

# The Chávez Government and the Battle Over the Media in Venezuela

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## ABSTRACT

This article examines the extraordinary conflict between government and corporate media in Venezuela over the past twelve years, in the light of on-going, world-wide debate about media power and media reform. It discusses the extreme abuse of corporate media power that has occurred in Venezuela and evaluates the response of the Chávez regime to it. The regime has echoed many of the key points made by radical media theorists and reformers, and has sought to put into practice proposals that they have put forward with very mixed results. The government's enactment of regulatory legislation and its extensive expansion of state-controlled media are understandable but controversial policies; however, it has also laid the basis for the development of new participatory community media and social media, which this article argues offer real opportunities for a significant democratization of information and communication in Venezuela.

**Key Words:** Venezuela, media, media democracy, media regulation, alternative media, Chávez government

## INTRODUCTION

Although conflicts between government and the press have been common in Venezuela, the present conflict between the commercial media and the Chávez regime is unprecedented in a number of ways. Firstly, none of the previous conflicts has been as intense. Over the last twelve years approximately, it has resulted in a considerable degree of violence, with

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many serious physical assaults made against journalists, both pro-Chávez and anti-Chávez, in addition to attacks on media offices and installations. Secondly, the political consequences that the conflict has had are unprecedented. The opposition of the large majority of the privately owned media to the Chávez government culminated in their active involvement in a coup against it, which in turn has led the government to develop radical new policies towards the media. Thirdly, the conflict has generated a debate about the role played by the Venezuelan media that has been far more extensive and heated than any previous discussions of the issue. In particular, within the context of the political polarization now so evident within Venezuela, many politicians, journalists and academics have become increasingly concerned with the question of how a balance can be achieved between, on the one hand, media freedom and on the other, social responsibility on the part of the media.

As Venezuela's privately owned media steadily grew in economic power and influence in the latter part of the twentieth century, aided by deregulation, a limited number of corporations came to dominate the market. This was most notable in broadcasting. As in most parts of Latin America, it was the commercial model promoted by the United States that prevailed as broadcasting was developed in the country, and the concept of public service broadcasting made very limited impact. Many years before Chávez came to power, certain politicians, media critics and groups such as church organizations had frequently challenged the large media companies, accusing them of being too obsessed with profit, interested only in increasing their ratings and advertising revenue, and neglecting their role as vehicles for information and education.

Many of Venezuela's print media and broadcasting corporations are family based businesses that expanded rapidly in the second half of the last century. The result was an increased concentration of media ownership, a common phenomenon in Latin America that has led some critics to warn of the dangers likely to result, such as a limiting of the range of views and values diffused (Waisbord 2002). In Venezuela, television was long dominated by what Eva Golinger describes as 'an oligopoly of two families': the huge Cisneros group, which in addition to the television channel *Venevisión*, owns dozens of other media channels worldwide and diverse interests in food production and distribution, retail stores, sport and entertainment, and the Bottome and Granier group, which owns another major television channel, *Radio Caracas Televisión*, and the radio station, *Radio Caracas Radio* (Golinger 2004, 5). These and a limited number of other media concerns became inextricably linked to other business

sectors, and their growing economic strength enabled them to become powerful political lobbyists. In the old populist bipartite political system that preceded Chavez's assumption of power, the so-called *Punto Fijo* system, a *modus vivendi* was established between the two major political parties and the media corporations, by which the latter gave their support to the bipartite system in return for unregulated operation of their businesses, substantial revenue from diffusing government publicity and increased political influence (Teodoro Petkoff, cited in Botía 2007, 306). What Earle Herrera describes as a 'perverse symbiosis' resulted from the tightening relationship between media power and political power (2008, 13). That tacit pact lasted well over twenty years, with some media moguls and managers even gaining seats in the National Congress and on municipal councils. By the 1990s, however, with the economy in decline, the *Punto Fijo* system disintegrating and the State no longer able to offer the same concessions as before, including lucrative government announcements and publicity, the commercial media became increasingly hostile towards government, denouncing what it saw as economic incompetence and corruption. It confirmed itself as a powerful political actor, able to act with a high degree of autonomy in terms of political activity.

In the course of the 1980s and 90s, income inequalities had increased steadily in Venezuela. Statistics indicate that poverty increased from 17.65% of the population in 1980 to 48.33% in 1997, and, for the same dates, those living in extreme poverty rose from 9.06% to 27.66% (Cannon 2009, 35-36). Those expanding poorer economic sectors have provided Chávez with the bedrock of his support since his first election victory up to the present. The fact that their opinions, values and aspirations have rarely been represented in Venezuela's mainstream commercial media has given strong momentum to the creation of alternative, community-based media outlets.

Soon after Chávez's Presidential election victory in December 1998, it became clear that instead of the limited reforms some sectors of the opposition had hoped for, he was intent on a far more radical agenda, that would mean the dismantling of the old system and the removal from power of the old elite. Given that that elite controlled most of the mass media it is not surprising that they should use it as a major weapon to protect their economic and political interests in the wake of the rapid changes that threatened them. In fact, the media became increasingly important to the opposition elite as Chávez consolidated his control over state institutions and its other bases of power were eroded as a result. The media was placed in the forefront of the frustrated attempts

to remove Chávez by unconstitutional means in 2002 and 2003. In response, the government made the development of a new media strategy a major priority, to be focused on new regulatory laws and the creation of pro-government media outlets, which has predictably produced increased accusations, both national and international, of government censorship and propagandism.

There is no denying that the Chávez regime, broadly guided by a unique ideology that fuses various currents of radical national, Latin American and socialist thought, has changed all areas of life in Venezuela. Attacking the negative effects of neoliberal globalization, Chávez has used the country's considerable oil revenues to fund radical economic and social changes, particularly aimed at benefitting the poor. As a result, there has been solid support for Chávez from the popular sectors, but increasing enmity from middle and upper classes that find their opportunities and aspirations undermined by the government's political and economic reorientation. That polarization on class lines is clearly reflected in the bitterness of the mutual hostility between pro and anti-government media. Though fluctuating in intensity, the conflict between the regime and the commercial media has been a constant factor during the Chávez era, and it has given new urgency to discussions on the future of journalism in Venezuela, and how to ensure a democratic and pluralistic media.

