, Bolivia, and Ecuador. During these crises, traditionally weak party structures eroded further, leaving the old elite and more generally those opposed to the emerging popular movements without strong party representation. Consequently, the news media took over functions of the political opposition or were deliberately employed as political instruments to be played out “on the front line” (Kitzberger 2009: 158, 178). Third, this re-politicization of the news media, functioning as political opposition, is reinforced by a re-politicization of the population. Statistics from *Latinobarómetro* (2013) show that together with the rise of possibilities for alternatives to neoliberal politics, the popular support for and satisfaction with democracy grew sharply since 2007, particularly in countries with more radical left governments. In this environment, concentrated media then functioned as the “systemic opposition,” relied upon by the old elites seeking to reconstitute their formerly dominant role (Goldstein 2011: 110–117). The new governments’ goal to redefine democracy by extending the public sphere toward formerly excluded social sectors in turn provoked a “political hysteria” among the old elite, who were accustomed to controlling the public monopoly on speech (Goldstein 2011: 128). These three aspects already point to the highly conflictual nature of the emerging debates for radical policy reforms in the media sector.

As the explicitly anti-democratic nature of concentrated media markets and the unequal conditions of access to the public sphere via the mass media became apparent, expectations for reforms rose. In all countries, social movements, human rights activists and intellectuals explicitly demanded the break-up of monopolistic market structures and promotion of non-commercial media like community radio and public broadcasting. However, while the new presidents’ assumption of office often represented a watershed moment in cultural and symbolic terms (Brazil’s Lula as the first president coming from the working class, Evo Morales as Bolivia’s first indigenous president) and in certain policy fields (human rights policy of Néstor Kirchner in Argentina, Lula’s social policies), communication policies were characterized at first by continuities. Although the mass media’s hostile coverage had been a recurring topic for the political Left, the governments were reluctant to pursue reforms. Apparently, the Left’s hatred of the (conservative) media was accompanied by an equally large fear of their power. Governments sought to avoid additional conflicts by all means and argued that the ‘right moment’ was still to come. This was true for all countries, independent of the degree of legitimacy gained through elections. In the end, what could have been considered indecision at first turned into a deliberate communications policy that favored the status quo:

Excessive pragmatism, the responsible and realistic option, or however you wish to call it, the result was that not disturbing the interests of large media seems to have been a conscious decision in the first years of the progressive governments. That is why the absence of concrete initiatives to revert the concentration was not an omission but rather a kind of policy toward the media. (Gómez 2011: 3, author’s translation)

While the governments tried to establish a “pacifying coexistence” (Gómez 2011) with the large media, a diverse range of civil society actors pushed initiatives for reform. They came from organizations dealing explicitly with communication issues (particularly community radios), from academia, political and student movements, unions, or human rights organizations, which emphasized the need for a democratization of social communication. From these loosely knit coalitions emerged innovative responses and ideas that exerted pressure on the governments (Kaplún 2011; Koschützke and Gerber 2011; Ramos 2010: 27). Often these demands are put in the context of the political democratization in the 1980s, criticized as incomplete as long as the communication sector remains left out. Such movements exist in every country, although they differ with respect to their composition, their organizational unity, and the priority of specific demands. On the other side are the traditional media along with the conservative political opposition, which oppose any reforms. The dominant mass media themselves largely neglect the debate, while reform demands are delegitimized politically as initiatives to censor independent media. Still, in several countries, civil society’s claims eventually reached the legislative branches, accompanied by a high level of conflict between the government and movements on one side and the large media and allied political opposition on the other. Countries like Venezuela, Uruguay, Argentina, Bolivia, and Ecuador engaged in media reforms that differed with respect to their range and radicalness, but were usually based directly on initiatives developed by communication activists or movements from civil society (Hall 2012). However, in countries like Chile, Brazil, and Paraguay, media reforms were not supported or enacted by the governments—although their media markets illustrate the same structures, and reform demands were voiced and developed by social and movement actors as well. This discrepancy produces the central research questions of this study, asking precisely which conditions for democratizing media reforms can explain the diverging developments. Before we delve into this investigation, however, it is important to review the role of international actors in the shifting communication politics of Latin America.

