

The “Captured-Liberal” Model: Media Systems, Journalism and Communication Policies in Latin America

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Introduction

For the past four decades, Latin America has witnessed key institutional and political changes that have greatly impacted media systems and communication policies across the region. As a result, we can observe two contrasting yet overlapping developments: a high degree of media concentration fuelled by market-oriented policies on the one hand, and the re-emergence of state intervention in media reform on the other. Both have operated within the same context of clientelism and discretionary, uneven application of regulation and the law. This results from the way that media systems and politics have been historically intertwined. Although Latin American nation-states each have their own particularities and unique histories, they share a common ground that goes beyond merely linguistic, geographical or cultural affinities.

First, most countries in the region experienced consequential periods of either authoritarian or dictatorial governments whose patronage fostered the rise and growth of media companies. In Brazil and Mexico, these companies transformed into conglomerates of unrivalled proportions, Globo and Televisa respectively. For various reasons, domestic media groups became regime allies in the quest for political power, to build national and hegemonic identities, or in sustaining the status quo for authoritarian regimes and conservative agendas throughout the second half of the 20th century (Trejo Delarbre, 1985; Fox, 1988).

In the context of the Cold War, dictatorships in almost every Latin American state and widespread repression of critical voices, a first wave of Latin American media research denounced private media’s growing power as the ideological branch of repressive dictatorships as well as the United States’ geopolitical interests in the region (Beltrán, 1970; Fox & Schmucler, 1982; Furtado, 1984; Marques de Melo, 1989; Mattelart, Piccini, & Mattelart, 1976; Schiller, 1976; Reyes-Matta, 1979). In fact, beginning in 1976, Latin American scholars were the first of the developing world in gathering to discuss and propose communication policies.

Second, as the 1990s approached Latin America also experienced the global influence of neoliberal policies and economic reforms such as privatization and deregulation of various industries. As market economies became the dominant economic model, media researchers focused their attention on examining the impact of neoliberal policies such as free trade agreements, privatization and/or deregulation in media systems, communications policies and cultural industries across Latin America (Fox, 1988, 1997; Fox & Waisbord, 2002; Sinclair 1996). Overall, their findings show that the established media proprietors expanded both vertically and horizontally and media and cultural sectors concentrated in even fewer hands. Hence media corporations broadened their assets, increased their power and became even less constrained by domestic forces by capitalizing on less vigorous regulation, ventures abroad, and the business opportunities that a more pluralistic political landscape would bring. In this context, the biggest transnational media players gained the most benefits, to the detriment of independent and local production (García Canclini, 2000; Mastrini & Bolaño, 2000; García Canclini & Piedras, 2005; Mastrini, Bizberge, & De Charras, 2013; Sánchez Ruiz, 2012).

Another major trend that accompanied the marketization of economies concerned political democratization. After long periods of authoritarian rule, civil upheaval or internal armed conflicts, in the 1980s some Latin American states began to transform political and electoral institutions in order to guarantee fair and

competitive elections. In tandem, the media reporting of political corruption, drug trafficking, human rights abuses, embezzlement and scandals involving high-profile political actors increased in Brazil, Argentina, Colombia and Mexico, particularly during the 1990s (Waisbord, 2000; Hughes, 2006). In fact, a number of scholars argue that these processes of political democratization and economic reform occurred in tandem with the democratization and “opening” of the media, paving the way for the rise of civil society groups and better-informed middle classes.

However, where processes of media democratization occurred, they did not necessarily follow a straightforward path, but took one of two major directions (Lugo-Ocando, 2008). One direction is what some scholars view as the professionalization of journalism across Latin America which, despite continuing obstacles and inertias, achieved an important degree of change stemming mostly from commercial competition. Following this approach, greater financial autonomy and freedom of speech opened the space for more editorial autonomy, investigative journalism increased, more balanced reporting contributed to a more diverse spectrum of opinions, and exposés helped foster a culture of political accountability (Tironi & Sunkel 2000; Waisbord, 2000; Lawson, 2002; Wallis, 2004; Alves, 2005; Hughes, 2006; Matos, 2008; Pinto, 2009). This important strand of research asserted that the gradual transformation of media helped to delegitimize authoritarian governments and their methods as a more legitimate democratic polity emerged.

As structural inequalities and economic divides not only remained but intensified across the region, the consequences of democratization and the marketization of economies have often proven convulsive in social terms. Political polarization is now the norm in many countries, many of the traits of unrestrained presidentialism remain, and the prevailing political culture is shaped by citizen mistrust, politicians’ cynicism, corporatist relations and clientelism (Power & Jamison, 2005; Hallin & Papathanassopoulos, 2002). A democratic press is supported by the actions and policies of strong and legitimate state institutions, from the “observance of press laws that support fair and responsible journalism, to the guarantee of human rights” (Waisbord, 2007, p. 117, see also Hughes & Lawson, 2005; Curran, 2005). However, in a context of “statelessness” (Waisbord, 2007), which includes the feeble institutions and weak rule of law present in much of Latin America, the democratic roles of the media fall prey to private interests.

By the turn of the last century, communication and cultural policies in the region tended to benefit—or at least protect the interests of—the largest media conglomerates such as Globo in Brazil, Televisa in Mexico, Clarín in Argentina or Grupo Cisneros in Venezuela. State policies often failed to restrict concentration or to encourage pluralism and diversity in media. Moreover, in the commercial landscape of the 1990s, political alliances generated economic profit for media proprietors,

news became a commodity to be traded and political scandals and conflicts helped boost ratings and increase circulations (Hallin & Papathanassopoulos, 2002; Rockwell & Janus, 2003; Trejo Delarbre, 2005; Hughes & Lawson, 2005). The absence of public broadcasting media that could counterbalance the predominance of private networks and challenge the prevalence of infotainment, the trivialization of politics, and partisan bias in the media are issues of continuing concern.