## **THE WORLDWIDE DEBATE OVER MEDIA POWER**

In recent years, mounting concern over the consequences of the increasing political and economic power of the corporate media has been manifested in different ways in various parts of the world. The media reform movement in the U.S., driven by organisations like *Free Press*, has campaigned strongly for radical change that can deliver greater democracy, pluralism and accountability in the media, and in the U.K. in 2011, following outrage over the revelation of extensive phone hacking used by tabloid journalists of the commercial media, and unethical relations between that media, the police and politicians, the government announced a public investigation into media conduct and ethics, to be carried out by the Leveson Inquiry. The long-dominant neo-liberal notion espoused by media barons that markets, competition and the quest for profit can best provide media of high quality and diversity is being increasingly contested in many countries. New debate has been generated over who controls the media and with

what objectives, and such issues as to whether tighter media regulation is necessary, or the development of more non-commercial, independent media desirable. Nowhere are the issues related to media power more evident than in Venezuela, where, as one commentator on the commercial media asserts, ‘The recent developments [...] constitute the most extreme case of media exercise of power in history’ (Golinger 2004, 4).

At the heart of the critique of the modern commercial media is concern about its undemocratic nature. As Nick Couldry (2001, 1) argues, the power of constructing reality is not evenly distributed, but in most societies is instead particularly heavily concentrated in media institutions, ‘so that inequalities of symbolic power take the primary form of media power’. He asserts that, as a result, the importance of alternative, participatory media practice in challenging centralised media power needs to be given greater recognition. For such theorists, the dominant corporate media serve the interests of powerful minority sectors whilst a diverse range of other voices, analyses and opinions are excluded. That exclusion is multiplied in societies of extreme social inequality, such as that of Venezuela in the 1990s, when a collapse in wage rates and increasing concentration of capital made it one of the world’s most unequal societies (Wilpert 2007, 108). The lack of democracy in the media has been further exacerbated in many countries by the increased concentration of media ownership that has resulted from neoliberal deregulation of the industry over recent decades. Media moguls have justified that process by asserting that the minimization of government interference allows the businesses involved to operate more freely and efficiently, and respond more effectively to market demands. As a result huge corporations have increased their share of the market, but have argued that the neutrality of the market –with the need of the media to respond to the needs of its consumers– ensures that they will express a full range of values and views. If certain opinions are not expressed it means they do not have adequate backing to merit representation in the marketplace (Curran and Seaton 1992, 277). Furthermore, it is argued that new technologies constantly stimulate competition and diversity, to offset concentration of ownership. Competition in the free market and the freedom to publish and broadcast without state-imposed restrictions is thereby seen as the best guarantee of democracy and pluralism. That argument has been countered by theorists who point out that it conceals how ‘[...] capital is privileged in the seemingly open market and obscures the fact that the press tends to report and interpret the world in ways which are consonant with the interests of dominant groups’ (Curran and Seaton 1992, 278). For those who fervently campaign

for radical media reform, like Robert McChesney, the corporate media has become, to varied degrees worldwide, a significant ‘antidemocratic force’, characterised by ‘hypercommercialism and denigration of journalism and public service’ (1999, 2).

Some media critics like McChesney advocate that structural reform is necessary to break up the conglomerates, and ensure greater diversity of ownership, whilst others argue that tighter statutory regulation is better able to ensure socially responsible conduct by the media than self-regulation. For example, a statutory right of reply for those who believe they have been a victim of unfair or damaging treatment might compel journalists to take greater care with the accuracy of their reporting and the reliability of their sources. Regulation has provoked fierce opposition from many media owners and executives around the world, who view it as an attack on the media freedom that they, and numerous liberal media theorists, have long heralded as sacrosanct. Understanding media freedom to be virtually synonymous with freedom of speech, they argue that since it is essential to citizens’ rights and a healthy democracy, it must be protected from restrictions imposed by state regulation. As Judith Lichtenberg points out, however, that is a misleading argument. Unlike freedom of speech, freedom of the press has to be conditional ‘[...] on the degree to which it promotes certain values at the core of our interest in freedom of expression generally’ (Lichtenberg 2004, 174). If the media limits diversity and impoverishes public debate, its regulation may in fact serve to enhance freedom and democracy within it. Lichtenberg concurs with Curran and Seaton that many assume that ‘[...] press freedom is a property right’, and media proprietors have the right to manage their businesses as they see fit (Curran and Seaton 1992, 278). One result is that the interests of media owners may undermine the professional autonomy of journalism. The claim that media freedom is evidently a valuable public good is not as clear-cut as it may first appear. Lichtenberg concludes that, in the end, for freedom of expression to flourish, ‘[...] discussion, debate, diversity of ideas and sources of information [...] multiplicity of voices’ are what are of prime importance, whilst, in comparison, the question of non-interference in the media on the part of the state is a secondary issue (2004, 181).