2.3 International Norms and Actors

Although media policies are rightly considered a predominantly national domain, the debates about their democratization are also present at the international level. This section discusses the two primary institutions and norm-setters here: UNESCO and the Office of the Special Rapporteur for Freedom of Expression (SRFE) that is part of the Organization of American States (OAS). Until the early 1980s, UNESCO was the leading forum in this context. It then dropped the issue due to pressure from the United States, but in the early 2000s, it engaged in the related debate about cultural diversity, reacting to the WTO’s push toward the liberalization of audiovisual services. While UNESCO mostly serves as a historical reference in contemporary Latin American policy debates, the SRFE plays a more active role

in media reforms based on communication rights. Here, it is important to understand that Latin American activists and scholars are not (passive) recipients or translators of debates at the international level; on the contrary, they are actively involved in the evolution of transnational debates and particularly in the development of a communication rights perspective.

2.3.1 UNESCO: From a New World Communication Order to Cultural Diversity

During the 1960s, several UN forums became important arenas for anti-colonial and emancipatory struggles. Led by the movement of non-aligned countries, a prominent struggle concerned the unequal trading conditions between the North and the South, crystallizing in the demand for a New International Economic Order (NIEO) adopted at the third UNCTAD (United Nations Conference on Trade and Development) conference held in 1972 in Santiago de Chile. During that time, these forums questioned the unequal global flows of information as well. UNESCO was the leading arena for debates that culminated in the call for a New World Information and Communication Order (NWICO) (Padovani and Nordenstreng 2005: 264). The organization was strongly influenced by the countries of the Global South, Latin America assuming a leading role. It supported a number of studies, seminars, and congresses that questioned the hegemonic liberal concept of free communication flows, which, according to their critics, only legitimized the domination of Western media conglomerates (Ramos 2010: 22; Mueller et al. 2007: 271ff). Others, among them Western journalists and civil libertarians, accused UNESCO of legitimizing the restriction of liberal rights by (authoritarian) governments. A focal point for scholars and activists from the South became the dominant position of the United States in global communication. In the early 1970s, US press agencies accounted for about 60 to 80 % of international news reports, including those on Latin America (Fox 1995: 544ff). For the Third World countries, this was seen as a threat to their cultural autonomy. As a consequence, theories of “cultural imperialism” and “cultural dependency” became popular (Dorfman and Mattelart 1975; Nordenstreng 2001: 155; Waisbord and Morris 2001: vii).

The debate on the NWICO culminated in the so-called “MacBride report” published in 1980 (UNESCO 1980). It was the final output of the “International Commission for the Study of Communication Problems,” founded in 1977 within UNESCO and chaired by Sean MacBride from Ireland. Its sixteen members also included two from South America: The Colombian writer and later Nobel prize winner Gabriel García Márquez and the Chilean diplomat Juan Somavia. With the programmatic title “Many voices, one world: Towards a new, more just and more efficient world information and communication order,” the report supports the call for a NWICO, endorses the democratization of communication and rejects state media monopolies. It defines the democratization of communication as “the process

whereby: (a) the individual becomes an active partner and not a mere object of communication; (b) the variety of messages exchanged increases; and (c) the extent and quality of social representation or participation in communication are augmented“ (UNESCO 1980: 166). The “right to communicate” is only timidly mentioned in a small subsection (UNESCO 1980: 172). Nevertheless, the report’s focus on democratic communication as a *two-way process* that deepens democracy has remained influential until today. Accordingly, communication must be considered as

going beyond the right to receive communication or to be given information. Communication is thus seen as a two way process, in which the partners—individual and collective—carry on a democratic and balanced dialogue. The idea of dialogue, in contrast to monologue, is at the heart of much contemporary thinking, which is leading towards a process of developing a new area of social rights. The right to communicate is an extension of the continuing advance towards liberty and democracy. (UNESCO 1980: 172)

Despite the already filtered language and the sensitivities toward human rights concerns of the West, the report generated strong criticism by some Western governments (Mueller et al. 2007: 271ff). In 1984, the United States left UNESCO in protest, followed by the UK 1 year later. With their budget cut short, UNESCO dropped this apparently hot issue by the end of its five-year plan from 1982 to 1989 and turned to less contested topics (Waisbord and Morris 2001: vii; Herman and McChesney 1997: 24f). In the same way, theories of cultural imperialism faced their own crisis and were complemented or even replaced by approaches that emphasized the autonomy of popular culture and questioned the potential of mass media as a means of ideological domination (Bolaño et al. 2004: 52).