Latin American media research has been highly critical of media concentration and the negative impact neoliberal politics have on efforts to configure a truly plural, diverse and democratic public space. Some cultural and radical communications scholars even claim that democratization has not brought social justice, but simply replaced delegitimized authoritarianism with a form of political organization that better guarantees the “proper performance of the market” (Alfaro Moreno, 2006, p. 302; see also Bresnahan, 2003; Poblete, 2006).

Thus several unavoidable questions arise. Is the glass half-full or half-empty in regards to media, communication and cultural policies that guarantee freedom of speech, access to information, and the right to communication that is politically plural and socially diverse? How have things changed in the 21st century with digitalization and emerging technologies as major accompanying forces? How is the balance among local, regional and global dimensions, institutions and actors shaping media and communication policies? Our book *Media Systems and Communication Policies in Latin America* (published by Palgrave) addresses these questions with new insights and a proposed theoretical framework that we believe critically describes the prevalent model of media and communications in Latin America: a captured liberal model (Guerrero, 2010).

Our book advances scholarship on Latin American media that primarily focused on the rising influence of both neoliberal economies and democratization processes at the turn of the millennium, moving forward nearly two decades to a context of media reform, digital convergence and technological change. The book introduces an important new political variable in the 21st century: the revival of strong, antagonistic states that hold considerable agency in shaping communication and cultural policies in various Latin American countries. What roles are the markets, the state and local actors playing in these matters? A number of telegenic leaders in the past decade or so—Néstor Kirchner and Cristina Fernández in Argentina, Evo Morales in Bolivia, Rafael Correa in Ecuador and of course, the late Hugo Chávez and Nicolás Maduro in Venezuela—brought into office with them aggressive media reforms that either attempted to tackle media concentration and restrict the power of media elites, and/or proposed a model of public (state) communication, albeit with varying degrees of success and political support.

A common feature in such countries has been that the heads

of state have lead the discussions on media reform, prompting criticism from business elites, libertarians, conservatives and advocates of press freedom alike. These disparate interests have tended to view such moves with concern, whereas progressive voices and radical advocates of media reforms have championed the stance, in so far as the reforms actually restrict concentration and guarantee the involvement of marginalized and independent actors in the media landscape. In contexts of polarization that at times have become tense, and even hostile, the powerful media corporations and their allies have played an antagonistic role vis-à-vis the state, raising once again the concepts of press freedom, pluralism or political neutrality, particularly in cases like Venezuela or Bolivia, where leaders publicly single out journalists or media organizations who confront their governments.

Therefore, the question is whether market-oriented and state-protected policies can guarantee pluralism, communication rights and diversity. Apart from the obvious cases in which heads of state call for media reforms, our book shows how in other cases, specific media markets have reacted to transnational forces through locally-led policy and regulation—often directed towards the protection of dominant players and not necessarily in favor of expanding pluralism in those markets. Mexico and Central America are illustrative cases. In another dynamic, the opposite occurs: deregulation or leaving media spaces unregulated makes them the sole domain of economic actors, as in Peru or Colombia. However, in the places where regulation and law enforcement do exist, it has proved to be ineffective and difficult to enforce, or has failed to contain concentration and safeguard media pluralism.

As private media conglomerates, especially broadcasting networks, emerged and consolidated with the support of dictatorships and under authoritarian rule, the long-standing system of symbiotic media-state relations clashed with liberal values held and practiced outside the region. Liberal media theories assert that market forces alone can erode authoritarian media and end governmental control of information, as well as foster policies and cultural goods that promote pluralism, engendering editorial autonomy and a healthier exercise of citizenship. However, contrary trends have prevailed in Latin America, as shown by the ten case studies presented in the book. Family ownership of the media remains, media elites are part of the de facto power structure at national and regional levels, mutual courtship among media and political elites prevail, smaller media organizations continue to be highly dependent on political advertising, making them compliant to political agendas, and generally speaking, in all the countries the media play their watchdog role selectively, particularly at moments when their interests are threatened. As we show in the book, private media in Latin America, ruled by global commercial logics rather than administered by the state, are subject to complicit intervention and interference, thereby preventing the emergence of competitive, healthy, diverse and plural markets, particularly in regard to broadcasting. In fact, clientelism prevails, poor law

enforcement leaves journalists unprotected and subjugated to threats and risks, cultural industries appear to be protected only when political actors stand to gain, and the professionalization of journalism has meant superficial change, passive reporting practices, or direct compliance with official and institutional agendas rather than supporting citizens and communities.