Many of those now urging media reform argue for a recuperation of a public service ethos, with the establishment of publically owned or regulated non-commercial media that operates for the public good rather than for private profit. Though quite strong in some countries during the development of broadcasting, particularly in western Europe, it has

been steadily eroded in recent decades. Private media concerns have attacked it for supposedly throttling the market and stifling the profit motive, and right-wing governments have regarded it as ideologically unsound. As Curran and Seaton point out, '[...] those who derided it often had a financial interest in weakening it, or, alternatively, disliked the political autonomy of broadcasting' (1992, 296). In recent years however, momentum has been gained by the counterargument that the principle of public service can provide an antidote to the poor quality and culturally uniform programming and the politically conservative bias of commercial broadcasters. Independent of both corporate and government interests, public service broadcasting can offer trustworthy, balanced reporting of contentious issues, a forum for the exchange of diverse opinion and quality, and mixed programming to cater for different tastes and interests, including those of minorities. These are basic principles frequently identified as crucial for a socially responsible media, as first set out by the famous Hutchins Commission in the U.S. in 1947, which constituted the first major government attempt to address the 'failure of the media to meet the needs of society' (McQuail 2000, 148). The Commission was reacting to growing criticism at the time that the U.S. media was too driven by commercialism and characterised by political imbalance and monopoly tendencies (McQuail 2000, 149), and it is that same criticism, now reinforced by the increased power of private media concerns, that has given the notion of social responsibility in the media renewed significance in recent years. McQuail points out that although the Hutchins Commission advocated that social responsibility should be maintained through media self-control rather than by government intervention, subsequent theorists have identified a clear role for government. In order to protect the freedom of citizens as a whole, it may need to act to combat flagrant abuses by the media, or to supplement existing media by creating alternative outlets (McQuail 2000, 149).

In Venezuela, such has been the abuse of excessive media power that the Chávez government has taken urgent action to counteract it, and in doing so it has echoed the key arguments and proposals of radical media theorists and reformers outlined above. As will be seen, converting those proposals into practical action to regulate the media and create alternative outlets has proved highly controversial, and has produced very mixed outcomes, the negative and positive effects of which will be analysed in subsequent sections.

## THE ROOTS AND INTENSIFICATION OF THE CONFLICT IN VENEZUELA

When Hugo Chávez campaigned for his first Presidential Election, in 1998, the reaction of the commercial media was mixed. Though many media outlets were hostile to him from the outset, some were favorably disposed, such as the television company, *Televen*, and *El Nacional*, one of the major daily newspapers. However, the hostility of the private media notably intensified and widened as Chávez's radical intentions became clear, and it abandoned its primary role as a means of social communication to prioritize political activity. With the traditional parties, Acción Democrática and COPEI, having lost not just power but also their credibility in the course of the 1990s, the media became the vanguard of opposition to the government, effectively supplanting those opposition parties. By 2000, nine out of the ten major daily newspapers and all five big commercial television companies effectively formed an anti-Chávez bloc, collaborating between them in order to coordinate their campaign. Some of the TV companies, for example, exchanged film footage which they thought could be used for anti-government propaganda. Any effort by the major media outlets to represent diverse political opinion was abandoned, as was any attempt to separate the dissemination of information from editorial opinion. It ceased to be a space for meaningful communication and debate, to become a vehicle for conservative political interests. Some journalists, even some who did not support the Chávez government, objected to the strict editorial policy of their employers, such as not including any pro-Chávez opinion in their reports, and as a result some were sacked and effectively blacklisted from employment in the mainstream media. Not surprisingly, Chávez and other members of the government hit back with ferocious criticism of the media, and the conflict between government and media quickly escalated.

A number of key moments in the intensification of the conflict can be identified. The first came in November 2001, when the government announced a package of 49 law-decrees, called the *Ley Habitante*, passed through the extraordinary powers conferred on government by law. Some of those laws, such as one opening the way for significant land reform and another restricting the fishing rights of large companies, were seen as a threat to the economic interests of business elites. The use of presidential powers of decree was controversial, but it was not unprecedented action, as previous Presidents had done likewise. The opposition media saw it as proof of the authoritarianism of the regime, attempting to carry out

its program whilst bypassing public consultation, and from that moment, the vilification of Chávez as a tyrant who threatened democracy became a regular feature in the commercial media. Indeed, some media owners and editors openly claimed that impartiality in the media was no longer possible, and a combative media was needed to defend Venezuelan democracy (Díaz Rangel 2007, 160).

A point of maximum tension was reached with the attempted coup of April 2002, which began as an anti-government march in Caracas, organized by opposition groups. A prominent role was played by the commercial media, which urged people to join the protest. It resulted in one of the most infamous moments in the history of the Latin American media. A counter demonstration was organized by Chávez supporters, and as the two sides confronted one another, shots were fired, resulting in nineteen fatalities and scores of people injured. That violence was reported in the media as government repression against peaceful opposition demonstrators, an accusation that served as justification for a coup. A group of military officers demanded that Chávez resign, arguing that the violence showed his government had lost legitimacy. It was later announced that Chávez had resigned and a provisional government was being formed. Only later did an alternative version emerge. It showed that many of those who had lost their lives were in fact Chávez supporters who had been fired upon by police under the command of the anti-Chavez mayor, Alfredo Peña, and that Chávez had not resigned but had been forcibly deposed. However, for over 48 hours the media continued to blatantly manipulate the news, insisting that the violence was entirely the responsibility of the government, and its removal had been justified. News of the huge popular mobilization in favor of Chávez that took place after the coup, demanding his restoration to office, was also suppressed in the mainstream media. It was simply not reported. Most Venezuelans found out about it by alternative means, such as satellite television, or via community radio stations.

When Chávez was restored to the Presidency two days after the coup, the private media imposed a news blackout. The principal newspapers did not go to press that day, and the main TV channels broadcast cartoons and soap operas, avoiding news reports. The blackout, that denied the public access to crucial information about the dramatic political events, received international condemnation. The absurdity of the position of the corporate media was highlighted when, with Chávez in custody after the coup, the interim President, Pedro Carmona, immediately introduced a series of extremely repressive measures, including against the media.

He shut down pro-Chávez media outlets, including the state television channel, and raided studios of community radio stations. Carmona, the champion of most of the media, ended up repressing the media in ways that were far more severe than anyone in the Chávez government would ever have contemplated.

