

TRANSLATION: Culture Industries in Argentina and Mexico

“Are You Serious About This Spanish Thing?”

Toby Miller

My title comes from remarks made to the then-President and Chief Operating Officer of NBC, Andrew Lack, on the links of corporate America in 2002. Perhaps they were passed affably, perhaps coquettishly. NBC had just invested in Telemundo, a Yanqui Spanish-language TV network. Lack reflected on the reaction from other *anglo parlantes* like this: “It’s a little unsettling when you’ve spent close to \$3 billion and people come up to you and say, ‘So, you’re serious about this Spanish thing?’” (quoted in Romano, 2002).

As with the bourgeois US media, so with most of its scholarship. Must we keep reading, ramifying, and ratifying the dominance of the English language in academia by requiring everyone to write in this language in order to “count” (Miller, 2013)? That hegemony means that people from major and minor scholarly institutions alike will not understand many significant theorists and analysts—unless their work is translated.

It’s really a wonderful, as much as a “Spanish,” thing that the editors of *Critical Studies in Media Communication* have initiated a translation project as part of their work. The introduction of regular space and the allocation of skilled resources to this end can only be welcome, especially in a field such as critical communications that presumes a radical perspective on global affairs. Given the journal’s provenance as part of an avowedly nation-based association, theirs is an even more notable decision.¹

This slender, but I hope substantial, dossier features work done in Latin America in Spanish on the media and communications. It comes from two notable sources: the late Octavio Getino and Mexico’s media-reform movement.

Octavio Getino was a remarkable man. Associated with radical change throughout his eventful, inspiring life, Getino embodied paradox rather than the arrow-like, unswerving teleology of conventional academia. Many readers familiar with one part of his *oeuvre* may be surprised to discover how many Getinos there were.

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He was a leftist and a *Peronista*. Connected to Third Cinema, he was a Spaniard who migrated to Argentina. A brilliant filmmaker, he is perhaps best known for his collaboration with Fernando Solanas, *La Hora de los Hornos* (*The Hour of the Furnaces*, 1968). Yet Getino was also a bravura short-story writer, an accomplished political economist, a skilled polemicist, an agile editor, an entrepreneurial organizer, and a policy activist. Some of his work is available in English, but most is not. For those who read Spanish, much of it, along with video interviews, is available at <http://octaviogetinocine.blogspot.com/>.

There is no space in this preface to explain what he stood for. But there is room to urge readers who separate such activities in their minds or their own work to problematize the fetishization of cultural production versus academia, filmmaking versus policy analysis, political economy versus creativity. Getino was a force to behold in all these areas.

The essay presented here is a classic work of tendency, taking on globalization as a fundamentally imperial project. Always alert to the contested nature of hegemony, Getino is nevertheless conscious that power blocs continue to thrive in a world structured by inequality. As concerned by infantile protectionism as by domineering imperialism, he seeks a new entrepreneurialism that is attuned to national cultural interests and offers a riposte to the power of Hollywood.

Getino was fascinated by new voices and sought opportunities for them to gain expression, particularly in opposition to authoritarianism. He would have been very taken with Mexico's vibrant media-reform movement. To illustrate the power of this formation, let me share a story.

Prior to the 2006 presidential elections, I was invited to Mexico for the FERIA Internacional del Libro de Guadalajara. Part of my mission there was to participate in a semi-private, but not secret, and very capacious roundtable dedicated to devising cultural and communications policy for the incoming administration, which many, but not all, thought or hoped would be socio-democratic. (It wasn't, as things turned out.)

Tentativeness, bureaucracy, and fog delayed my journey from the Distrito Federal. I arrived when the meeting was already underway and entered a roomful of distinguished-looking people, both young and old, almost none of whom I knew. I didn't speak, partly due to my lateness and partly to my lack of expertise. I was struck that several participants routinely referred to the work of Antonio Gramsci and Walter Benjamin, as well as the former's concept of the national popular (Massardo, 1999 outlines the significance of this idea in the region).

After the meeting, I found myself querying a friend about academics referring to theorists in ways that might alienate activists and policymakers in the room. My interlocutor, a former clandestine Maoist turned senior academic, smiled and told me that the people who had been admiringly citing these writers were members of the *Congreso de la Unión* (<http://www.congreso.gob.mx/>), one from the left and one from the right. This was truly a different world from the anti-intellectual sphere of Anglo policymaking, which was more familiar to me. Cultural theorists and committed leftists being cited approvingly by *diputados* and *senadores*? Come on.

Regardless of their political affiliation, all the people at the roundtable were committed to doing something about the concentration of communications power in a few hands. Like the media-reform movements in the US (<http://www.freepress.net/>) and the UK (<http://www.mediareform.org.uk/>), Mexico has seen organized protest and resistance to the corrupting, mind-numbing oligarchy of ownership, control, interest, and ideology in the media and associated technologies.

Amongst the distinguished scholarly co-authors of the document written and translated for this dossier, Aimée Vega Montiel is the academic and research coordinator and Raúl Trejeo Delabre the President of the Asociación Mexicana de Derecho a la Información (Mexican Association for the Right to Information—AMEDI: <http://www.amedi.org.mx/>), an important lobby group representing activists who are keen to change this state of affairs. André Dorcé has been both an historian and ethnographer of *telenovelas* and viewers' ombudsman for Canal 22, the capital's public television station, while Patricia Ortega Ramírez coordinates the public media research group of La Asociación Mexicana de Investigadores de la Comunicación (the Mexican Association of Communication Researchers) (http://www.amicmexico.org/portal_amic/).