Even today, the MacBride report is often cited as an important historical reference and played a significant role in the development of the debate on communication rights (Ramos 2010: 22).¹⁵ However, attempts to implement some of its ideas largely failed against the rising discourse of market liberalization. The call for a NWICO was, in the end, a more rhetorical than political challenge for the dominant media companies or the Western governments (Cammaerts and Carpentier 2007: 5; Herman and McChesney 1997: 24f). After UNESCO dropped the debate on democratic communication, it was resumed by civil society organizations: “Where state actors left off, non-state actors—journalists, activists and academics—took over” (Mueller et al. 2007: 273f). The concept of the “right to communicate,” based on ideas of participatory democracy, continued to be the basis for political and intellectual movements (Cammaerts and Carpentier 2007: 5).

¹⁵ To see communication as a (human) right was first proposed in 1969 by Jean d’Arcy, a French civil servant and official at the UN Office of Public Information. He saw the “right to communicate” as a necessary extension of the right to information in light of technological developments that allowed for citizens’ direct and full interaction with governance processes (Mueller et al. 2007: 270f). This rights perspective stood for the attempt “to politicize media and communication and to move this debate away from economic interests towards a human rights and citizen-centered perspective” (Cammaerts and Carpentier 2007: 5). However, this “third generation” right is not yet included specifically in any major rights accord (Jacobson 1998: 398f).

Some organizations that remained active on the issue later formed the core of the campaign “Communication Rights in the Information Society” (CRIS) in the early 2000s (Mueller et al. 2007: 273f).¹⁶

By the start of the new millennium, UNESCO reappeared on the scene in the context of negotiations aimed at liberalizing the trade in audiovisual services (Pauwels and Loisen 2003: 309). With the conclusion of the Uruguay trade round in 1994, the audiovisual sector became fully included in the General Agreement on Trade in Services (GATS) framework of liberalization, lacking a “cultural exception” clause that was advocated by Europe and Canada (Graber 2004). However, actual liberalization of audiovisual services remains limited, since very few countries—and none in South America—have filed commitments for this sector so far (WTO 2011). Still, trade liberalization is considered a threat to national autonomy in terms of media regulation and its democratization, due to the “momentum towards market access” (Magder 2004: 390) inherent to the World Trade Organization (WTO) framework, the impossibility to take back any commitment that has been filed, and the negotiating power of the United States in bilateral trade treaties, among other reasons (Puppis 2008; Beviglia-Zampetti 2005; Bennett 2004: 129). In this context then, UNESCO sought to establish the concept of “cultural diversity” as a “countermanoeuvre to the free trade doctrine of the WTO” (Puppis 2008: 416). As a result, in 2005 UNESCO passed the binding “Convention on the Protection and Promotion of the Diversity of Cultural Expressions” (CCD), whose implicit aim is to limit trade liberalization to protect cultural diversity (UNESCO 2005). Only the United States—which rejoined UNESCO in 2002 precisely to obstruct the development of the convention—and Israel voted against it, and four other countries abstained (Jin 2008: 12). After the fastest ratification process in the history of UNESCO, the CCD entered into force in March 2007 (Burri-Nenova 2008: 18).

Although some consider the CCD a “cultural coup d’état” against the neoliberal vision of globalization (Jin 2008: 10), the impact of the CCD on trade issues and similarly of UNESCO on Latin American debates on democratization remains limited. First, it cannot be expected that the CCD will directly affect the WTO rules backed by a much more powerful organization with possibilities to sanction non-compliance. Still, the CCD might influence the political interpretation of existing agreements, the classification of services within the WTO, and future

¹⁶ The CRIS campaign was founded in late 2001 in the context of preparations for the World Summit of the Information Society (WSIS). Organized by the International Telecommunications Union (ITU) and UNESCO, the WSIS conferences were held in 2003 in Geneva and in 2005 in Tunis. Struggling to shape global norms on communication issues and guide policy advice by emphasizing the social role of communication, the CRIS campaign successfully mobilized civil society actors, but its success within the WSIS was rather limited (Hintz 2007: 259f; Mueller et al. 2007: 279f, 268). “Communication rights” were not mentioned in the official declaration of the participating governments and did not even appear in the Civil Society Declaration. In this regard, the shadow of the polarizing debate of the 1970s proved to be rather prohibitive: “the historical baggage it carried from the NWICO battles made the phrase ‘right to communicate’ a clear target for ideological enemies of CRIS such as the World Press Freedom Committee” (Mueller et al. 2007: 291).