Between December 2002 and January 2003, came another key moment in the conflict between the government and the media, when the opposition organized a general shutdown of the oil industry and some other areas of economic activity. It was essentially initiated by bosses and management, locking out workers to prevent them from working, but the media presented it as a general strike being carried out by discontented workers. For over 2 months, virtually all the major newspapers, radio and TV channels gave priority to promoting this anti-government boycott, suspending normal programming and dropping normal content from newspapers. Even advertising on television channels was substituted by campaign material, with the owners stating that the gravity of the political crisis and the need to resolve it justified the loss of revenue (Botía 2007, 287). By late January 2003 the boycott was clearly waning and losing support, but a large part of the media insisted that the action would continue until Chávez was defeated. Their total commitment to their political objectives meant the dereliction of their responsibilities to wider society.

Events in Venezuela thereby provided an extreme example of the use of the media, in the words of one theorist, '[...] for control, for making propaganda and for managing and manipulating the social environment on behalf of the already powerful' (McQuail 2000, 279). Its political role had reached the extent of helping to organize and promote a coup against a democratically elected government, which responded by launching a counter offensive, pointing towards measures that it would take to undermine the media's scope for future political action. The language used by members of the government highlighted the intensifying antagonism. Chávez famously condemned the four main television channels – *Venevisión*, *RCTV*, *Televen* and *Globovisión* – which had all participated in the coup, as the 'four horsemen of the apocalypse', and his supporters started to speak of the need to fight the 'media dictatorship', borrowing the term coined by Ignacio Ramonet in reference to the enormous power exercised by the mass media in the reproduction of particular ideologies and the shaping of perceptions. Both government and corporate media saw themselves as engaged in a vital battle to defend their very different conceptions of democracy and democratic expression.

## THE ONGOING DEBATE

The battle lines that were drawn during the acrimonious argument over the role of Venezuela's media that erupted in the years following the dramatic events of 2002 and 2003 have largely shaped the continuing debate on the topic. On one side, the often repeated accusation that the Chávez regime is not ideologically committed to democracy and poses a threat to freedom of expression was summarized in a 2003 report produced by 'Reporters Without Frontiers', the international organization that campaigns for press freedom worldwide. Titled 'Caught between an authoritarian president and an intolerant media', it acknowledges the illegitimate action by the media but maintains that the Chávez government must take prime responsibility for a decline in press freedom. It argues that violence against commercial media staff and property were premeditated and carefully planned, with government complicity if not direct involvement, and that Chávez had abused his powers to restrict the media's freedom of expression. The report specifically condemned Chávez's excessive exploitation of his right to take over the air ways, on all TV channels, to make political broadcasts to the nation, and of introducing legislation that threaten the rights of the press, such as the introduction of foreign currency controls, which, it argued, could be used to prevent newspapers from importing newsprint. Similar arguments against the regime have been repeated many times in the intervening years.

One of the clearest expressions of the counter position was provided by the writer Luis Britto García, in *Venezuela: Investigation of Media which are Above All Suspicion (Venezuela: Investigación de unos medios por encima de toda sospecha)*, published in 2004. It is a very detailed examination of the media opposition to Chavez government, which accuses the media moguls of abandoning their social obligation to inform and communicate in order to prioritize their political objectives. Britto García cites many examples of how newspapers, radio stations and television channels suppressed important information and distorted news in order to undermine the credibility of the government. He mentions, for example, photos that were doctored, and information that was invented, such as a transcription of an interview supposedly held between Hugo Chávez and Fidel Castro, which was published in several newspapers but later proven to never have taken place.

The battle over the media in Venezuela has continued up to the present, but at a significantly lower level of intensity compared to 2002/2003. The change is largely explained by the weakened position of the commercial

media. Firstly, their credibility was badly damaged by their conduct during those years, and several polls taken have indicated how public trust in them has fallen in the last 10 years. Secondly, the new and at times intimidating regulatory legislation introduced by the government has curbed their political activity. Fear of falling foul of the new laws has obliged the opposition media to tone down their criticism. A clear indication of this is that *Venevisión*, previously vitriolic in its attacks on Chávez, significantly softened its line following negotiations between the company's owner, Gustavo Cisneros, and Chávez in 2004. Accusations by rival media enterprises that Cisneros was seeking economic benefits from the accommodation reached with the government testify to the divisions amongst the once united private media concerns. Nevertheless, as the 2012 presidential elections drew near, the media still gave a primary role to strident political campaigning, with both sides now seeking to take advantage. The anti-government media exploited speculation over Chávez's serious health problems by asserting that they had given rise to doubts and low morale among his supporters, whilst elements of the expanded state media conducted a smear campaign against the opposition presidential candidate, Henrique Capriles Radonski.

## **MEDIA LEGISLATION**

The constitution that was promulgated under the Chávez regime in 1999 established the basic principles concerning the rights and responsibilities of the Venezuelan media. Article 58, for example, confirms the right of citizens to accurate and objective information, which must be free and plural. Article 57 asserts the right of all citizens to express ideas freely and uncensored through any form of mass communication, but counterbalances that with reference to the responsibility that that carries with it. It states that all must assume responsibility for what they express, and cannot hide behind anonymity or convey messages that promote war, discrimination or religious intolerance. Article 108 makes reference to the duty of the media to 'contribute to the formation of citizenship'. Although those principles are largely uncontroversial, the government's attempts to devise effective laws for enforcing them have generated highly charged and often acrimonious debate. The government and its supporters argue that past experience highlights the need to regulate the conduct of the media more effectively, to improve the quality and accuracy of the information it disseminates, extend public access to and participation

in the media and to encourage social responsibility on the part of its owners and employees. The independent website 'Venezuelanalysis.com' regularly produces bulletins and articles supporting the measures taken by the government to meet those objectives. For their part, opponents and critics of the government accuse it of increasingly using legal measures to muzzle free expression. The most recent significant representation of that argument has been provided by Venezuelan sociologist, Óscar Lucien (2011), who interprets the government's media laws as integral parts of an overall strategy to consolidate Chávez's power by steadily restricting dissenting opinion and achieving media hegemony.