Revising the Liberal Approach to Media Systems

Media Systems and Communication Policies in Latin America features contributions by established and emerging scholars born in Argentina, Bolivia, Brazil, Chile, Colombia, El Salvador, Guatemala, Mexico, Peru and Venezuela who discuss the issues at stake in communications and cultural policies in their native countries. The book is not only plural in the number of countries included, but also offers diverse disciplinary and theoretical backgrounds as well as varying epistemological positions. A common theme found across the case studies is that while key cultural industries are entirely left to market forces, there are formal or informal means of intervention and capture of media systems and policies—from political institutions and actors to private interests. In related fashion, the book shows how mere description of media laws and regulations would be of little help in grasping the context wherein the industries operate. A purely instrumental focus on ‘media policy’ as the structural framework that defines media performance may fall in the trap of taking for granted its own operative relevance. In other words, such an approach would assume that policy and regulation, as part of the broader rule of the law, are enabled and enacted in a way that media contents, audiences and actors adhere to it. From this perspective, media freedoms and pluralism are guaranteed and protected by law, and happen by decree and goodwill. In contrast, as observed in the 10 countries explored here, media policy has less to do with global trends than with political actors’ agendas and their discourses that mutate and adapt to local circumstances, often in the contentious environment of highly polarized politics. A common thread of the book is, therefore, that the intentional lack of regulation enforcement, the pragmatic exercise of power, the configuration of mutually beneficial alliances, and complicity between media barons and political elites together explain why private media developed early and why media concentration continues unabated in the region.

Thus a common theme becomes recognizable: in the context of growing concerns over globalization’s role in shaping media systems, communication policies, journalism practice and cultural industries as a whole, the Latin American media landscape is currently characterized by political and economic interests (usually linked to specific political groups) attempting to re-‘capture’ journalism and communications policies. The loyalties of corporate interests are subject to change depending on the political actors in power. In the paragraphs to follow

we present the book's main themes, findings and arguments.

Evidence Against Market Liberalism

One of the most engrained beliefs in liberal conceptions of the media—usually called libertarian—is that because the market is a natural extension of society, as opposed to the state, privately-held media become essential to monitor governmental wrongdoing, uphold journalistic independence and guarantee press freedom. Some press theories recognize the market's existence as a tenet of autonomy that is essential to opposing government (Siebert, Peterson, & Schramm, 1956; Ungar, 1990; Hallin & Mancini, 2004; Christians, Glasser, McQuail, Nordenstreng, & White, 2009). According to this view, the media must operate within the market's logics, thus necessitating minimal intervention and regulation by the government or the state. It is, therefore, "simply assumed that the market will provide appropriate institutions and processes of public communication to support a democratic polity" (Garnham, 1992, p. 363). Hence, private commercial media are believed to serve the public interest, provide objective information, offer a forum for engaging and contemplating a diverse spectrum of political opinions, and to monitor existing power structures—all relatively free from state interference.

During the 20th century, Latin American media structures and organizations largely developed according to the U.S. commercial private model, both in the press and in broadcasting. However, because Latin American societies, have not followed the same liberal tradition of separating the market and the state as most established democracies, we challenge, in part, the mainstream categorizations of liberal media systems that still view private and commercial media as relatively free from state intrusion and political instrumentalization (e.g. Hallin & Mancini, 2004). In this regard, two trends are clear in the ten countries examined in the book: 1) the transitions from authoritarianism or civil war to democracy did not alter the media's property structure, so the neoliberal market-oriented reforms ended up benefiting the economic consolidation of local or regional media organizations; and 2) the growth and consolidation of large media corporations has depended on close linkages between traditional media groups and elites—in most cases operating through family structures—and the political groups that have come to power.

In analyzing liberalization and deregulation processes in the Mediterranean countries, Hallin and Mancini (2004) found that the state retired and left spaces so abruptly as to cause "savage deregulation," borrowing the phrase from Traquina's (1995) assessment of the Portuguese case. In Latin America, similar features can be observed in the privatization and liberalization processes that ended up favoring the expansion of strong, established corporations. The deregulatory reforms of the late 1980s and 1990s favored local conglomerates that already dominated these markets, transforming them into even larger corporations. Such are the cases of two Mexican broadcasters,

Televisa, which until 1993 was the sole national-level private broadcaster in Mexico, and Televisión Azteca, which emerged as negotiations for the Free Trade Agreement with the United States and Canada demanded more competition in the Mexican audiovisual sector. While at first TV Azteca prompted positive expectations of increased competition and content diversity, it ended up repeating the same operational formulae and structures of its larger competitor, Televisa. Together they now form one of the strongest broadcast duopolies in the world. Moreover, we find the cases of Globo in Brazil, Grupo Cisneros in Venezuela, Grupo Clarín in Argentina, Grupo El Comercio in Peru or Grupos Santo Domingo and Ardila in Colombia as examples of media corporations that emerged and expanded with government support and the impulse of the market. In other cases, media reforms created conditions for foreign capital to ally with local corporations, as in Chile's Megavisión or Colombia's Casa Editorial El Tiempo. In yet another dynamic, foreign capital (mostly Mexican) directly entered to acquire local corporations, such as Albavisión in several countries of Central America, Bolivia, Chile, Ecuador and Peru.

Ultimately, stronger corporations emerged from the process, but not more pluralistic, competitive or open markets. In the Chilean case, the liberalization and deregulatory reforms consolidated the positions of media corporations that were closely linked to the dictatorship, like El Mercurio and Copesa. In Guatemala, the 1996 Telecommunications Law which facilitated privatizations enabled three corporations to control over 90 percent of the country's commercial broadcast frequencies. El Salvador followed its own path to a similar end; the book presents evidence supporting the thesis that market liberalization and media and telecommunications deregulation have curtailed media pluralism, audiences' rights and press freedom while strengthening the privileges of private commercial corporations. Brazil and Mexico are also cases in point, where huge broadcasting oligopolies control the media sector.

As discussed above, a central assumption of the liberal approach is that privately owned media are the best situated to resist governmental intrusion and to support pluralism and, ultimately, democracy. The arrival of new political groups to power in Latin America since the 1980s signaled to some observers a renewal of democratic life. However, the conditions of competitive democracy, broadcasting's influence in countries with low newspaper readership, and the pro-liberal orientation of most governments at the time, created close relations with a traditional media establishment at different levels, both formally and informally. Such relations entailed property and market conditions that have not necessarily favored media pluralism in the region.