AMEDI's consultative committee includes everyone from Gael García Bernal to Néstor García Canclini—further evidence of the way that cultural production, policy, theory, and activism can be aligned rather than fetishized away from each other. The piece published here catalogues the journey Mexico has taken towards media reform through a new regulatory infrastructure that contains some useful elements of the US and other systems, but makes the narrow-minded vision of the Federal Communications Commission look badly dated.

Both articles show communications at its best: having something major to say as international/national critique; finding ways to alleviate the situation described; and doing so in a lively manner. From the late veteran activist Getino to today's applied intellectuals, we can discern traces here of public interventions that are as theoretical and political as they are pragmatic.

Note

- [1] It's too bad that my attempt to read the two-page introduction to the first issue under their editorship, which highlighted 'increased access' and 'global engagement' in its title (Decherney and Sender, 2014) was stymied by the request to pay US\$39 for the privilege. I confronted this sitting in a bookstore in Cartagena de Indias, alternately fretting about and luxuriating in my status as a would-be reader without a permanent/full-time job and hence access to the journal via an institution. I should add that, as the editors avow in the part of their article that is freely available, they have been successful, dedicated advocates for fair use, and are operating within the constraints of conservative professional and commercial norms that are set and continued by others.

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The Culture Industries: Between Protectionism and Self-Sufficiency

Octavio Getino

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From Economic Globalization to Cultural Globalization

We can agree that the project of globalization, which nations and the most powerful economic and financial interests of our time want to install across the planet, represents but one perfected variation of that which across history has been the politics of hegemony or domination, known always as imperial, colonial, neocolonial or other similar classifications of power. After all, it has not been so many centuries since the mouthpieces of Emperor Carlos I of Spain—or Carlos V of Germany, depending on your perspective—proclaimed the existence of a power “in whose domains the sun never set.” Such a dream is resurrected today by some well known “imperial” representatives, although this time with fewer consensuses than under the aforementioned Emperor.

Nevertheless, globalization itself introduces new situations that, unlike any other moment in history, affect the economy and in the vital life of nations, regardless of

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the political system they represent. The increased concentration of wealth in certain territories and social sectors, as well the growing exclusion of the majority of humanity from basic human rights, are some of the results of this project, as shown by the data on wealth and poverty and the social violence experienced daily by the greater part of the world.

This dominant facet of globalization—which in turn necessarily generates another, resistant globalization—is easily visible through numbers and statistics, given that it principally operates on those tangible planetary resources that can be measured, weighed, and counted, such as figures of investments, profitability, employment, environment, and all things related to our visible reality.

Naturally, a model of control and/or domination of material, planetary space like this one requires, as always, the simultaneous labor of hegemony, and, necessarily, the ideological and cultural domination to impose and legitimate it.

It has also not been so many years since, in the Cusco, the Visitador Areche ordered the savage killing of Gabriel Condorkanqui, better known as Tupac Amaru, and a better part of his friends and family, devastating their homes, clothing, trumpets, and records, resulting in the use of schools to obligate native peoples, more emphatically than ever, to literally “join in the guild of the Catholic Church and the kindness and sweet domination of our kings.”

The project of cultural and educational hegemony has never been the exclusive provenance of a determined nation or sectarian interest, but rather mandated by all those great powers that aspired, as they continue to do today, to impose their designs on others. Ultimately, all politics of domination is nothing to them but the continuation of war by other means, wherein it is not sufficient to win but rather to win—to destroy the soul, the fortitude, and the essence of those defeated—by asserting that resistance is futile.

The tenuous thing about educational, cultural, communication and information globalization, older still than the *Pax Romana* resuscitated in our day, continues to be one of the most powerful and indispensable factors in legitimating the power of this project, to project a geopolitical corporation of global proportions that dwarfs that of the Roman Empire.

Now the possibilities of cultural globalization may not seem to be as successful relative to the experiences of other areas, like the economy, finance, technology, and manufacturing, for example. In both the short and the long term, it would be difficult to standardize the imagined communities that have been constructed and settled through many years of locally embedded historical and social experiences. Such a project could stimulate many forms of resistance, rational or emotional, scientific or mystical, destined to confirm one’s personal culture as though it were the essence of one’s life.

Perhaps for this reason, dominating the culture of the general public doesn’t figure explicitly into the agenda of those who aspire to redesign global power. Rather, coexistence with certain manifestations of this culture is deemed potentially fruitful, as illustrated by the approaches of many informatics, publishing, and entertainment wings of the culture industries. It is strategic that many the cultural activities and

services of peripheral regions like ours are recognized and supported by First World governments, foundations, and transnational companies. In this sense, there is seemingly no contradiction between the act of fabricating atomic bombs or tactile missiles and providing support for art exhibits, concerts, scholarships, and artistic grants, art publications, the preservation of national parks, modernization of museums and libraries, the valorization of archeological ruins, events of “high culture,” or popular spectacles.

The Culture Industries as “Centers of Gravity”

There exists nonetheless a cultural sector that escapes this supposed benevolence, and where voracious appetites are awakened. It corresponds to the culture industries, a vast and intricate universe that is hardly a century and a half old. They include different, sometimes complementary systems of information, communication, education, entertainment, culture, and wisdom (as per the Greek *tetradracma* of four centuries before Christ, symbolized by the coarse visage of the Goddess Minerva—symbol of agriculture, wisdom and poetry—and in the grave stare of the owl, wherein lies the whole of man’s wisdom).

The desire for global domination resides within this universe, today more than ever. It is not a question of conquering or dominating a given culture holistically, but of controlling its center of gravity, which results in wars for control of vital spaces that decisively affect the whole.