bilateral trade negotiations (Burri-Nenova 2008: 28ff; Puppis 2008: 418ff). Second, and more importantly, the guiding principle of the CCD is the sovereignty of states, not the rights of citizens. It thereby largely ignores the debate on human rights and thus has little relevance for the struggles of social movements in Latin America. Also, the CCD does not foresee any *obligations* for states; it simply encourages them to apply measures protecting cultural diversity (Burri-Nenova 2008: 22ff). Consequently, today UNESCO is of little relevance for Latin American movements and activists for media democratization (I010; I041; I043; I048), since for them, communication rights play a pivotal role—a perspective totally absent in UNESCO since the late 1980s (Mauersberger 2013).

2.3.2 *The OAS Special Rapporteur for Freedom of Expression*

In contrast to UNESCO, the Inter-American system for the protection and advancement of human rights offers a more adequate and relevant reference for contemporary demands of media democratization in the Western Hemisphere. The principal institutions here are the Inter-American Commission on Human Rights (IACmHR) and the Inter-American Court of Human Rights (IACtHR). Responsibility is also shared by the Permanent Council and the General Assembly, the political organs of the Organization of American States (OAS).¹⁷

In order to protect and promote the freedom of expression, the Office of the Special Rapporteur for Freedom of Expression (SRFE) was founded in 1998 by the IACmHR, based on recommendations from broad sectors of civil society. Compared to other Special Rapporteurs of the IACmHR, the SRFE has a special status. He or she is not simultaneously part of the seven-person Commission, which allows for greater independence from the national governments and an exclusive dedication to the freedom of expression. He or she is the only Special Rapporteur who works full-time and is equipped with a team of about two to four assistants (Bertoni 2007: xiv; Grossman 2012: 371; I020). Core tasks of the SRFE are the reporting activity for the states, preparation of thematic reports, visits to the states, and building a hemispheric network for the protection of freedom of expression. The annual reports are passed by the Commission, which thereby assumes authorship (Bertoni 2007: xv). As guiding principles for the work of the SRFE and “to give content to the right” (I020), the Commission passed the “Declaration of Principles on Freedom of Expression” in 2000 (OAS 2000, 2004; see also: Grossman 2000: 456). The Inter-American System, the Court, and the SRFE are often praised for

¹⁷ The Inter-American System for human rights is based on the “American Declaration of the Rights and Duties of Man” (applicable to the U.S., Canada and some Caribbean states) and the newer “American Convention on Human Rights” (ratified by the rest of the Americas; also known as the Pact of San José) (Grossman 2000: 451).

having “contributed significantly to the protection of freedom of expression” (Grossman 2012: 371) and for making “valuable contributions to the evolution of the doctrine of freedom of expression in international law” (Pasqualucci 2006: 432; see also Schönsteiner et al. 2011). However, the investigation of the role and (political) impact of the SRFE has, so far, been largely ignored by political scientists and academic publications in general.

The SRFE’s relevance for the specific demands of communication activists is based on its rather broad understanding of “freedom of expression.” Several documents of the Commission, the Court, and the SRFE underline that freedom of expression goes far beyond the freedom of the press. It has a dual character, comprising the right to express but also to diffuse and receive information. The “expression and dissemination of ideas and information are indivisible concepts” (CtIADH 1985, author’s translation) and therefore affect both individual and collective rights (Grossman 2000: 458). The SRFE is thus not only concerned with impediments to journalists’ work (ranging from defamation laws and arbitrary access to public information to threats or assassination) but also focuses on questions of media monopolies, media regulation, and particularly the role of community media (Schönsteiner et al. 2011: 365ff). Importantly, and in contrast to UNESCO, the SRFE is concerned with citizens’ rights and translates them into obligations for the state.