Lucien argues that even the first significant media legislation made by the government, the Organic Telecommunications Law (LOT), passed in 2000, before the coup prompted it to urgently rethink media policy, shows worrying tendencies. It asserts the right of the government to regulate the content transmitted by the media, and to suspend broadcasting of certain content if such action is deemed to be in the interest of national security or public order. It also declares that all media channels are obliged, when required, to broadcast speeches by the President and other government officials. For Lucien, the law shows the government's clear intention of curbing opposition opinion in the media and reserving maximum space within it for its own propaganda, thereby contravening principles within the Constitution (2011, 33-36). He further argues that after the 2002 coup the key objective of achieving government control over the media was given additional legal support through the so-called *Ley Resorte* of 2004, or Law of Social Responsibility in Radio and Television (2011, 37), which, building on the LOT, gives more details of the responsibilities required of programmers, particularly in terms of the content transmitted, and the sanctions that can be imposed for violations. The commercial media quickly labeled it the 'gagging law' (*ley mordaza*), arguing that the imposition of heavy penalties for the broadcasting of content considered to be irresponsible, on the grounds that it could incite hatred and violence or threaten public order, masked the intention of impeding criticism of the regime. They claimed that on the one hand, self-censorship would be generated among opposition media, whilst on the other they would also face sanctions if they failed to provide the required space for free government propaganda.

Of course many other countries regulate media content, stipulating, for example, the hours during which material of a sexual or violent nature can be transmitted, as the *Ley Resorte* does. In the United Kingdom the agency Ofcom oversees such regulation, as the Federal Communications

Commission does in the United States. In other contexts, most of the articles of the LOT and the *Ley resorte* would not face strong objections, but underlying the Venezuelan opposition's intense hostility to them is their deep mistrust and fear of the objectives of a government they see as increasingly authoritarian. From such a perspective, all media policy drawn up by the Chávez regime is immediately viewed with intense suspicion. Critics therefore regard the 2010 reform of the *Ley Resorte*, essentially placing the internet under the same content controls as the broadcast media, as an intensification of government repression of free speech. Reforms made to the penal code in March 2005, tightening sanctions against defamation and libel in the media, drew a similar response from critics. For the government it was a natural response to the frequent personal attacks in the media, often unsubstantiated, on government officials and workers, attempting to afford them protection, but for opponents it was yet one more example of the regime seeking to silence legitimate criticism.

This acrimonious argument over freedom of expression reached a new level of intensity in 2007, when the government refused to renew the broadcasting license of the popular TV channel, *Radio Caracas Televisión* (RCTV), on the grounds that, by being a major participant in the 2002 coup and violating other broadcasting laws, it had forfeited its right to broadcast. The action immediately provoked a storm of protest both nationally and internationally. For many critics, it simply amounted to crude censorship. Marcel Granier, owner and president of RCTV, summed up those views when he commented at the time:

The actions against RCTV of President Chávez and his subordinates are in violation of the Venezuelan constitution, the American Declaration on Human Rights, and the Inter-American Democratic Charter. They are a clear example of abuse of power, and violate the rights to work of all those who work in the media industry, not to mention a violation of the freedom of thought and expression of millions who seek information and ideas of their own free choice. We are faced, in effect, with an aggressive campaign to extinguish all thought that differs from that which is officially dubbed 'revolutionary' (Granier 2007).

Granier makes allegations about governmental abuse of power whilst refusing to acknowledge the very obvious abuses of media power committed by RCTV and other commercial media outlets in 2002. The counter argument was lucidly presented by the American economist and writer, Mark Weisbrot, who dismissed the accusations of censorship and argued that RCTV's

leading role in antidemocratic activity meant that ‘such a station would not get a broadcast license in the U.S. or probably any democratic country’ (Weisbrot 2008).

The government’s action against RCTV was certainly one of the most controversial decisions it has made. It carried risks for the government, for the station was well-known for highly popular programs, and polls taken indicated that a majority of citizens disapproved of the decision. Furthermore, RCTV was still able to broadcast via cable, and reports indicated that in 2009 its cable audience was larger than the audience of all the state controlled channels combined (Weisbrot 2009). As to what the action says about freedom of speech in Venezuela under Chávez, Gregory Wilpert astutely points out that it depends on whose freedom is being referred to. He argues that the non-renewal of the license does represent a curtailment of the freedom of the moguls who own most of the country’s broadcasting outlets, but if, as the government promised, RCTV were to be replaced by a ‘truly public television channel’, as opposed to another government station, ‘freedom of speech would be enhanced in Venezuela, not lessened’ (Wilpert 2007, 225). That channel, that quickly took over RCTV’s airwaves in 2007, is *TVes*, hailed as a public service broadcaster by the Telecommunications Minister of the time, Jesse Chacón. State-owned and funded, but legally independent, it is managed by a Foundation. It’s programs are wide ranging, including soap operas, sport and cultural events, both national and from overseas, though its stated objective is to promote nationally produced programming that focuses on Venezuelan society and culture. Laudable though its objectives are, it has failed to make an impact since its launch, and its audience figures have remained low. In February 2009, its ex-director Esteban Trapiello argued that it had been undermined by poor, inexperienced management, dubious practices in the contracting of programs and a low level of technical quality. Today it still a long way from establishing itself as a significant public broadcaster, independent of government pressure, and with original and appealing programming.

Based on the LOT and the *Ley Resorte*, the government was in its legal rights to refuse to renew RCTV’s license. It can convincingly be argued that the conduct of the channel in 2002 and 2003, by inciting disobedience to the law and threatening state security, constituted a major violation of legislation, and the government has the discretion to decide whether or not to permit a license to broadcast under such circumstances. However, the key role of governmental discretion obviously highlights the question as to how the laws are to be understood, and the terms

used in the new media legislation are often very vague and open to wide and differing interpretation. Article 28 of the *Ley Resorte*, for example, refers to the prohibition of messages that *inciten o promuevan el odio y la intolerancia* (incite hatred and intolerance) and *fomenten zozobra en la ciudadanía o alteren el orden público* (foment anxiety amongst citizens or disturb public order). One recent controversial example of the application of these laws occurred in August 2010, when the newspapers *El Nacional* and *Tal Cual* published photographs of corpses in the main Caracas mortuary, to highlight the consequence of the rising rates of violent crime in the city. The papers were heavily fined and prohibited from publishing similar images on the grounds that such material was likely to be psychologically disturbing to children. It brought accusations from many journalists that censorship was being imposed to silence the legitimate criticism of government performance produced by investigative journalism.