For the ancient builders of empires, this center was their armies; for their more recent successors, it is the spaces with the greatest concentration of energy, industrial and urban, from which, in our time, emerges the camp of culture. The acknowledged and fought over center of gravity is none other than these industries. Popular culture is the soul of the people—or, as Edgar Morin adds, that which mediates between reality and dreams. The culture industries are, as it were, the motor that mobilizes in one way or another. The direction depends on the guidance of those who control the rudder and its horizon and those who, like us, are simple citizens, validate or challenge the process through our consumption and demands.

But just as globalization does not operate in the same way on the economy as on culture, or on culture in general as on the culture industries in particular, a similar thing happens when we consider what occurs within these industries. Globalization and diversity are experienced differently in one industry or another, so it is best to avoid constructing too general a model.

This universe of different synergistic relations was installed in various ways in our countries, and grew from the end of the nineteenth century until the middle of the twentieth century without requiring the help of states. In almost all cases, its development and consolidation were left to the investments of national businesses and social organizations. This period saw the emergence of the book, newspaper, magazine, film, music, radio, and publicity industries. There was almost no protectionist legislation, the significance of the term “cultural diversity” was ignored, and the majority of national constitutions did not yet include the word “culture.”

Local businessmen and, to a lesser degree, social organizations financed cultural productions and services with their own resources. Successful returns and profitability resulted in ample tax revenues, which helped to balance the national budget.

The state did support this development—not through significant investment, but via policies oriented towards general economic and social development, which in turn benefitted the culture industries. Educational and literacy policies, art and technical programs, broadcast services and cultural promotion, support for authors and artists, preservation of cultural heritage and other measures carried out in the public sphere were not specifically intended to support the development of the culture industries, but they represented a powerful incentive without which these industries would not have been sustained within the country, much less beyond it.

Obviously, this development reflected an environment where national industries were stimulated via an alternative import model that formed part of a more equitable economy than the one we know today, oriented towards the support of cultural consumption. It is worth noting too that the global environment would have contributed very little to the development of the culture industries had there not been mediatory business policies dedicated to hearing and satisfying the cultural demands of local and regional markets. It suffices to scan the landscape of content produced in Argentina in the first half of the twentieth century by the radio, music, and film industries, as well as books and periodicals, to see in them the significant presence of the collective incarnation of the people and their cultural demands.

From Self-Sufficiency to Protectionism

But globalizing changes that arose both locally and internationally affected all our societies, including the culture industries of the region (Latin America). With the consolidation of North American power across different parts of the world came the collapse of national industrial capitalism and a relatively even distribution of wealth. This translated into a decrease in the salary and purchasing power of the majority of the population, and a greater dependency on imported machines, goods and cultural content from the industries of the Northern hemisphere.

It also disturbed the television industry, that revitalizer of audiovisual industries. The film industry entered into crisis due to the inability of business relationships between film and television industry leaders to develop as they could in the United States and the lack of European-style public broadcasting. The state had to deal with these losses by putting into place policies to stimulate and protect the film industry, imposing mandatory quotas for local movie theaters and establishing prizes, scholarship and subsidies for national employers.

In turn, it was left up to the government of a few nations, like Argentina, to fund the creation of television channels, but they were subjected to a North American programming and financing model. Rather than fostering a local culture industry, the economic policies put in place by military and civil governments opened the country up to fleeting foreign investments that took advantage of all that was within their

reach, until, satisfied, they departed to the next destination, or stayed in the country but making commercials rather than full-length or serial narratives.

This affected some industries more than others but, generally, the presence of cultural goods produced in the country started to experience a gradual decline originating not so much from the specific policies of the cultural sector, but from more general policies that stifled the ability of the culture industries to compete with what was coming in from other countries, and with a rapid decline in traditional cultural consumption on the part of large segments of the population.

The true Ministry of Culture, like those of Health, Education, and Housing of many of our countries, is represented today, as it has been for some time, by those of the Economy and Property, since the policies put forth by the latter sectors determine the scope of possibility for the former, as well as for consumers. They shape the demands of the population, from activities and values to social mores.

From Protectionism to Concentration to Transnationalism

Recently, the most relevant sign in the life of our countries is the concentration and transnationalism of the economy in general and the culture industries in particular. Mergers and alliances between large international corporations have set in stone, at least for the moment, property and power relations on a global scale, with a direct effect on local industries, the market, employment, production, and commercial technology and content production.

It is essential to remember, for example, that in Argentina the total percentage of transnational sales of companies in the cultural sector rose from 38 percent to 59 percent in 1992, and by 1998 had reached 80 percent of movie theater revenues, 74 percent of advertising billings, 54 percent of publishing and graphics, and a similar percentage of television and multimedia. These figures give an approximate idea of the extent to which the country's culture industries have internationalized. There is the additional problem that new foreign owners of these industries generally conceive of cultural goods and services in terms of commerce, and beholden to the same economic considerations as industrial manufacturing.

This situation primarily affects small cultural businesses. In addition to their economic dimension, they represent intellectual capital in the design and development of symbolic values. These firms reflect the cultural diversity of a society to a much greater extent than particular groups or industrial conglomerates. Local radio stations, cable television channels, small local or regional editorials, local record companies, topical and niche publications, movie directors who produce their own films, and media channels dedicated to the promotion of new works from unknown artists are the most vulnerable to mergers within the culture industries. This erodes diversity of content and the values it reflects—the very purpose of these industries. That is to say, democracy itself is affected, both within the realm of culture and, more broadly, in its foundational recognition of others as a recognition of ourselves.

A study by UNESCO-CERLALC recently maintained that “in the same way that biodiversity, that is to say, the immense variety of forms of life developed over

millions of years, is indispensable to the survival of natural ecosystems, those cultural ecosystems composed of a complex mosaic of cultures need this diversity to preserve their various roles to the benefit of future generations.”