In Argentina the Menem administration (1989-1999) promoted the growth of the country's largest media corporations by modifying the broadcasting Law Decree 22285, which dated from the military dictatorship. Carlos Menem's government privatized

TV networks and radio stations, and eliminated restrictions to concentration and cross-ownership, which enabled the merging of print and broadcasting media. In Brazil, oligarchic groups in several states, mostly in the North and Northeast, continue to play a dual role as politicians-entrepreneurs. Some of the largest corporate shareholders have also been governors, congressional representatives and senators, in spite of legal precepts intended to prevent conflicts of interest. In Peru, with some exceptions like *La República* or *El Comercio*, the national media were quick to throw their support behind the civilian-military regime through which Alberto Fujimori staged his coup d'état and both the entrepreneurial elite and the majority of the public promptly followed suit. After that, the Peruvian government—through its intelligence services—began to subsidize the popular tabloids and to supplement the salaries of some journalists. In Mexico, media proprietors and executives are now playing more direct and active roles in politics. During previous decades, high profile media proprietors and executives generally abstained from running for any public seat or at least would cover their intentions to influence. Not any longer; the 2012 election yielded at least 20 congressmen and women who have been directly or indirectly employed by Televisa and/or TV Azteca. In the latter case, even the daughter of the main shareholder of the network is member of the Mexico's senate. The Spanish name for this group is the *telebanca* or “tele-bench” and is found in the legislative commissions of broadcasting, telecommunications and communications in both chambers. The *telebanca* recently succeeded in altering a 2013 communications reform proposal that was originally designed to create a more plural and diverse landscape, but which a year later was perceived by critics to protect the TV networks' interests (AMIC, 2014).

Thus, Latin American media developed under private and commercial patterns that accelerated with neoliberal reforms in the late 1980s and 1990s. However, liberalization of Latin American media markets in most cases did not fit the libertarian model. The reforms benefited traditional media elites through property concentration, created oligopolies in most countries, and shifted (while also strengthening) formal and informal linkages between political actors and media entrepreneurs. The accumulated evidence thus strongly challenges the liberal assumptions that private media are best equipped to serve the public interest by offering politically plural and socially diverse information content, or to monitor the use of power relatively free from political interference.

In Latin America, unlike the United States, the local private advertising markets were never strong enough to independently support complex media structures. Exacerbating this situation is the printed press, whose penetration and readership is considerably smaller per capita and mostly directed to the wealthier and more educated social classes. Such an elite-oriented press could hardly survive from private advertising or subscription revenues alone. As a result, many Latin American

private media have depended on political favors to ensure governmental advertising and other funds. Although the powerful private television networks are commercially successful market-driven enterprises with international reach, there is considerable political and economic gain to derive from advertising deals with state agencies, especially during election seasons. As in every corner of the world, Latin American politicians court eager TV channels in order to maximize their visibility and gain votes through political advertising. Beyond formal advertising through print ads or radio and TV spots, politicians and media executives find other ways to seal under-the-table business deals that often imply favorable coverage of political activities.

Clientelism and Weak Regulatory Enforcement

Two related aspects that define the media landscape in Latin America include a historical tendency towards political clientelism and informality, and partly as a consequence, an uneven and ineffective application of the formal rules and norms. It is no secret that in many respects Latin American states have developed strong clientelistic relations with diverse groups and sectors. Clientelism fosters relations of informal exchange, thus affecting the efficacy and effectiveness of legal frameworks (Eisenstadt & Roniger, 1984). Regarding the media, clientelism opens spaces for negotiating the application of the law, forging alliances with political actors and reducing or avoiding any consequence of regulations that are contrary to corporate interests. Hallin and Papathanassopoulos (2002) identified clientelism as a defining feature in the relations between the political system and the media in Latin America.

An example of such distortions can be seen in Mexico, where the 2006 Media Law, the so-called “Ley Televisa,” spawned loud and sustained criticism of perceived bias in favor of the largest media conglomerates. In Colombia, the National Television Commission (NTC) was characterized as “held hostage by a sector of the corporations,” particularly when a third private channel put up for bidding during President Álvaro Uribe's administration in 2010 (Bonilla Sebá & González, 2010). Apparently due to its inefficiency, in 2012 the NTC was replaced by a new National Television Authority, which according to one expert, still lacks proper funding and may resort to clientelistic practices (Rey, 2012). Perhaps the clearest case of blatant capture of both regulatory and political spaces by the media is exemplified by the Mexican tycoon Ángel González, the proprietor of Albavisión, who has managed to increase his assets in Central America with nearly no opposition. For example, in Guatemala, poor regulatory capacity and obsolete normativity combine to generate an environment in which media and political power maintain a relationship of mutual convenience. The effects are not the distortion of enforcement, but also creation of conditions that undermine professional journalistic practices. We return to the latter aspect below.

Another clear manifestation of clientelist distortions in Latin America is the discretionary use of governmental public spending, as underscored by O'Donnell (2007). Waisbord notes,

Despite the development of the media under market and commercial designs, governmental propaganda continues to be a substantial source of revenue... Thus, government officials and politicians woo the media as they look for favorable coverage, whereas those media closest to power obtain economic benefits, including major public advertising investment, tax breaks, import permits, and broadcasting licenses. (2008, p. 4)

Vivid examples of clientelism emerged in Peru during the Fujimori administration as intelligence services funded and supported certain types of media. Argentina and Mexico are also cases in point, where in spite of certain regulations that restrict the diversion of public funds, politicians and the media find ways to circumvent the rules.

