

The Media in Mexico

Power with No Checks or Balances

Roberto Gutiérrez L.*



Protest against the new telecommunications law, also known as the "Televisa Law."

In Mexico's new political stage, one of the main issues in the national debate is the future of the broadcast media. This is no chance occurrence: in light of their growing social, economic and political role, they have become a central component not only of existing power relations, but also of the cultural profile of Mexican society. Since they are in

principle entities formally situated in the space of the ideological and cultural reproduction of society, the media in Mexico, particularly the broadcast media, have both expanded and become more concentrated. This puts them in a privileged position not only in the sphere of producing collective representations, but also in that of the accumulation of economic resources and political negotiation, particularly regarding issues directly involving them.

This is why the passage of a series of legislative reforms in the last stage of the Fox admin-

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istration is especially important: they sharply decrease the possibility of having media that are up to the requirements of social and political democracy.

In fact, the media's growing power can be understood to a great extent by following the expansive spiral, anchored in a very deficient regulatory framework, that has made it possible for its beneficiaries to constantly increase their economic power, giving rise to their undeniable capability to block any attempts at changing that framework and to generally influence political decision-making processes. Certainly, the way in which the industry has been structured and has expanded since the 1950s stimulated the consolidation of a power group that, despite using the federally licensed airwaves as its main resource, has not been subject to any clear system of accountability linked to any kind of public interest.

In a context in which it has not been possible to advance in constructing a legal framework that could clearly define the coordinates of their action, the media have based their expansion on two fundamental premises: the centrality of their commercial nature, with everything this implies in terms of their being run like a business, and their constant adaptation to what they perceive as the requirements arising from the characteristics of the socio-political environment they operate in.

The industry's quasi-monopolistic nature stemming from the way it has

consolidated has drastically reduced what could be the broadcast media's plurality, feeding a logic that distorts the rationalism that should accompany their functioning in a democratic regimen based on the principles of co-responsibility, transparency and accountability.

The structure of the media is less and less in step with the social and political dynamic of the country's democratization.¹ This is expressed in different ways. First of all, because it has led to the consolidation of a pressure group that exerts influence on all the branches of government, and above all on other important social and political actors, bringing to bear its enormous capability not only to massively disseminate its judgments about this or the other point on the public agenda, but also to openly have an impact on its formulation and the way that it is perceived in society. About this last point, Ulises Beltrán has explained succinctly but rigorously the process whereby the media, particularly television newscasts, contribute to formulating that agenda. Beltrán writes that their influence is expressed in five dimensions: they draw attention to public issues; they establish their relative importance; they interpret the messages; they determine the responsibility of public figures regarding these issues; and, finally, their opinion makers present positions that can be adopted as values by the audience.²

Today, the media tend to act in the political-institutional sphere following a logic that has characterized the action of political parties themselves: the aggregation of interests, an attempt to have an impact on the definition of the public agenda and on the decisions made about it, as well as the construction of currents of opinion that support their particular perspective about the overall functioning of the political system. Of course, there are also notable differences with the typical functions of parties, beginning with the fact that, at least until now, their representatives do not openly compete for power nor do they have the degree of cohesion and programmatic and doctrinal unity of political parties. Beyond pointing to the specificity of their profile as unique actors, we should underline the weight of their political presence, above all in a scenario in which parties have not yet fully consolidated themselves as spaces for political socialization.

The media's political function unfolds in a context in which, in contrast with what is happening to the political parties as such, there is no procedural framework to effectively regulate their behavior and determine their responsibilities, a grave omission in the legal scaffolding of the Mexican state. Given the lack of clear parameters to orient media action, and faced with a society marked both by profound inequalities and cultural backwardness and the emergence of a pluralism that has

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gradually reconfigured the legal and institutional conditions of political interaction and competition, media activity has emerged as a politically risky exception to the construction of democracy.

The discussion about the media's role in the process of reconfiguring Mexican public life would have no meaning if it excluded the issue of defining their social responsibility and, therefore, the regulation of their activities, both questions that can hardly be left to be resolved by the media themselves. After all, we cannot forget that, as Jorge Carpizo pointed out, the powers do not usually exercise self-control; it is indispensable to have legal regulations, the establishment of the rules of the game so the mass media can contribute to strengthening the rule of law.³

The broadcast media benefit from a public good, the airwaves, and have a considerable political and social effect, but are not subject to a framework of responsibilities and accountability in accordance with the importance and scope of their activity.

Thus, the recent passage of the Federal Law on Radio and Television (LFRTV), known as the "Televisa Law," represents a new obstacle to the democratization of the media, free expression, the right of access to different sources of information and pluralism, since it favors increased power for the communications duopoly by conceding privileges in the access, distribution and use of new technologies

to big capital in the communications media.

