

The Media and the 2012 Elections

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The role of the media in Mexican political life, particularly during elections, has become a topic of growing importance since reforms made a truly competitive party system possible. The fact that the era of the hegemonic or “practically single” party came to an end in the late 1980s brought to the table the discussion of the kind of rules that would be necessary for party competition to take place in acceptable conditions of equity and transparency. Obviously, the central chapter of those debates was and continues to be the participation of the media, particularly the broadcast media, in forming political preferences.

The importance of the debates and legal reforms in recent years, the most recent of which was in 2007,¹ can be understood using Italian philosopher Norberto Bobbio’s statement that the difference between an authoritarian and a democratic system is not the existence or absence of elites, but that in authoritarian regimes, those elites are imposed, while in a democracy, they are proposed.² This seems simple enough, but its many implications range from issues related to pro-

cedures and the institutional design of the political regime to the broad topic of civil liberties and citizens’ rights, without which a democratic election is merely fictitious.

This hypothesis allows us, then, to ask what the construction of political representation and that of government bodies has looked like in the framework of the democratization of Mexico over the last few decades, a process in which the media have played a fundamental role. That is, how has the social, cultural, and political pluralism that today distinguishes Mexican society been recognized and processed by our electoral system, proposing to the citizenry options capable of competing openly, transparently, and equitably?

With a view to the 2012 federal elections, we can say that even today, despite the reforms, there are still grave deficiencies in this area. That is, neither social nor political pluralism have been fully taken on board in what would be a truly democratic model of competition, and a large part of this deficiency is expressed in the role played by the media.³

As is almost unanimously recognized today, the media are not neutral intermediaries between the sphere of political society and the world of the citizenry. They do not necessarily broadcast news or put out editorial content from an ob-

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jective, balanced viewpoint. Rather, they are political actors themselves, in the full sense of the word, with specific agendas and interests, sometimes with explicit, hidden ties to those formally in power and those who aspire to power.

In fact, the way the democratic transition unfolded in Mexico showed that opening the media to political pluralism—not to mention social and cultural pluralism, where the gap has been even greater given the media's duopolistic structure—⁴ would have to be imposed by public demand and the strength of partisan competition itself, moving ahead against enormous resistance and torturous negotiations. Different studies, outstanding among them Raúl Trejo's,⁵ show how in the 12 years from 1988 to 2000, news coverage of the main competitors began to be more equitable and impartial, and party messages became a permanent fixture in the mass media.

Thus, the decisive factor in this transformation has been, more than the democratic convictions of the main broadcast frequency license-holders, the body of legal reforms, without which the legitimacy of electoral processes could not have been maintained, particularly at critical junctures, not to mention the credibility of the media themselves, increasingly under public scrutiny and the demands of political diversity. The Federal Electoral Institute's job of monitoring broadcasts has contributed strategically to these attempts to achieve equitable access to air time; it has made it increasingly difficult to deal in a biased, unbalanced way in favor of one political force or another.

Trends show advances that have helped in de-commercializing electoral competition and in introducing a public criterion for the use of air time by parties and electoral authorities. However, they have taken place in the context of a relationship of forces that is adverse for the Mexican state's bodies and institutions, as well as of insufficient comprehensive legal regulation of the social communications regime. This deficiency has meant it has not been possible to stop the expansion and concentration of the media, or to slow their political ambitions. Paradoxically, parallel to the attempted

reforms in the sphere of electoral competition, the resources and influence of the big media consortia have grown; this has created a problematic convergence of legal norms and extra-legal practices that has fostered a *sui generis* relationship among parties, elections, and media, in which the legal parameters of political action are continually eluded and twisted by informal agreements and deals that will have a powerful impact—perhaps a decisive one—on the course and outcome of the 2012 balloting.

Dug in behind the argument of freedom of expression, the media have not stopped rebelling, ignoring, and breaking the letter and the spirit of the law, without paying any price for it, depending on the loopholes in electoral norms, on the fears or ambitions of the parties themselves, on the structural weakness of state authorities, and on the corresponding absence of a long-postponed regulatory framework. The impunity with which the media ignore or just delay even paying the fines levied on them by the electoral authorities for not having fulfilled their legal obligations is sufficient indication of why in Mexico they are, until today, effectively a *de facto* force, a Fourth Estate, which is not regulated democratically.

Actually, the role the media are playing in the electoral process and the successful way they have implemented their own political agenda (this includes blocking structural changes in this area, building presidential candidacies,⁶ creating "tele-caucuses,"⁷ boycotting and slandering the reforms they think infringe on their interests, and even resisting accepting deadlines for receiving and broadcasting party messages) make it clear that there is a major problem. And this problem is an expression of the fact that the construction of the Mexican state, at least in the last half century, has been structurally altered by the parallel, though not independent, development of a force capable of challenging it and frequently subordinating it. The logic of decision-making processes is systematically riddled with this power, as are the drafting of laws, the socialization of information and political culture, and even the selection of government personnel. All this is accompanied by unbridled economic power, used, among other things, to pressure the different political actors, reduce the possibilities of their eventual competitors, and violate the rights of audiences and even of their own employees.

So it is no surprise that in the specific arena of electoral competition, this estate constantly attempts to impose its own codes and interests, taking advantage of the weakness and lack of credibility of the parties themselves, which should be charged with fostering the structural changes to make it pos-

sible for the media not to act so abusively and with as much impunity as they have until now. In historic perspective, even in the sphere of trust, the broadcast media have won the competition with the parties and the formally instituted political regime.

To cite just one example from the most recent National Survey on Political Culture, carried out by the Ministry of the Interior, today, 50 percent of citizens trust the media; only 25 percent trust the political parties. This is in a context of the disillusionment of the majority with the performance of politicians and the functioning of democracy, as the most recent Latinobarómetro poll shows.