Imprecision of language and terminology was also a major problem identified with the proposed ‘Special Law against Media Crimes’, presented to the National Assembly by Attorney General, Luisa Ortega Díaz, in July 2009. It sought to take media regulation to a new level, justified, she claimed, by the need to combat continued abuses of media power. In fact, it was a draconian piece of legislation. It proposed mandatory prison sentences of 2 to 4 years for crimes such as ‘actions or omissions that undermine the right to appropriate, true and impartial information, that undermine social peace, the security and independence of the nation, public order [...] public mental or moral health’, and the generation of ‘false news’, and manipulation of news, ‘generating false perceptions of facts’. Given the heavy penalties for extremely nebulous violations, it is not surprising that objections to the proposed law came from many quarters, such as the United Nations Human Rights Council, that expressed concern that it was so open to abuse that it could easily be used for the purposes of political intimidation. In fact, amongst the objectors were a significant number of pro-Chávez politicians, and in the end discussion of the proposal in the Assembly was postponed, effectively sending it back to be reconsidered. That indicates that there are checks operating on the formulation of media legislation, though some critics felt further attempts at stricter regulation involving heavier sanctions were still inevitable (Lucien 2011, 56). Above all, the case highlights the complexity and controversy involved in constructing legislation that regulates effectively in order to ensure responsibility from media concerns, without repressing dissenting opinion.

Meanwhile, the Chávez government has made it clear that it will not

hesitate to use the existing laws to revoke the licenses of other broadcasters if needs be. Also in 2009, it announced the closure of 34 radio stations deemed to be operating illegally. Protests took place in the streets of Caracas, and for the opposition it was yet another step in the steady closure of spaces for free speech. Chávez responded that the government was simply applying the law, ensuring that radio stations fulfilled the required regulations, but that it was also part of his commitment to democratize the media, for the frequencies of the closed broadcasters would be handed over to new community radio stations.

Despite the political polarization in Venezuela and the fierce enmity between the pro- and anti-Chávez camps, there has been no real evidence of direct media censorship during the Chávez period. This is in marked contrast to the blatant censorship imposed at times by previous, so-called liberal regimes of earlier decades, such that of President Betancourt in the 1960s and of Carlos Andrés Pérez in the early 1990s. History is frequently pushed aside by those who criticize Chávez's policies towards the media. Political debate is open and vibrant in Venezuela today, and much of the commercial media is still strident in its attacks on the regime, and particularly on Chávez himself. Nonetheless, many aspects of the government's media policy can certainly be criticized for undermining free expression. Gregory Wilpert, generally sympathetic to the aims of the Bolivarian Revolution, acknowledges that some government legislation and the penalties attached to them are 'not good for civil liberties', precisely because their vagueness makes them potentially applicable to a wide variety of situations, and that their existence indicates that some in the pro-Chávez coalition have authoritarian instincts (2007, 202-203). In addition, the obligation of all television channels to transmit Presidential broadcasts when required has been abused, with, according to figures cited on television by the opposition politician and journalist, Teodoro Petkoff, 2125 such broadcasts being made by Chávez between 1999 and 2010, not including the President's weekly talk show, *Aló Presidente*, shown on state television and radio stations every Sunday (Teodoro Petkoff, 'Con Teodoro', *Globovisión*, May 1<sup>st</sup> 2011). Chávez's inflammatory speeches against the opposition media and reporters working for them have certainly heightened tension, and have arguably served to provoke attacks on journalists and media offices by his supporters. It is also true that governmental hostility to that media can easily create an atmosphere of intimidation and threat which, through indirect pressure or self-censorship, stifles legitimate criticism. Lucien discusses these indirect pressures, referring to them as 'mecanismos más sutiles y certeros que una metralla o una paliza [...]'

(‘mechanisms that are more subtle and deadly than the fire of weapons or a beating’), and gives examples of programs that have been taken off air and journalists who have had to leave their jobs as a result (2011, 117-126). All such cases give cause for serious concern, and must be brought to public attention, but critics of the government often conveniently forget the context in which the problems facing the Venezuelan media have arisen. Their abandonment of their social role, ceasing to provide accurate information and a space for open debate in order to become an anti-government political force and serve the political interests of certain social groups, made radical government action inevitable.

## **STATE-CONTROLLED MEDIA**

Arguably, the most significant consequence of this conflict between government and media has been the proliferation of alternative media – newspapers, radio and television offering opposing aims and perspectives, and sharply contrasting organizational structures, to the mainstream commercial media. Most have been stimulated by the government, through the provision of financial and legal support, with the clear aim of counterbalancing anti-Chávez news reporting and campaigning. Very soon after taking power the Chávez regime recognised the need to create its own channels of public communication in order to combat the hostile private media, and it made several attempts to establish its own newspapers. None were successful. The most notable example, *El Correo del Presidente*, launched by the government’s Central Office of Information in July 1999, just 5 months after Chávez’s inauguration as President, lasted less than a year. As with other attempts, its low circulation made it unviable. Alejandro Botía (2007, 256) argues that, at that time, with the mainstream media still enjoying a high degree of trust and prestige, there was a very limited readership for a paper exclusively dedicated to promoting government policies and discrediting their opponents. That situation changed dramatically after 2002, when a combination of the private media’s rapid decline in credibility and significantly increased support from the government opened up new spaces and opportunities for alternative media outlets. Some of those, notably community radio stations, were already active before Chávez took power, but they existed precariously, without legal status, and so operated clandestinely. The Chávez government expressed willingness to legalize them and find ways of supporting them, whilst encouraging new similar stations. Government legislation, like the previously

mentioned Organic Telecommunications Law of 2000, recognizes the legal status of private, state and community media, and clarifies the criteria that has to be met by a community broadcaster in order to be given formal authorization as such.