The polemic sparked by Chamber of Deputies' passage of the reforms forced the Senate to take another look at the need to reform the LFRTV, which had not been changed since the 1970s. The Senate debate could not sidestep the existence of prior efforts and the wide-ranging discussions on different fronts about the importance of the media and their role in building democracy.

The recently approved law continues to fail to specifically recognize public, cultural and community media, leaving them at the mercy of the bidding processes through which broadcast frequencies—now no longer analog, but digital—are acquired. It also does not deal with the way in which the public media will be able to finance the technological conversion required under the new broadcasting conditions that will cost millions they do not have.

It is not by chance, then, that the first injunction granted against this law originated in a state of Sonora cultural, community radio station's disgruntlement, since the disadvantage it faces by being forced to compete with the large commercial media is more than evident.

Certainly, with no possibility of being able to foot the bill for using digital frequencies or to compete in the bidding the LFRTV establishes for acquiring broadcast frequencies, the public,

independent and community media are permanently destined to play a marginal role. In addition to the obstacles to alternative media's competing, the LFRTV also fails to open up the possibility for new licensees to acquire frequencies since they will be competing with those who already own other frequencies, who will be given preference.

The creation of an "autonomous" "regulating" body, which the Federal Telecommunications Commission (Cofetel) is supposedly conceived as, is also a problem, because it is not given the power it needs to fulfill its tasks. In this context, a group of senators from different parties, 40 percent of the entire chamber, brought suit before the Supreme Court to have the law declared unconstitutional, arguing that it violates 21 stipulations in 27 articles of the Constitution. It should be pointed out that the Congress had never been sued before by its own members who consider its resolutions illegal and favorable to the powers that be.

The coalition of interests that fostered approval of the reform was evidenced in the process of choosing the members of the Cofetel. After a first presidential proposal was rejected by a majority vote in the Senate because it did not cover the minimum requirements, the chief executive sent a second proposal including the very senators who had promoted it.

Thus, on July 5, 2006, the federal executive proposed Héctor Osuna Jai-

me, a PAN senator, as president of the commission for the next eight years. Osuna was one of the main proponents of the so-called "Televisa Law" when he was president of the Senate Communications and Transportation Commission. José Luis Peralta Higuera, Gerardo Francisco González Abarca, Eduardo Ruiz Vega and Ernesto Gil Elorduy (senator for the PRI) were elected members of the commission

Osuna Jaime and Ernesto Gil are identified as the main PAN and PRI lobbyists in the Senate for the approval of the new law. Other members, like González Abarca and Ruiz Vega, have relations with Televisa and Televisión

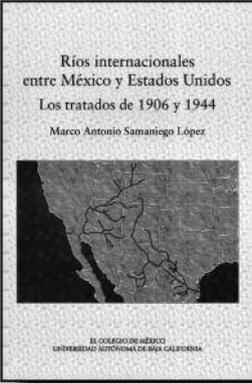
Azteca as private consultants who have worked as legal advisors for the two telecommunications giants.

As is clear, in this scenario, the democratic handling of the broadcast media is in question. This is grave for a country like Mexico where the growing political and social pluralism demands spaces open to a diversity of positions. Thus, what is at stake in the process of definitive approval of this law must be seen as something that greatly transcends the regulation of a specific area of national life, since the consolidation of democracy in the country will depend to a large extent on the new norms established.⁴ ■■■

NOTES

- ¹ See Epigmenio Ibarra and Javier Corral, "Los medios electrónicos en el marco de la reforma del Estado," paper presented at the Fifth International Conference, published by Mexico's Chamber of Deputies Radio, Television and Cinematography Commission in 2002.
- ² Ulises Beltrán, "Noticieros, noticias y opinión pública," Guido Lara and Adriana Arizpe, comps., *Comunicación política y democracia* (Mexico City: Cal y Arena, 1998).
- ³ Jorge Carpizo, *Nuevos estudios constitucionales* (Mexico City: Porrúa/UNAM, 2000).
- ⁴ For a broader analysis of the relationship between media and democracy, see Roberto Gutiérrez L., *Información y democracia. Los medios de comunicación social y su influencia sobre la política. El caso de México* (Mexico City: Ediciones Pomares/UAM-Azcapotzalco, 2005).

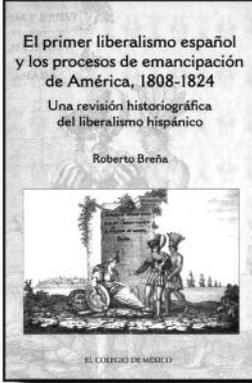
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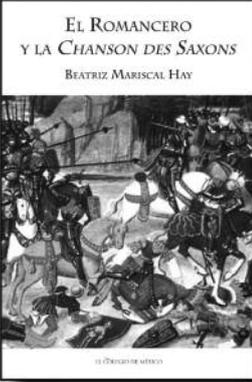
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