Cultural diversity emerges from memory and habitat—what some thinkers define as blood and soil—of different social groups, communities or nations, along with the authors and creators that represent them on an individual level. It emerges from a specific and concrete place, nourishing itself from the multiple areas with which it interacts dynamically, and enriching in turn the universal from itself.

Globalization and transnationalism, instead, suppose a hegemony or economic domination on par with the cultural, which threatens said diversity and works against what could be a real universalization of culture.

From Culture Industries in General to Culture Industries in Particular

In this last period, industry mergers in our countries have privileged less the production of cultural goods and more the reorganization of a capitalism traditionally conceived for production, a capitalism for the product, meaning for sale, for market purposes. In this way, sales, more than production, are the center of gravity for transnational investors. We are barely noted abroad for our design and production industries. Albums, books, movies, cable channels, public service campaigns, technologies, and other materials are goods whose creative design and production are undertaken only in the most industrialized nations then bestowed upon peripheral and dependent countries that, Argentina, are but a point-of-sale.

Some industries are less affected by this trend and continue to respond to cultural demands of the population that remain unmet by transnational corporations, where local companies can more successfully compete. In the case of radio stations, they are dedicated largely to offering musical content produced by industry heavyweights, but also to respond to the information or entertainment needs of the population that can't be satisfied by stations from other countries. The press, from magazines to newspapers, is also useful for publicizing the goods and services provided by large international companies, but shows little economic or political return for transnational conglomerates.

Something similar occurred with deregulated television, in which local content is regularly preferred by the public and represents, at least in Argentina, between 60 percent and 70 percent of programming airtime. For its part, the book industry, despite being increasingly under the control of Spanish publishing houses and other parties acting as subsidiaries for powerful international holdings, still encounters significant local demand, and has difficulty only with market access and distribution.

It is evident then that internal cultural demands can still sustain, without the immediate need of protectionist policies, the majority of the national culture industries, though that may not mean that the symbolic values produced by these industries necessarily correspond to the requirements for real cultural and national development.

Nevertheless, the Achilles' heel of the culture industries is basically situated in a subsector with the ability to affect them as a whole, and the arts in general: the audiovisual industries, more specifically, film. It is precisely on this industry that the governments of a large part of the region concentrate the bulk of protectionist legislation in a way that is distinct from any other industry of this nature, even from projects intended to generate relatively more permanent and systematic activities and services beyond filming television commercials or institutional promotional shorts.

This case is important because it is the most relevant example facing globalization, for which the state appears in some countries to be the director and promoter, and yet the rest of the culture industries shine in its absence, at best buying books to distribute to libraries and schools, maintaining some radio and television stations which are for the most part in debt, or offering contests to provide prizes for amateur audiovisual projects that rarely ever grace the television or movie screen.

It is known that the significance of this industry is rooted not only in the thousands of millions of dollars facilitating the production and distribution of movies and television programs—50 billion US dollars alone—but also in the possibility held within the very language of audiovisual media itself, palimpsestic by its very nature, to induce as enjoyable a comedy a clip or film of special effects alongside incentivizing the consumption of many other products. This is in addition to the ideas and values that are embedded in these images and sounds.

Hollywood, in short, doesn't sell movies, but ways of life, which is why it represents an important strategy for the Department of State and those who control the North American economy. Someone once said that when "Uncle Sam" calls Hollywood, he responds hastily and obediently, to which we might add that when the big studios need the political support of the State, they are quickly appeased. Proof of this can be seen in the threat of reprisals toward the Mexican government, made by the eternal representative of the major corporations, if the President didn't veto the protectionist measures approved in 2003 by the country's National Congress, which consisted of a 10 cent tax on movie theater tickets—much like that put forth by the Argentine legislature—to reinforce local film production.

The debates and confrontations that have taken place over the years in the GATT, and which are repeated—albeit more tentatively—in the WTO, are sufficient proof of the international struggle for control of the cultural industries' center of gravity, and by extension, the cultural, economic and commercial worlds. The condition of the film and audiovisual industries is thus owed particular attention, given that it is one of the most explicit examples of the conflict between globalization and cultural diversity.

At this point, and at the risk of questioning the traditional protectionist practices of some Latin American industries in this area, we can assert that until now they have not demonstrated any substantial advances in the development of real local industries that could sustain and develop national audiovisual culture. Successive laws, resolutions, decrees, rules, and aid of various sorts have only served as a defensive mechanism in the face of the onslaught of North American industry. What is certain is that the protectionism of the political powers increasingly requires an

incremental expansion in order to respond to the challenge of unequal international competition, and the incapacity on the part of businesses and local governments to overcome this defensive strategy. The attention of film producers is thus concentrated more than ever on getting a satisfactory response from the powers that be, with which the evolution of demand and consumption is practically completely under the control of the North American majors.

The submission of the state to the market has been common practice in the better part of the region. The increasing privatization or denationalizing of our fundamental economic resources—in addition to basic services like telecommunications and broadcasting—and the growing internal and external debt, aggravated the economic situation of each country, curtailed national budgets and relegated to the background those industries which received protection, when they weren't being directly eradicated.

To this is added a protectionist practice on the film industry of some countries that resulted in an even greater dependency on the part of producers to governmental organizations, with particular attention focused in the change of officials at every election to markets.

If we start from the presumption that film production is supported almost entirely by the resources that each citizen contributes to the finances of their state, and in turn to the financing of their film industry, the returns on the part of producers and creators—developed and enriched by their own professionalism and creativity—appears a *sine qua non* of democracy.

Alternatives to Globalization and Diversity

What is the alternative, if any, to this supposed option, set in stone, between protectionist policies to support diversity in the audiovisual sector, and the “McDonaldization” of culture that feeds the machine of globalization?