The government's opponents tend to view all these alternative media outlets in the same terms, as government aligned and mostly government controlled, with millions of dollars of state funds thereby being used to create propaganda tools. Lucien, for example, writing in 2011, asserts that by then the Chávez regime directly controlled 348 radio stations, 243 community radio broadcasters, 6 television stations and numerous newspapers as well as digital media, that provide it with a communicational network of vast scope (2011, 168). It is undeniable that the government has gone to considerable lengths to create its own media. Its television channels, such as *Venezolana de Televisión*, *VIVE TV* and *ANTV*, and its radio stations, clearly serve to promote the government's agenda, and allow no significant space for opposition voices, which, government supporters argue, are already well provided for by private broadcasters. However, how effective these state channels are as instruments of government propaganda is debatable, given that the audience figures of most of them are relatively low.

The most significant government initiative as far as television has been concerned has certainly been the launch in 2005 of the international channel, *TeleSUR*, funded principally by Venezuela but with contributions from a handful of other Latin American countries. It aims to provide an alternative to other satellite channels, such as CNN, with distinctive regional insight into Latin American social movements and political developments, and a different perspective on international events. Its coverage is clearly orientated by the socialist ideology that underpins *chavismo*, and for critics it represents an attempt by Chávez to further propagate his agenda on the world stage. James Painter, who has undertaken detailed content analysis of *TeleSUR*, argues that its programming breaks from the cruder, old-style propaganda evident on other state channels, where long political speeches and reverential treatment of favored political leaders and their agendas are typical. Not orientated by commercial criteria, *TeleSUR* discusses issues and events rarely covered in other media, avoiding sensationalism and distorted reporting. However, Painter concludes that it is still a state-funded channel that serves as an instrument of *Chavista* ideology and policies, and as such it does not provide critical, independent news coverage that holds government to account, nor deepens democratic debate by airing a diversity of opinion (52-54). Like the channel *TVes* mentioned previously,

it does not fulfill a public service remit, although independence from direct government interference has been a stated objective of both.

It has to be said that the same lack of space for real political debate is evident in most of the pro-Chávez print media that has emerged in recent years. The best known such newspaper is *Vea*, launched in 2003 by a group of political activists determined to create a paper to explain and support the government's aims. It clearly fulfilled a need, for it quickly managed to attract a wide readership. It then secured its position by gaining significant state support through government publicity and announcements, the revenue from which is vital for the survival of most of this pro-government media. Another notable case is *Ciudad Caracas*, a free newspaper established in 2009 and distributed throughout Caracas, funded by the pro-Chávez city mayor. Community organizations send in articles on issues that affect them, sometimes complaining about local conditions and unresolved problems, but no criticism of the government's overall agenda or performance is included. In short, these pro-Chávez broadcasters and newspapers succeed in counterbalancing the information and reporting emanating from the hostile private media, but contribute little to the furthering of democracy and pluralism in the Venezuelan media.

## **ALTERNATIVE, COMMUNITY-BASED MEDIA AND SOCIAL MEDIA**

There are, however, other alternative media outlets that offer real potential in that regard. Venezuela's proliferating alternative media cannot be treated as a homogenous block, as some critics suggest, for they consist of different initiatives, some emerging from grass roots activism, and they vary in organization, aims and methods of operation. Herrera (2008, 29) claims that by 2005 there were over 1,000 alternative newspapers of varied description being published in Venezuela, and CONATEL, the National Telecommunications Commission that regulates broadcasting, had received 1,572 applications to establish alternative broadcasting stations, and it is unrealistic to dismiss all such initiatives as nothing more than vehicles of government propaganda. For some, independence is certainly a major priority.

One of the Chávez regime's major objectives since taking power has been to develop the mechanisms necessary to create a 'participatory democracy' in Venezuela. Chávez had long been scathing in his

condemnation of the failings of the old *Punto Fijo* political system. Although it provided Venezuela with a stable democracy for many years, it was highly centralized, rigid and pervaded by corruption. Most significant for Chávez, it essentially served the interests of Venezuela's wealthiest classes, and was increasingly unable to respond to the needs of the ever-larger disadvantaged social sectors. Chávez declared that the new political system to be established by his government would be a 'participatory and protagonistic democracy' (Wilpert 2007, 54), characterized by the active involvement of all citizens in political, social and cultural processes, beginning with newly formed grassroots organizations, so as to not only change the quality of their own lives, but also to contribute directly to the formulation of government policy. It is in accordance with that aim of widespread citizen participation that the legal framework for the creation of grass roots media has been established. Many community organizations have taken advantage, and have produced their own media outlets, and despite contradictions and limitations, the process has produced some positive results.

'Alternative' and 'community media' are loose terms open to widely differing interpretations, but media theorist Chris Atton (2002) emphasizes fundamental constitutive elements that permit a basic definition with 'inclusion' and 'participation' at its core. Its prime objective, he argues, must be to democratize communication by involving sectors of the population that are generally excluded from media production. It must be a citizen controlled activity, organized collectively and run on a non-commercial basis, which serves as an alternative to both corporate and state-run media, and offers different perspectives and values to those. For Atton, the process involved in creating alternative media is of equal importance to the content produced. The collaborative work it necessitates brings together members of often marginalized communities to create a public forum for the debate and articulation of their needs and concerns. If a significant percentage of Venezuela's alternative media have sacrificed independence, through reliance on government subsidies or the involvement of government activists, and so made their claim to be 'community media' questionable, some, mainly radio stations, have largely retained their independent, community character, and fulfill the basic criteria established by Atton.