In this vein, two examples of the SRFE’s work illustrate its view that the *lack of* specific media regulation poses a threat to freedom of expression. First, private or public monopolies are deemed incompatible with freedom of expression (Pasqualucci 2006: 427ff). The OAS Declaration from 2000 argues that “monopolies or oligopolies in the ownership and control of the communication media must be subject to anti-trust laws, as they conspire against democracy by limiting the plurality and diversity” (OAS 2000). The SRFE’s 2004 annual report dedicates an extensive chapter to the issue of concentration (OAS 2005; see also OAS 2007; Bertoni 2007: xx–xxiii).

Second, the SRFE relates freedom of expression to questions of social inequality and democracy. Here, community radios assume a pivotal role. Again, the OAS Declaration calls for “democratic criteria” in the assignation of broadcasting licenses (OAS 2000), which are at odds with, for example, market-based bidding processes. In its 2002 annual report, the SRFE further develops this issue for the context of highly unequal societies: As the “traditional mass media are not always accessible for disseminating the needs and claims of society’s most impoverished or vulnerable sectors,” it is most often community media “that fill the gaps” (OAS 2003: 137). Consequently, the state is made responsible for issuing regulation that does not discriminate against these types of media or even threaten them: “It is the state’s duty to guarantee equal opportunities for all . . . with respect to the discrimination-free receiving, seeking out, and sharing of information through any communication channel whatsoever, eliminating all measures that discriminate” (OAS 2003: cxx; see also Bertoni 2007: xviii). As we will see in the empirical chapters, this is a powerful stance against the argument by large commercial media that any state interference, including regulation, is a threat to the freedom of

expression. These two examples show that the SRFE's concern goes beyond the more obvious threats coming directly from governments that hold back public information or apply rules in a discretionary way to disadvantage dissident views (Gómez et al. 2009: 29; Pasqualucci 2006: 427–431).

This focus on governmental regulation and its relevance for guaranteeing communication rights have made the SRFE a valuable source of reference for media democratization activists. However, it would be misleading to consider national activists mere recipients of the SRFE's recommendations. On the contrary, there is a close relationship between the Office and civil society organizations like AMARC or Article 19. Much of the information and the denouncements that appear in the SRFE's reports are drawn from these organizations (e.g., OAS 2009: 24; I020: 017), which, in turn, readily invite the SRFE to conferences or panels promoting the idea of democratizing the media. Indeed, the early and targeted intervention of AMARC at the Office is one factor that accounts for the SRFE's special focus on community radios (I020: 14; I021: 33; I025: 16). As a result of that cooperative relationship, the SRFE is considered an important driving force for the re-framing of “illegal pirate radios” to “community radios” as legitimate expressions of communications rights (Mauersberger 2013: 64). Apart from compiling reports, developing policy concepts, and supporting regional networks, the Special Rapporteur's role is to publicly legitimize the debate on media regulation as a necessity to guarantee rights rather than as a threat to certain freedoms.

2.4 Summing Up: From the Public Sphere to Media Democratization in Concentrated and Commercial Media Markets of Latin America

Yo soy de los que pienso, que . . . en la mayoría de los países . . . , las mayores violaciones a la libertad de expresión no surgen del Estado sino del sector privado. Lo que viola la libertad de expresión es la falta de intervención del Estado para que todos puedan ejercer el derecho a la comunicación.

(Argentinean community radio activist, I040)¹⁸

The starting point to discuss the role of mass media in democratic society was Habermas's normative concept of the “public sphere.” The public sphere is an abstract idea denoting a space structured by communication to facilitate democratic deliberation among the citizens: “The public sphere ‘takes place’ when citizens, exercising the rights of assembly and association, gather as public bodies to discuss issues of the day, specifically those of political concern” (Dahlgren 1995: 7). This sphere distinguishes itself from both the political-administrative sphere (structured

¹⁸ “I am among those who think that . . . in the majority of countries . . . the greatest violation of the freedom of expression arises not from the state, but from the private sector. What violates the freedom of expression is the lack of intervention by the state so that everybody can exercise the right to communicate” (I040: 31, author's translation).

by power and hierarchy) and the market sphere (structured by money). In this perspective, the core of any democratization effort would be to protect and expand the public sphere against “infiltrations” by money and (administrative) power that would destroy the preconditions for deliberation among equals (Habermas 1992: 444). Although in a strict sense, such a sphere hardly exists anywhere, the concept is helpful not least to understand democracy as a participatory and empowering system.