First, it is indisputable that if we consider culture as, among other things, the expression of the collective memory and imagination of our people, then nation states have the legitimate right, and the irrefutable obligation, to put forth cultural policies through free elections, free from any external constraints and within a framework of active support from national cultures, as in the case of the human rights and interests of the communities represented. This implies regulating and protecting the development of the rights and interest of diverse cultural camps and the industries that represent them, through regulating their activities to guarantee fairness and competency in local and transnational production, with, depending on the circumstances of each country, the state even producing those goods and services that are unable to be met by the private sector but which are essential for the good of the community.

Renouncing this means, in those countries with the least development, also renouncing their cultural properties, not those, we repeat, that *are* established, but those that *are becoming* established through exchanges and intermingling with all other cultures.

Second, we might say that protectionism, which has been practiced by some countries in the last few decades, protects our industries less and less, most notably our film and audiovisual industries. It is thus clear that the active support of those cultural activities and services is a responsibility the state cannot delegate, but those vigilant forms of protectionism over the industry, given the historic experiences of our countries, deserve to be rethought in the light of new circumstances, precisely so that they can actually *protect*. This obligation is also our duty. If we do not have a satisfactory response to this dilemma, it will come at the hands of others who are responsible for our difficulties.

We protect, individually, those who do not yet know how to walk and those, like adolescents, who are known for their constant demands. Yet protection is not destined to perpetuate these given situations, but instead to improve them. That is to say, we move on from adolescence, or at least from youth, which represents a move from demands to dreams.

Let's agree that many local businessmen from the cultural sector, and from other industrial sectors, are fixated more than ever on a situation aggravated by globalization, on complaints, orders, and claims instead of letting their imagination run free to reunite those investments necessary for self-sustenance, without which it isn't possible to grow. And, overall, to do it freely, an indispensable approach to the recreation of imagined collectives and copyrights, the legitimate realm of the culture industries in general and audiovisual industries in particular.

At a certain point, protectionism, resistance, and defensive strategies that don't have as their ultimate goal the creation of entrepreneurial self-sufficiency could lead to unethical practices that compromise the cultural good. To corroborate this would only require observing what is going on around us and the deterioration of important sectors of our economy.

Therefore the alternative to the problem of diversity that survives only thanks to State protectionist policies over a few culture industries would not be to cut back on them, but rather to redefine them. It is a question primarily of fomenting and increasing their capacities within a realistic framework—which is not that which we desire and much less that which we can control—before turning to limitations or restrictions on that which is foreign. Or, by the same token, making increasingly unnecessary the presence of state subsidiaries and economic aid, except in those countries where the strain of the domestic markets or the absence of audiovisual industries still require such involvement for the continued production of their own images.

Such an alternative approach to development doesn't only depend, as it has been said, on specific policies geared towards the culture industries, although some of them, like the audiovisual sector, require them more significantly. It takes root, above all, in the changes that can be introduced more broadly into national politics—which naturally include the economy, a range of industries in general and the fair distribution of income in particular—and in the sense that both are similarly primed for the benefit of the population. This calls, therefore, for the development of programs and multi-sectional strategies, and for the implementation of

interdisciplinary activities to stimulate our own productive capacities, which will require simultaneous policies and strategies on diverse fronts, given the complexities of the sector with which we are concerned.

In sum: we understand that the politics of culture are bound by concepts of protectionist and defensive policies towards the system of culture industries, and toward audiovisual industries in particular. They face a very limited future if they do not set out more ambitious goals, like those that encourage and boost, depending on the circumstances of each country or region, existing economic, human and technical resources to balance strengths and become capable of competing, locally or regionally, with the transnational industries that today hold a hegemonic dominance over the system.

Octavio Getino

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Consultant for international organizations (UNESCO, PNUD, PNUMA, etc.) on the topic of communication and development in various countries throughout Latin America.

Directed, in Argentina in 1992, the country's first research project on the economy and the national culture industries. In 2001, coordinated the first stage of the *Economic, Social and Cultural State of the Culture Industries* project in the MERCOSUR countries, approved by the region's Ministers of Culture.

Professor of Communication and Culture in universities in Argentina and across Latin America. Among his most recent books are: *Culture industries; Cultural MERCOSUR* (Ed.), *The culture industries in Argentina; The economy and public policies, film and television in Latin America; Production and the market, tourism: Between leisure and business, Cultural Identity and Economic Development in Latin America and the MERCOSUR*.

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Telecommunications and Broadcasting Reform in Mexico in 2013: Key Elements of the Process

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The goal of this article is to analyze the key elements of the process of reform of Mexico's telecommunication and broadcast sector in 2013. The historic antecedents that ushered along the development of a model of concentrated power were reviewed and the actions of a few key citizens were revealed as an important counterpoint to this history. That counterpoint was echoed by initiatives from the country's three political parties and the President. The most significant points of this reform, as well as some of its challenges, are analyzed.

Antecedents: The political landscape of Mexico has been determined by a presidential structure that has historically monopolized political and legal factions, resulting in a great concentration of power in the hands of the President. Over seven decades, the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) governed our country with a nearly totalizing force. During those years, the discretionary and complacent relationship between the government and the radio and television industry facilitated both the financing of an authoritarian Presidential regime and the growth of the media.

Among the powers of the President has been the unilateral allocation of radio and television licenses. The absence of a state policy that privileged the notion of public service in the regulation of broadcasting and telecommunication, the stagnation and the empty legalities of our juridical norms in this regard, and the power relationships

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that have existed between our political class and the media industry all contributed to a system of communication in which the following prevail:

An extreme concentration of broadcasting resources in the hands of only a few companies, particularly in regards to the television industry, where two firms, Televisa and Television Azteca, monopolize 94 percent of commercial television signals.