Thought about carefully, then, the electoral process currently underway is a curious mix of formal and informal rules in which heterogeneous logics and forces converge, something that distorts not a few of the parameters for competition. In effect, legal deadlines, available resources, the machinery needed for imposing sanctions, candidate selection, the socialization of information, and the opening up of spaces for political debate are all variables in which it does not seem possible to be completely sure that some of the main central principles guiding the democratic contest are actually operating. In the current situation, neither certainty nor equity is guaranteed, and this introduces a destabilizing factor for the process as a whole.

In the midst of the electoral process, the weaknesses of the political forces start to show up in all their glory. Getting in the good graces of the media at any cost is beginning to be an obsession for the majority of the presidential hopefuls. To differing degrees and in different ways, what they serve up to the media is actually offensive to anyone who aspires to truly subdue this fourth estate, justly dubbed by jurist Luigi Ferrajoli “savage.”

Nothing paints a better picture of the politicians’ prostration before the media than what National Action Party (PAN) presidential hopeful Josefina Vázquez Mota recently said at a meeting with businessmen from the Chamber of the Radio and Television Industry. To paraphrase, she let them know that just as they had made her feel at home in that event, she hoped to be able to make them feel at home when she occupied Los Pinos as Mexico’s president.

The metaphor leaves nothing out and shows the degree of structural complicity that has come about by traveling the road of mutual favors. In the case of Enrique Peña Nieto, the symbiosis is so radical that it seems hard to differentiate the candidate from the media that promote him, and that have

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displaced the PRI as the authentic platform for a campaign that is as long as it is immune to prosecution, doling out IOUs that will have to be paid off in the medium and long terms. Even the candidate of the PRD, Andrés Manuel López Obrador, has substantially changed his critical discourse about the television networks, accepting a “fresh start” with them, publicly appearing on Televisa’s main news program to display his new “friendly” attitude.

Thus, if the very protagonists of the electoral process are incapable of valuing what is at stake, if an ultra-short-term, pragmatic vision of the need to construct a state policy in this area is what has the upper hand in their thinking, then the 2012 political change-over will imply that possibilities will only increase for frustrating the attempts to fully overcome this pending task in the Mexican democratic transition.

It should be remembered, however, that the 2007 reform was already an advance that undoubtedly would have to be refined and corrected in some respects.⁸ However, that reform did make it clear that the cohesion of the political forces could at least relatively successfully deal with the onslaught of the big consortia. Also, the Supreme Court ruling on what came to be called the “Televisa Law,” which attempted to indefinitely prolong the privileged treatment for the big licensees, as well as its decision on what was called the “analog blackout” and its implications in terms of concentrating broadcast signals, have shown that it is still possible to overcome pressures from business. There are also sectors of the main parties, social organizations, academia, public media, and communicators who have made diagnostic analyses and formulated very well-argued, detailed proposals for legal reforms that, taken as a whole, constitute a platform for political action that cannot easily be ignored. That is, a context of pressure and demand has been constructed that should be channeled and taken advantage of to accompany this electoral process with a critical, reasoned reflection about its dynamic.

Of course, the media are already making their own calculations and bets. They will try to pressure as much as pos-

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sible to ensure their traditional interests and impact the definition of the rules for the future use of new communications and information technologies. The dispute over the regulatory framework has begun and is already one of the tradeables on the electoral market.

In this context, one priority is to document the actions of the hegemonic media, the way they evade their obligations with biased handling of information and their editorial positions, as well as their reticence to be transparent and their lack of public responsibility. As has been the case for more than two decades now, the results of this electoral process will undoubtedly be evaluated in the light of the political dynamic it generates and its effects on the competing actors, the institutions, and the citizenry. The way in which the need for a new reform will be put forward, its orientation and its scope, will depend on the reading that is done from now on of the form and content of the electoral contest, in which not only who will govern Mexico in coming years is at stake, but also what kind of checks and balances will exist for them to do it. ■■

NOTES

- ¹ The most important aspect of this reform was the ban on parties and individuals' purchasing television and radio time, making the Federal Electoral Institute the only entity that can manage and distribute state spots for party use.
- ² See Norberto Bobbio, *The Future of Democracy: A Defence of the Rules of the Game* (Minneapolis: University of Minnesota Press, 1987).
- ³ The democratic playing field requires a component that is still deficient in Mexico: the "pluralism of counterposed informational sources and openness to different currents of opinion and ideas, [since they] guarantee citizens the possibility of pondering different and even counterposed opinions," as Enrique Cuna and Alberto Escamilla write in their article "Reforma electoral, medios de comunicación y partidos políticos. Implicaciones y desafíos ante las elecciones de 2009" (Electoral Reform, Media, and Political Parties. Implications and Challenges for the 2009 Elections), *Fepade di-funde* 16 (Mexico City), 2008.
- ⁴ Today, Televisa and TV Azteca continue to be the almost exclusive owners of open broadcast bands with national coverage. In fact, these two companies control more than 80 percent of TV channels. In addition, Televisa owns 51 percent of Cablevisión, the most important paid television company.
- ⁵ See mainly Raúl Trejo, *Democracia sin mediaciones* (Mexico City: Cal y arena, 2001).
- ⁶ The visibility on TV screens of the PRI presidential hopeful, Enrique Peña Nieto, has been so overwhelming in recent years, violating all principles of equity, that it is no wonder that he is the "best positioned" candidate among the citizenry.
- ⁷ This is the name that has been given to the group of federal deputies openly promoted by the television networks and that is loyal and disciplined defenders of their interests.
- ⁸ Above all, modifications are needed with respect to the excessive use of party "spots" on the air, making the sound bite king; these changes could allow for longer time slots to present more substantive party proposals.