In modern democratic societies, one cannot talk about the public sphere without considering the mass media. They pre-structure and often dominate the public sphere, so that access to them—comprising both the consumption and the dissemination of opinions—becomes a crucial criterion for the quality of democracy. Although Habermas was not specifically concerned with the functioning of media markets from a political economy perspective, such a view underlines his fears about market domination and provides central rationales for public media regulation (see Sect. 2.1.2): Media markets are prone to market failures (particularly the formation of monopolies), but more fundamentally, commercial media evidence structural limitations regarding the democratic representation of a plurality of voices. When content is determined by an advertiser-mediated supply and demand chain, it becomes distorted by the purchasing power of the target audience. This effect is particularly visible in economically highly unequal societies and is not becoming obsolete through technological developments. So although direct censorship exerted by governments is easily visible for the observer, less visible market-driven mechanisms can equally limit the access to the public sphere.

Latin America’s media markets are prime examples of the social and political exclusion that emanates from commercially structured media. Throughout the region, mass media historically developed as private enterprises. At the same time, a close and mutually beneficial relationship existed between the large private media and the conservative political elite, also during the bloody military regimes that ruled almost the entire continent beginning in the 1970s. The return to democratic governments in the 1980s was thus accompanied by movements’ demands for a simultaneous democratization of social communication. Despite a political democratization and the restitution of press freedom, traditionally excluded groups—including women, indigenous people, left political organizations, or the popular sectors in general—experienced a continued exclusion of their perspectives in the concentrated mass media. This was a reflection of exclusion in the political sphere, but it also increasingly tied in to the commercial and concentrated structure of dominant mass media. Scholars and activists began to describe this phenomenon as “commercial” or “economic censorship” (Mattelart 2005: 151; Becerra and Mastrini 2010a; Ramos 2010: 21f). Specific reform demands—mostly addressing broadcasting as the only true mass media on the continent—involved the break-up of oligopolies and the promotion of non-commercial media like public broadcasting or community radios. In part these political demands took up the earlier international debate on the “New World Information and Communication Order” (see Sect. 2.3.1). Now, however, it focused less on the imperialist role of the United States than on mechanisms of

economic exclusion at the national level. Concentrated commercial media markets were identified as the causes for unequal access conditions, particularly concerning the dissemination of excluded perspectives.

Since the return to democratic regimes in the 1980s, a broad range of actors has demanded a democratization of the media. Among these actors are unions, community radio activists, left political organizations or parties, even some catholic groups based on the liberation theology, and more recently human rights organizations. In terms of policy reforms, they were hardly successful after transition. During the first years, the new democratic institutions were considered too weak to engage in a large-scale conflict with dominant media, and/or the latter's political interests were consistent with those of the government. Later, during the neoliberal era, calls for democratization were heard even less. The idea of the market's superiority also affected media policies and led to even further concentration and commercialization in the sector. However, by the late 1990s, regulation of mass media was increasingly considered a matter of democratic rights, for example on the basis of guarantees by the American Convention on Human Rights regarding freedom of expression. This debate on communication rights was taken up and furthered by international organizations, particularly by the OAS Special Rapporteur for Freedom of Expression in close contact with civil society (see Sect. 2.3.2), which petitions Latin American governments to design appropriate regulation and media policies to safeguard equal access conditions to mass media. However, these efforts hardly materialized in policy reforms.

With the wave of center-left governments coming to power since 1998 in almost all South American states, the panorama has changed dramatically. These governments were elected for their promise to reverse neoliberal policies, to further social policies, and to expand democratic participation—and usually they won elections against the explicit opposition of dominant mass media. The new governments also had close links to actors demanding a democratization of communication, so that expectations regarding media reforms were high. On the other side, the dominant media continued to play an important political role. As a result, in some countries democratizing reforms have been passed, while in others, the status quo has not changed—despite remarkably similar conditions in terms of the structure of media markets, the existence of organized reform demands from civil society, and the dominant media's opposition to the popular governments. This divergence demands explanation. The general research interest of this study is thus to discuss the conditions for policy reforms to democratize social communication. I hence seek to find out, how the different degree of democratizing media reforms in the broadcasting sectors of Argentina, Brazil, Chile, and Uruguay can be explained.

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