A telecommunications market under an economic monopoly. Through his two companies, Telmex and Telcel, one individual, Carlos Slim, controls 80 percent of the landline and 70 percent of the cellphone market.

Limited diversity in the distribution of broadcasting signals. Of the 2045¹ radio frequencies that until 2012 the Federal Communications Commission had inventoried, 80 percent (1635) were allocated for the commercial market while 20 percent (410) were allocated for use in educational, cultural, and experimental purposes. The case of television was similar, and, during the same time period, commercial television was allocated 68.43 percent (672 channels) of all the channels in the country. Of these, 31.57 percent (310 channels) were allocated to public television.²

But the problem of a lack of plurality in the distribution spectrum becomes even more serious when we see that the majority of the frequencies without commercial ends have been granted to state governments or federal institutions rather than universities or social services. That is to say, of 402 radio frequencies, 62.2 percent are concentrated in hands of state or federal governments. In the case of public television, 92.1 percent of its channels were in some way dependent on government aid.

The laws that regulate telecommunications and other electronic mediums effective until at least 2013 emerged during the prolonged hegemony of the PRI. The Federal Radio and Television Act was passed in 1960, 10 years after the emergence of television in Mexico, and 30 years after the birth of radio. Since then, strong interests in the broadcasting sector have determined the direction of the rules in place to regulate it. In 1995, a Federal Broadcasting Law was put into place.

Since the last few years of the twentieth century, Mexican politics has diversified as various political parties consolidated. In 2000, while the presidency was taken over by a political party other than the PRI, the change did not facilitate the democratization of either media structures or the laws regulating broadcast media. The complacency, and even submission, of governments (headed for over 12 years by the National Action Party [Partido Accion National, PAN]) to the broadcasting industry not only maintained but increased the privileges bestowed on media owners, which led to their consolidation as one of the most powerful influences in the social, cultural, and political life of our country. The sector opposed any change to the regulation of media that might have altered or diminished its privileges. In 2005, urged on by changes that the industry faced in the digital age, the powers that be sought to secure their interests and increase their influence in the media sector, and in 2006 achieved legislative approval of reforms to federal broadcasting laws in their favor. These

reforms were actually drafted in the very offices of Televisa, the most powerful of these broadcasting companies, and were henceforth referred to as the “Televisa Law.” But counter-power was also at work, and a year later, thanks to the efforts of a key group of senators, Mexico’s Supreme Court declared the main articles of the legislation unconstitutional.

Since December 2012 the presidency has once again been in the hands of the PRI. Three political parties, the PRI, PAN, and PRD (Partido Revolucionario Democrático) garner more than 75 percent of the votes, although none has an absolute majority in the Senate. President Enrique Peña Nieto and these three parties initiated a *rapprochement* in a bid to push forth ambitious legal reforms influencing social, political and economic life in Mexico; amongst them can be found constitutional amendments regarding the media that were recently passed by Congress.

Key Elements of the Reform

Reforms to media law would not have been possible without this collaboration between political parties. Proposals to update existing media laws in Mexico had regularly been put forth in previous decades, but little progress was made, because political parties were hesitant to confront powerful media corporations.

The media companies’ abuse of their power eventually became the very catalyst of reform. Only when the government finally understood the need to counteract these abuses, with stronger and more transparent regulations of the media, were previous suggestions from advocacy groups, media scholars, and media professionals undertaken.

The reforms approved by Congress in 2013 modify eight articles in Mexico’s Constitution. The level of detail in these new regulatory measures points to the aim of the political class to ensure the reforms are implemented. It has already been seen that powerful media corporations can influence legislative decisions and other political matters. Party leaders, and President Nieto, wanted to make sure that these reforms were taken seriously and not simply dismissed as meaningless rhetoric. A senior PRI party member, Jesus Reyes Heróles, had been saying for nearly 35 years that, in politics, form is the foundation. This is now the case thanks to these ambitious constitutional reforms, which address the right to information, telecommunication and broadcast regulation, and the growth of bandwidth.

The modification of eight articles of the Constitution, alongside 18 transitional articles that are not part of the Constitution but reflect congressional decisions, address 12 key issues:

The acknowledgment that telecommunications and broadcasting are public services. This implies that the state guarantees quality, competence, diversity and coverage, among other things.

Diverse open access television. Until now, only two companies (Televisa and TV Azteca) had broadcast stations with national reach. There will be two new commercial television stations, and one new public broadcasting station. The

transition to digital cable should be completed by the end of 2015. The new channels that will become available thanks to the digitalization of certain frequencies won't be automatically utilized by the companies that actually manage the stations; rather, they will be assigned by regulatory authorities on the basis of competence and quality. Up to 49 percent foreign investment in the assets of broadcasting networks will be permissible.

Diverse cable television. Televisa, which controls approximately 70 percent of cable and satellite television market, will lose its dominance. Telmex, the company that dominates the phone market, will broadcast television through its telephone lines (an option which had not been permitted for 12 years). Cable providers will have the right to broadcast public television channels (national television stations have not permitted their signals to be carried by anyone apart from Televisa). Public stations belonging to federal institutions will be broadcast by all satellite and cable providers.

National system of public media. There will be a public organization, autonomous from the government, in charge of funding non-commercial broadcasting. Its President and board members will be selected by the Senate. All public media will have freedom of press, be financially independent, involve civic participation, and be fiscally accountable and transparent; that is to say, they will not depend solely on federal aid. More importantly, they will not depend on the government.

Broadcast diversity. The largest telephone company (Teléfonos de México, owned by Carlos Slim, which controls 80 percent of landline subscriptions) will have to make its national network available to other telephone companies, without conditions. Telephone companies also cannot turn to the legal system to suspend the decisions of regulatory authorities, as they have done for a long time (in Mexico, regulations have been postponed for over 10 years due to litigation).