In the context of a weak and/or inefficient rule of law that has characterized most of Latin America (Waisbord, 2007), the existence of media regulation and policy frameworks does not automatically translate into effective performance and application.

A case in point are formal legal precepts regarding freedom of expression and of the press, which at various times have not been effective or have been hindered through informal mechanisms in many countries, from Mexico to Argentina. Another example are the recent developments regarding community media in Bolivia and Venezuela, where new regulations have mostly served governments' political purposes in efforts to consolidate alternatives to private media organizations, often through coercion or seizing of property. While reforms offer significant potential for civic participation and widespread access to the media in remote communities that have long demanded self-managed spaces for expression, operations still greatly depend on oversight and approval by governmental regulators and even by the executive branch itself.

Even the work of community radio is hindered by on-the-ground practices that continue to replicate vertical communication models and professional discourses offering little chance of community empowerment, as shown in the cases of Chilean community radio and the survival of post-authoritarian journalistic cultures within professionalization discourses in Mexico. Yet another example comes from recent Argentinian media law reform. In spite of its most progressive features, which on paper looked promising for media pluralism as well as access and ownership concentration, in practice it has been used by the Kirchner government as an excuse to confront a single corporation, the powerful Clarín group, and not necessarily to promote true media pluralism. To summarize, in a context of weak rule of law and a sustained history of clientelism, the tendency towards deregulation and the

arrival of new political actors competing for power have combined to enable policy capture by media elites and political leadership.

Journalistic Practice, Culture and Autonomy

Concerns about the future of journalism worldwide have focused on shifting business models, new platforms for news production and distribution, and the impact of technology and media convergence on journalistic practices. Yet many Latin American countries remain anchored to unresolved press issues including lack of autonomy, passive reporting, conflicts of interest, political advertising, threats to press freedom, weak, even dangerous conditions for investigative journalism, and political polarization. According to Hallin and Mancini (2004), four dimensions define media systems: the first is the level of development of media markets and the mass circulation press, which, for the Latin American case, means massively popular private television networks and an elite-oriented printed press. The second dimension is the degree to which individual media outlets reflect the espoused ideology of a political party, also known as political parallelism, as well as how general political divisions and social strata are represented in the media. The third dimension concerns the development of journalistic professionalism, including journalists' degree of autonomy, their training patterns, the professional norms they embrace, and the presence of a "public service orientation," as opposed to the "instrumentalization" of news media as vehicles for political intervention. Finally, a fourth dimension analyzes the degree of state intervention in the media system through ownership, regulation, subsidies, or public service broadcasting orientation, which we discussed above. These variables are important for Latin America because they allow us to illustrate how the captured-liberal model impacts journalism, including its practices and discourses.

Argentina, Bolivia, Brazil, Chile, Colombia, El Salvador, Guatemala, Mexico, Peru and Venezuela all have long histories of political and economic instrumentalization—or capture—that have undermined the watchdog role of their presses and, most importantly, greatly limited the autonomy of journalism. This may be due in part to the democratic deficit of news organizations that, immersed in new commercial logics of competition, business pressures, and the challenges posed by digitalization, are confronted by constant pressures from the political world. Such pressures combine with factors exogenous to the media system such as unstable political environments, political polarization, economic crises, weak rule of the law, and in some countries drug violence and organized crime. In such conditions, it is perhaps not surprising that endogenous factors such as reporting practices that serve elites and not citizens, and tensions in the definition of the professional norms and values, are also part of the problem.

Consequently, journalistic performance is under the constant threat of capture by the illegitimate and undue influence of corporate and political interests not only in terms of topics,

tone, and frames, but also in the most basic issues regarding journalists' freedom of speech and personal security. Such interference can be assessed in two critical areas: the difficulties in conducting investigative journalism, and the lack of adequate protection for journalists. Investigative exposés have prompted calls for greater political accountability and fostered debate in Latin America about corruption and wrongdoing, but this type of journalism has been inconsistent and has not fostered more active investigations or improved reporting techniques. Waisbord (2000) documented how most watchdog journalism in Argentina, Colombia and Brazil heavily relied on leaks, fragmentary and unverified information, and the crossfire of denunciations between competing elite sectors.

Political scandals have intensified across Latin America since Waisbord's study. While select cases of high-profile watchdog journalism have fueled democratic aims, many only fed short-term news cycles and even helped advance particular political agendas, thereby yielding political cynicism rather than accountability. Some reporting has relied on what Waisbord (2000) calls *denuncismo*, where politicians are trapped in verbal accusations against each other. Furthermore, in many countries an authoritarian reporting culture centers on *oficialismo*. By following the president and ministers through their work days, covering officials' ceremonious actions and speeches prevails as a reporting methodology and news topic. The news across the region is full of political diatribes, the result of reporting practices known as *declaracionismo*, *declaracionitis* or *declaraciocracia* (Lichfield, 2000; Bastenier, 2009; Márquez-Ramírez, 2012). Although partisan parallelism has weakened in countries like Colombia, the news media still reflect a country's prevailing political forces. Some investigative reporters in the region excel in their work, of course, consistently illuminating cases of corruption and bringing new angles to the longstanding problems of migration, war, violence, and human rights abuses. These journalists masterfully tell the stories of previously unheard voices with in-depth reporting published in investigative magazines, blogs, and occasionally in books. Sometimes, in polarized countries like Colombia under the Uribe administration, reporters become controversial and garner widespread criticism for their interventionist and so-called protagonistic style of reporting on sensitive issues, as occurred with Colombian journalist Hollman Morris and his *Contravía* TV program.