Limits to monopolies. The Federal Telecommunications Institute (see below) will regulate competition in telecommunications and broadcasting. There will be prorated rules to eliminate barriers to competition, meaning the most powerful companies will be more heavily regulated in proportion to their hold on the market. When a corporation holds more than 50 percent of users, subscribers, audience, or network traffic, it will be considered dominant and hence subject to special regulation that may divest its assets.

Government concessions. Broadcasting and telecommunication licenses will now be issued by the Telecommunication Institute. Community and indigenous media outlets will be allocated space on the spectrum.

Solid regulatory mechanism. The Federal Telecommunications Institute, a regulatory mechanism with significant power (the aforementioned ability to regulate competition, among other things) will be headed by seven commissioners selected by the Senate upon the suggestion of Mexico's President. Those selected must pass an

exam put together by autonomous organizations and universities. The Institute will also have an advisory council.

Information society. The State recognizes its failure to provide all citizens with broadband internet services. Although an exact date has not been set, a network will be established so that 70 percent of homes and 85 percent of businesses will have broadband (currently, only 20 percent of households have an internet connection). The government and the Telecommunications Institute will manage a national broadband network supported by the Federal Electric Commission, which generates and distributes electricity across Mexico. In addition, a wireless network of 700 Mhz will be supported, in part through private investment.

The rights of society. The right to respond to coverage by the media is reiterated (which was already in the Constitution, yet which still requires regulations to uphold). The rights of users and audiences are mentioned, albeit not in detail.

New judicial framework. The decisions of the Telecommunications Institute will not be subject to suspension by court order until judicial reviews have concluded. New courts and judges will specialize in broadcasting and telecommunications.

Antitrust. In addition to those issues related to broadcasting and telecommunications, constitutional reform will create a new Federal Antitrust Commission with the same autonomy as the Telecommunications Institute.

In the following months, Congress will have to approve a new federal Telecommunications and Broadcasting Law that will specify definitions, procedures and regulations for these provisions. The practical application of these important measures fostered by the constitutional reforms will depend on this federal law.

Civic Participation in and Impact on the Reform Process

Broadcasting and telecommunications reform is the product of regulation, self-regulation, and co-regulation, and some combinations of all three. This regulation is associated with the three branches of the state—legislative, executive and judicial—as well as the political parties. A unified yet plural entity will define the operational norms of broadcasting and telecommunications media. Self-regulation relates to the singular actions of the market, which is to say, the business leaders of this sector, in delineating their own rules. Co-regulation alludes to the involvement of civil society in these processes (Carlsson, 2006; Nordenstreng, 2007).

Given the present circumstances in Mexico, in which the institutional power of the state is counterbalanced by the influence of market and the emergence of new social actors, it is not possible to point to the absolute domination of any of the three systems cited in the previous outline of the laws and politics of the communications sector, but rather to their combined influence. Affirming this means recognizing the influence of diverse sectors, an influence that is not always balanced and that sometimes reflects antagonism between the state, the market, and civil society.

It is important to us to analyze civic participation here. The academic community, social organizations, broadcasting and telecommunications workers and, more recently, students have been involved in the discussion surrounding communications reform in Mexico. Key demands and proposals for reform have emerged from these sectors.

In 1977, some academics indicated that media regulation was a key issue for the democratization of the country.³ They first organized at the meeting of the Mexican Association of Communications Researchers (*Asociación Mexicana de Investigadores de la Comunicación [AMIC]*), proposing that communications scholars collectively take steps to influence industry norms, particularly given that the phrase reading “the right to information will be guaranteed by the State” was incorporated into law in 1977. With this in mind, they published, organized conferences and seminars, and publically put forth an important diagnostic report and proposals for improvement to House of Representatives in 1979.

Over the next few decades, scholarly activism transcended university settings to reach the place where decisions are made: Congress. From 1979 to 2013, professors participated in hearings held by both the legislative and executive branches. With the goal of extending this discussion to academics in other fields as well as community leaders, intellectuals, journalists, artists, and liberal politicians, the Mexican Association for the Right to Information (*Asociación Mexicana de Derecho a la Información [AMEDI]*)⁴ was founded in 2001. Since its formation, this organization has played a key role in framing the recent constitutional reforms, enabling the participation of both civil organizations that did not specialize in media-related issues and human rights experts. AMEDI was not only able to make this issue a priority on the national political agenda—particularly since the *Televisa Law* episode (2006–7)—but has participated in a range of diverse initiatives for law reform that went before congress (in 1998, 2003, 2005 and 2008).

In this context, the decision undertaken by Senators of the Republic in 2006, which we mentioned in the introduction of this article and which received the support of AMEDI, is especially important.⁵ This was the move to have the “*Televisa Law*” declared unconstitutional by Supreme Court of the Nation (SCJN), which AMEDI had initially put before Congress. The objective of the “*Televisa Law*” with these reforms was to assure monopoly over the allocation of television frequencies. After the SCJN debated the issue, the ministers declared these reforms unconstitutional.

We mention this episode because it expanded awareness in Mexican society about the need for democratic reforms, which eventually made the issue a central part of the platforms of both candidates in the 2012 presidential campaign. It is ultimately these antecedents, alongside the range of other problems generated by a communications industry concentrated in the hands of a few and increasingly perceived as arrogant in their impunity, which provoked the student movements of #YoSoy132, which demanded democratization of the media.⁶

In conclusion, although we cannot confirm that the influence of civil society in the process of media reform was the result of collective action as opposed to the efforts of a few, we still want to emphasize the extent to which Mexican society was made

aware of the importance of these reform efforts toward democracy as a whole in the country. And so we ask: what has civic participation in these reforms brought to bear?