Journalists' organizations have appeared across the continent, some organizing training sessions or seminars funded by regional and international organizations such as the Knight Center for Journalism in the Americas, *Fundación para el Nuevo Periodismo Iberoamericano*, or the International Center for Journalists, to name a few. A new cadre of journalists, photojournalists and documentarians has emerged in countries such as Mexico, Colombia, Guatemala, El Salvador and Argentina, earning praise and prizes for their reporting. Financially and editorially independent digital outlets like *El Faro* in El Salvador, *Plaza*

Pública in Guatemala, *The Clinic* in Chile, *Animal Político* in Mexico, *La Silla Vacía* in Colombia and *El Puercoespín* in Argentina have emerged or consolidated in the last decade. Not only have they organized themselves to share staff training, content and news coverage, but many are paving the way with innovative business models that no longer depend on government advertising, but instead rely on crowdfunding or direct subsidizing from non-governmental organizations or universities. Those outlets exemplify the best journalism of Latin America, and, along with collegial organizations that support journalistic professionalisation—*Periodistas de a Pie* in Mexico is an example—not only advocate for the integration of narrative and literary resources in reporting, but also provide training, participate in open data movements and develop crowd-sourced publications.

These are examples of good news in an otherwise somber landscape. It is important to stress that such media have not emerged as a result of government policies aiming to foster better journalism. Rather, they represent the exception to the rule, reporting stories about victims and ordinary citizens who are all but ignored by traditional news outlets, leaving the "serious" newspapers to continue focusing on the political elite and their statements.

The region's traditional media have made important advances in hiring professionals with higher education in journalism and media communication, particularly in newspapers serving urban areas. Examples are Argentina's Grupo Clarín and *La Nación*, Brazil's *O Globo* and *Folha de São Paulo*, Peru's *El Comercio*, Colombia's *El Tiempo*, Mexico's *Reforma* and *El Universal*, and Chile's *El Mercurio*. Most of them have undergone newsroom restructuring to adapt to the challenges posed by digital production as well as new content platforms, means of distribution and consumption technology. In this sense, Latin American news websites and resources do not differ much from those in other world regions. Yet the higher educational levels of journalists do not necessarily translate into deep and consistent coverage or high quality journalistic debate over the most pressing issues. In fact, calls have increased for higher ethical standards and basic fact-checking, verification and accuracy in digital platforms. New business models initiated by digital environments that shortened news cycles, journalists' excessive workloads, and the poor or uneven working conditions for journalists across countries only offer a partial explanation for the various challenges that contemporary Latin American journalists face. Censorship and self-censorship, pressure from political and economic interests, as well as dangerous reporting conditions persist as obstacles to journalistic autonomy and quality.

Although in theory most countries have protections for freedom of speech and legal guarantees of journalists' access to information, actual conditions of censorship and insecurity in the field constantly curtail those protections. Recent debates in Latin America about the state's role in assuring

journalists' safety and content regulation as a form of censorship demonstrate the importance of domestic legal frameworks on media performance. International bodies can only monitor, make recommendations, and develop press freedom indexes; they have no power in holding authorities accountable.

For their part, local authorities have not only failed in enforcing laws intended to protect journalists, but have themselves become the sources of threats, as has happened in Mexico, Colombia, Central America, Venezuela and Bolivia. In some cases, this has been due to the establishment of parastate forces such as guerrillas, drug cartels and organised crime, while in others, formal political actors who hold office directly threaten journalists or publicly single them out for criticism or confrontation. In Bolivia, for instance, recent legislation prohibiting "racism" has been welcomed by indigenous groups who have long suffered from discrimination in media images and other content. However, the downside is that President Evo Morales publicly complained of unjust criticism by the same media elites accused of endemic discrimination against the indigenous majorities, and even singled out some journalists by name. Some media have subsequently refrained from criticizing the country's first indigenous president, for fear of being labeled a racist under the new law. In Venezuela, Hugo Chavez took matters in his own hands by performing journalistic roles as host of his own TV show, *Aló Presidente*, on which he interviewed ordinary citizens, interpreted public affairs, and provided the sole face of his government. This move was intended to counteract messages in the private media, particularly radio and television, and to reinforce the official media machinery that managed his personal image. Indeed, Chávez's government eventually succeeded in creating a legal framework to control critical private media—some of which he accused of actively supporting a failed coup d'état in 2002—while consolidating an extensive system of official media to spread the government's Bolivarian principles.

Another critical problem is the persistence of laws that criminalize libel and impose heavy fines on reporters and publishers found guilty of offending public officials. In many Latin American countries, criminal codes on freedom of expression are not adjusted to international standards, thereby giving officials the upper hand vis-à-vis journalists. For example, countries like El Salvador or Guatemala establish the government's obligation to convene special courts and juries to resolve disputes over freedom of expression. In reality, however, their ruling often benefits private interests rather than the public interest. The barriers to the protection of freedom of speech have various origins: clientelistic exchanges between media elites and politicians, the weakness of legal protection for freedom of expression and the press under authoritarian rule, the lack of proper protection for journalists in many countries, the power of corporations to block the effects of regulation both through formal (the courts) and informal (discrete political interference) means, or blatant efforts by the state to selectively advance

only certain aspects of media regulations. Thus, there also few legal channels to ensure press accountability to the public.

Besides the visible instances where press freedom is compromised, journalistic autonomy is severely undermined by the very core of media organizations: their (political) business models. Because countries like Mexico, Argentina, Guatemala, El Salvador and Colombia lack proper regulations on government advertising, the distribution of these lucrative contracts is often discretionary. Not surprisingly, with the exception of Peru—where the popular press has gained considerable circulation by exploiting political scandals and crises—readership is low and reporting is aimed at educated and politically-engaged middle classes.

The governmental allocation of advertising budgets or the negotiation of huge sums of money are often exchanged for positive coverage of political actors and their activities, particularly in the run-up to elections. Apart from the governmental advertising openly acknowledged as such,¹ cases of "paid" coverage (or hidden advertising) may include first-page interviews with political actors, or prominent and recurrent featuring of positive news about minor-ranked politicians. In Mexico, the best known examples are *gacetillas*, news-like items which look genuine but have slightly different font size and often contain a photograph. In fact, commentators have noted that from his early days as a relatively unknown politician, to his run for party nomination and throughout the electoral campaign and his current administration, president Enrique Peña Nieto has been strongly supported by small and large media organizations alike due to open and hidden advertising contracts worth millions of dollars (Espino, 2009; Juárez Gámiz, 2009; Villamil, 2012).

It is worth noting, therefore, that the complicity between media and political groups in many Latin American countries is grounded in a historical context wherein media developed with the aim of mediating between political factions and interests, unfettered by civic norms or a monitoring citizenry. Without strong, persistent calls for information access and citizen debates led by civic groups, media accountability to audiences has remained weak. Despite major improvements with respect to political discussion and mobilization through social media in recent years—some examples include student activism in Chile, social protests in Brazil and Venezuela or the #YoSoy132 student movement in Mexico—audience input in the public agenda, and especially civic claims from below—remains relatively absent, leaving the media and political actors and institutions to continue shaping the majority of news content. Thus privatization and electoral democracy has not lived up to the ideals of classic liberalism.

The Captured-Liberal Model of Media in Latin America

Unlike the classical liberal philosophy that envisioned the media as a marketplace for diverse ideas that had to operate beyond the reach and control of the state, a pervasive element

has shaped the historical development of media systems in most Latin American countries. Under authoritarian regimes, governments used a double standard with the media: pestering, or even forcefully repressing, the critical press on the one hand, while forging close-knit relations with entrenched media owners whom political elites favored with protections, subsidies, and contract awards and the like on the other (Fox, 1988; Fox & Waisbord, 2002; Sinclair, 1996).

Following widespread authoritarian rule, some 30 years ago a majority of Latin American countries began to move away from such regimes and turned toward more democratic and politically pluralistic models (Malloy & Seligson 1987). By recognizing—at least *de jure*—the existence of fundamental guarantees, including freedom of speech, freedom of the press, and freedom to own property, the post-authoritarian governments of the 1980s and 90s refrained from the direct exercise of violence and open censorship as recurring and explicit mechanisms of power. Latin America approached the 21st century with a strengthened (neo-) liberal discourse that in theory would reinforce media competition and plurality, as well as greater financial and editorial autonomy, but in practice mostly benefited the largest media corporations. Neoliberal reforms, in fact, had ambiguous consequences not only for media systems, cultural industries and the frameworks regulating them, but also for journalism practices and news media business models.

Thus, in many instances media policy has been used as a political tool—through blackmailing, threats, or domination—for the benefit of media groups or political elites, often in the countries with the most partisan or highly polarized politics, like Venezuela, Argentina and Bolivia. Even when created with the best of intentions, the multiple loopholes in the laws and reforms, confusing or contradictory secondary legislation that sets the actual rules and norms, or the lack of objective institutions that oversee the laws together continue to threaten effective media regulation in the region. This problem was exemplified in Mexico's July 2014 reforms wherein the powerful lobbyists and congressmen with connections to TV networks worked hard to ensure that no media policy jeopardized their interests.

All these trends fall under what we call the “captured liberal media system model,” a common theoretical umbrella—without normative intentions—that helps explain the extent to which factors such as globalization, marketization and commercialism, regional press bodies and national governments all play contesting roles in redefining the media's role in Latin American societies. The term “captured liberal” refers to a predominantly liberal commercial model whose regulations and/or policy-making process is biased in favor of specific economic and political interests and thus challenges existing assumptions about how media should operate in apparently liberal markets.

The term “captured” has been linked to what is referred to as

“state capture” in studies that have analyzed how certain powerful groups in society—mostly, but not exclusively big corporations and firms—affect the outcomes of the policymaking process or the shaping of rules and regulations in their own benefit and at the expense of the broader social interest (Laffont & Tirole, 1991; Hellman, 1998; World Bank, 2000). A large number of studies, mostly focused on Eastern European countries, have used the concept of “state capture” to assess how diverse interests penetrate and control supposedly public spaces of law and policy-making (Begovic, 2005; Omelyanchuk, 2001; Pesic, 2007). In Latin America, Guerrero (2010) has used the concept to analyze three cases where big media corporations shaped broadcasting policymaking in Mexico at the expense of the social interest.

We should emphasize that we use the term in a slightly different manner. Whereas “state capture” refers to a condition where some aspects of the policymaking process and of the design of the rules of the game are twisted in favor of certain specific private interests—a phenomenon that we fully acknowledge continues to happen in media and communication policy—the term “capture” extends further in our chapter authors' analyses. It refers to a situation where, in a context of weak regulatory capacity, powerful extra-journalistic influences shape, determine, and limit the watchdog role of the media. These external influences may derive from global discourses of professionalism, from market logics, from politicians and state agencies, or from the political or economic interests of media proprietors and editors. We therefore discuss the negative, and undue, impact of two elements: states' regulatory weaknesses and the watchdog role of journalism, which is under constant challenge.