A human rights perspective, which placed front and center a discussion of the implications of the communication system on the quality of life. In this sense, civil society rightfully framed the issue of telecommunications and media reform as not only an economic and technological one, but as one of human rights, fundamentally linking the right to freedom of expression to the right to information. It is an inclusive perspective, which drew attention to the importance of these reforms to society at large, not just the industry. It is also a perspective of integrity, which addresses reform not only in terms of how the market and technology define it, but by linking telecommunications and media reform to both human rights and cultural policies. In short, although we cannot be certain of the level of participation from society at large or even the academy in this reform process, we recognize that without some support from these sectors, we would not have such reforms.

The Challenges of Reform: Cultural Policies and the Rights of Audiences

The success of this ambitious program of reform represents possibly paradigmatic changes in governmental management of telecommunications and broadcast reform in Mexico. The goals of many of the more substantial elements of these reforms could effectively be facilitated via secondary laws that must be put in place in a relatively short amount of time (180 days). These laws would regulate the establishment of regulatory bodies, the public broadcasting system and its respective organizing bodies, and the operationalization of universal digital inclusion, as well as fostering economic competition and infrastructure development, among other things.

We can characterize this reform as advancing a legislative framework that brings together economic, telecommunications, and broadcasting realms. To the extent that it seeks to respond to longstanding social and political shortcomings by incorporating the right to information within human rights, the plurality and justice of this reform presents the possibility of a new socio-cultural order in these areas at the national level. However, one of its most significant structural deficiencies is precisely its explicit detachment from a body of cultural politics that formally recognizes the linkages between cultural and communication rights. In this respect there are many faults, but we want to highlight the role this legislative reform might play in the reconfiguration of Mexico's rich multicultural map in its presentation of a normative framework for the expression, production, diffusion, and consumption of cultural diversity.

It is true that this reform includes crucial transversal definitions of the broadcast spectrum in relation to quality, competence, plurality, and coverage; it is also true that the plurality of economic agents is frequently confused with diversity. This may seem a merely semantic issue. It is more than that. Plurality implies a quantifiable variety of agents, while diversity implies a qualitative difference between those agents. The reforms have had only a limited impact on ensuring socio-cultural diversity.

The most palpable example we find is in the normative distinctions between concessions for social and public use and those for commercial and private use. The reforms establish that the concessions of the first two kinds (social and public) should attend to the communication needs of cultural diversity (for example, facilitating the work of community, indigenous, and education media as well as independent producers). This will not be the case with commercial and private concessions granted by the state. This exempts commercial and private dealers from dealing in a substantive way with sociocultural, national, and global diversity.

On the one hand, this change will put a very complex and unbalanced workload and set of obligations on the new public broadcasting organization. We do not know what the Federal Institute of Telecommunications will do to ensure sociocultural diversity of media content. It may be left up to the hegemonic culture industries to respond to political and economic demands for multicultural recognition as they see fit.

Today we know that in Mexico, as in many other countries, the culture industries and the creative sector generate 7.3 percent of gross domestic product (GDP, Piedras & Garcia Canclini, 2012). In part, this rich socioeconomic potential depends on effective synergy and integration between telecommunications organizations, broadcasters, other culture industries, and regulatory bodies. However, development of this kind depends on an approach that doesn't simply reduce actual sociocultural diversity to a plurality of economic agents. Such competition only generates capital gain and access to technological infrastructure, not social peace and a democratic multiculturalism.

The rights of the audience are not, in essence, that different from (social and cultural) human rights that the Mexican state already recognizes in both its constitution and multiple international treaties and inform some aspects of the new changes already mentioned: rights to information, freedom of expression, and so on, Solis, 2009).

The upcoming layout of the secondary laws that derive from this reform set up important opportunities to establish organizational vehicles with a cultural politic that is intersectional (Jiménez, 2006). That makes possible, among other things, the diversification of audiovisual production, recognizing the rights of both independent producers and audiences to be participants in the process through assuring them exhibition and broadcast resources.

Conclusion

Constitutional reform of the telecommunications and broadcast sector could mean significant changes in Mexico. Decades of reticence on the part of both media industries and the government over updating regulation the communications industry have been replaced by a large-scale reform made possible thanks to an agreement between the country's most important political powers.

This reform will only produce results favorable to a democratic society if it is accompanied by regulatory laws consistent with it. Mexico's congress must create or

enact at least a dozen laws, among which will be the Federal Telecommunications and Broadcasting law. This legislative task, particularly the implementation of the new authority of these sectors to make decisions, should be overseen with rigorous scrutiny.

The reform will not change cultural politics, nor will it necessarily change the quality of the media. Society itself needs to put forth an ample agenda of demands to develop both these things. However this new context of civic oversight, and new fodder for communications researchers, augurs drastic changes from the unexpected reform of 2013.

Notes

- [1] It is important to clarify that in this data on radio and television stations, all stations that, according to Cofetel, were assigned to public and private institutions and companies have been counted, but this does not mean that at the time this information was collected all were active.
- [2] The total number of television frequencies includes mirror channels that have been flagged for digital conversion.
- [3] Among those scholars who first took action were Beatriz Solís and Fatima Fernandez, who in subsequent years were joined by Alma Rosa Alva de la Silva, Javier Esteinou, and Gabriel Sosa Plata, among others.
- [4] AMEDI was founded by Beatriz Solís. Its current president is Aleida Calleha.
- [5] Some of the legislators in this case were Javier Corral of PAN, Manuel Barlett of PRI, Felipe Vicencion of PAN and Cesar Raul Ojeda of PRD.
- [6] This movement emerged in response to a visit from then-candidate Enrique Peña Nieto to the Iberoamerican University in May of 2012 during his presidential campaign and the alleged influence of Televisa in the campaign.

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