Whether addressing the configuration of media systems, communication policies, journalistic practices and discourses, or cultural industries, conditions in Latin America today favor capture either by corporate interests whose loyalties may change depending on who is in power, or by political groups in a media context dominated by private commercial media organizations. We are neither proposing a normative model, nor presenting a homogeneous, all-encompassing and static picture of Latin American media systems. The transitions away from authoritarianism in Latin America have generated different settings and terms of capture. Although in general we find contexts of regulatory incapacity in a media landscapes dominated by commercial corporations, the capturers may vary. In Central America, Brazil, Mexico or Colombia, the weight of media corporations or of certain political groups acting in their own interest may be strong enough to favor certain regulatory or policy outcomes at certain times, or to shape the topics of the public agenda in certain ways. By contrast, in Argentina, Venezuela or Bolivia it is the state—not necessarily acting on behalf of a wider social interest, but against specific private groups—that hinders the media's monitoring role and favors a discretionary application of the state regulations and norms.

As Carolina Matos reminds us in her contribution for the

book, in Brazil, although experts have criticized the Lula da Silva and Dilma Rousseff administrations for failing to propose communication policies to tackle concentration akin to their neighboring countries, the unification of various state and educational channels and the granting of some funds to support regional players are seen as positive steps towards democratic policies. However, even though the Brazilian government has granted hundreds of permits for community media, at least half of them are somehow linked to regional politicians. Moreover, Lula's government implemented a program aimed at supporting cultural production by marginalized groups and communities, who were traditionally excluded from mainstream media production and diffusion, which includes distribution and access provisions to the groups and communities for their own cultural production. However, as César Bolaño argues in his chapter, these are minor policy steps when we consider that the Globo corporation's powerful "cultural factory" has heavily influence viewers' tastes through its ability to commodify national popular culture and identity.

Final Remarks

The critical tradition of media political economy has repeatedly highlighted flaws in the liberal conception of the press by debunking the assumptions that commercial media intrinsically enable journalistic autonomy, public service, pluralism or equitable access to the media content, production of content, or media property (Herman & McChesney, 1997; McManus, 1994; McChesney, 1999). As Curran observes, "the market can give rise not to independent watchdogs serving the public interest, but to corporate mercenaries which adjust their critical scrutiny to suit their private purpose" (2002, p. 221).

A vocal group of scholars, some of whom collaborate in this book, are similarly reluctant to connect Latin America's neoliberal reforms with citizen empowerment. They argue that the structural conditions of post-colonialism in Latin America mean that the communicative nature of contemporary democracy is not in the service of the citizens, but of the elites, even while the media and political elites replicate global discourses of press freedom or journalism professionalism. Thus, the formally liberal model consisting of private media remains constantly—and complicitly—captured either by corporate or political interests.

In the second decade of the 21st century, we witness a region in which the state, especially through regulatory frameworks and media policies that it fails to enforce, has developed ambiguous relations with media conglomerates. In some cases, the state restrains its power and influence, while in others, it maintains a favorable environment for media concentration. In all of this, national and intra-regional politics still play an important role in the creation

of media regulatory policies and their effective reach.

Even though Mexico and Brazil host the largest media conglomerates of the Spanish and Portuguese languages, Televisa and Globo respectively, it was not only globalization and neoliberalism that catapulted them to their transnational domains, but national politics—even while they were under authoritarian rule. Therefore, an important difference to be found in Latin America is that despite the widespread use of globalization as the analytical lens to assess or explain media policy change worldwide, national and regional forces still hold considerable weight. Despite emerging challenges posed by technological advances, digitalization and changing global markets, one thing remains crucially clear: to speak of media policy—whether in the global or local scope, in the digital or analog media—still requires discussion of domestic conditions and the specific weight, maneuverability and accountability of the various actors in the media policy game. Much like 40 years ago, Latin American media observers remain deeply concerned that media systems truly deliver and enable pluralism, diversity of voices, freedom of speech, access to information, fair news coverage, the right to communication, media accountability, audiences' rights, and, at the core of all these, the construction of an engaged and informed citizenry.

Endnote

¹ During the 2012 presidential elections in Mexico, *The Economist* ran a story on the subject, which read: "This is the front page of the March 26th [2012] issue of *El Universal*, one of Mexico's most influential newspapers. The entire page—as well as page two, the back page and the inside-back page—is taken up by a giant advertising for the federal government. This isn't at all unusual. If you listen to the radio in Mexico, no commercial break is complete without an ad for the government or one of its various agencies. The Senate of the Republic is working for you! The Federal Electoral Institute is organising a fair election! The army is keeping you safe! Last year I received a nuisance call from the president himself, who boasted via a recorded message about how many hospitals he had built. The same issue of *El Universal* also contains federal-government advertisements for the Institute of Social Security (half a page), the economy ministry (a full page), the social-development ministry (half a page), the tax agency (half a page), the Institute of Social Security for State Workers (half a page), the state oil monopoly (a full page), the national development bank (half a page), the state-run postal service (half a page), the energy ministry (half a page), the interior ministry (a quarter-page) the state housing provider (a quarter-page), the interior ministry again (an eighth of a page), the state housing provider again (a quarter-page, with the same advertising as before), the environment ministry (a quarter-page), the foreign ministry (a quarter-page), and the health ministry (a full page). That is just in the 42-page main section" (The Economist, 2012).

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