Sujatha Fernandes (2005) has studied examples of community radio such as *Radio Perola* and *Radio Negro Primero*, both founded before Chávez took power and operating from working class districts of Caracas, and has examined how such stations have created spaces for voices and local

issues marginalized by other media. CONATEL has set down strict and complex regulations that have to be met by community broadcasters seeking legal status, making the process long and difficult, and at times generating tension between government and community activists. Through their organization, ANMCLA (the National Association of Alternative and Community Media), community media representatives have challenged the government's requirements and have presented alternative criteria as the basis for legal recognition. Authorization can bring the station government support for equipment, and payment for broadcasting state publicity, but Fernandes' research indicates that community radio activists are aware of the benefits of being financially self-sustaining, and that support from local shops and small businesses in the neighborhood can make that aim achievable.

Radical social movements in different parts of the world have often led to an upsurge in alternative media activity, and given that most such media outlets in Venezuela have emerged from the poorer, previously marginalized communities, it is not surprising that they tend to broadly identify with Chávez's program of social and political change. However, the media activists involved clearly see autonomy from the state as a major goal, and prioritizing community interests can lead them to challenge government policies (Fernandes 2005, 3). These community media projects provide real hope for advances in the democratization of the Venezuelan media in the immediate future. Through them the potential for citizens to move from passive consumers of the media to media creators is being developed. In accordance with the demands of the Organic Telecommunications Law, community broadcasters train local residents to produce programs and familiarize themselves with the necessary technology, challenging the notion of media production as a highly specialized, professional activity. Another article of the same law stipulates that a community broadcaster must produce a minimum of 70% of its programming from within the community itself. A striking example of this type of organization is *Catia TVé*, the best known of the community television stations now operating, based in a working class neighborhood in the west of Caracas. In 2001, it became the first such channel to receive legal recognition from the Chávez government, though its origins lie in a series of earlier grassroots political and cultural activities, including political meetings, musical events, a film club and the production of videos on local issues. Before the election of the Chávez government, such community organization was frequently viewed with suspicion by authorities, leading to harassment and threats. The station is now secure, and, controlled and operated by

community residents, it emphasizes its independence, arguing that it will support the Bolivarian Revolution as long as its aims and values coincide with the needs of that community (Catia TVE collective 2006, 4). Such alternative outlets, free from both commercial imperatives and state control, can provide the community the opportunity to voice opinions, problems and aspirations excluded from other media. It is true that the position of many of them remains precarious, continuously subject to economic and political pressures. Arising in response to the structural inequalities within Venezuelan society, those same inequalities threaten to impose limitations upon them. They nonetheless represent one of the most striking examples of community empowerment in Venezuela today, with the capacity to challenge both state and corporate media power.

In the longer term, rapidly developing social media driven by the internet offer other possibilities for new modes of communication beyond the centralized forms of the established media. For some media theorists, social networking sites, blogs and websites signify a '[...] transition from communication based on center-to-periphery messages, to one that is based on peer-to-peer messages, which is having a profound impact on consciousness and on social institutions' (Wilpert 2007, 262). The development of social media in Venezuela is still at a relatively early stage, but, not surprisingly, it has become the site of the same antagonisms evident in other media. In 2010, the government announced reforms to both the *LOT* and the *Ley Resorte* that extend the scope of the regulations they embody to cover offences committed via the internet. Whilst for the government's critics this demonstrates the regime's determination to 'criminalize free and independent opinion' (Lucien 2011, 192), its supporters argue that the legal reforms simply bring Venezuela into line with many other governments, including the U.S., that in one way or another seek to regulate internet content (Golinger 2010, 1). Numerous pro and anti-Chávez elements are now using the facilities of the internet to promote their causes. Meanwhile, the government has announced that it will dedicate significant resources to increase the number of internet users, creating free, community based cyber-centers, some of them mobile, and expanding the provision of internet training. The stated aim of the policy is to empower citizens to enter the world of cyber space, and transfer the management of cyber-centers to communities themselves, so that they can decide how they can best use the new facilities (Golinger 2010, 2). As Gregory Wilpert argues, although the internet can always be used to perpetuate 'hierarchical, center-to-periphery' communication, when combined with the participatory consciousness stimulated by the Bolivarian

Revolution, such peer-to-peer technology could play a vital role in democratizing communication and widening debate and decision making (Wilpert 2007, 262). Exactly how use of social media develops in Venezuela, and whether it fulfills the potential outlined above, is likely to be the most important topic to occupy the attention of the country's media specialists over the coming years.

## CONCLUSIONS

The case of Venezuela over the past 12 years highlights in dramatic form the dangers posed by the power of the corporate media in Latin America. Those who accuse Chávez of repressing freedom of expression take as their starting point the authoritarian tendencies they detect within his government, which they claim has led it to consolidate its power by devising strategies to muzzle the opposition media whilst massively expanding media outlets of its own. However, they pay scant attention to the context for that government action, and the role of the commercial media, the interests and values they have advanced, and how they have abused the immense power they have acquired. Events in Venezuela starkly demonstrate how democracy and free expression in the media can be limited by private capital, not just by government. The elite that controls the Venezuelan media has used it as a political instrument to further its own ends. In doing so, the media concerned have blatantly abandoned their fundamental responsibility to provide accurate information on events and to represent diverse opinion, so as to assist the public to form their own judgment of issues.

Faced with the undemocratic conduct of that media, the government's tightening of regulations and expansion of alternative media has been a logical response. However, given the ongoing political tensions in Venezuela, there is a real danger that the new regulations are used to undermine civil liberties, whilst a notable result of the creation of alternative media has been a significant increase in state controlled outlets which largely serve to explain and promote government policy. As stated earlier, little real advance has been made in developing public service media, dedicated primarily to high quality, balanced and informative reporting, and providing all sectors of the population access to the maximum diversity of news, viewpoints, debate and educational and cultural material. Polarization has undermined the capacity of the media to function as [...] an open arena of argument and debate, a public sphere in which

different interests are negotiated and in which democratic pressure is exerted on government through the formation and expression of public opinion' (Curran and Seaton 1992, 356). Caught between the contending interests of corporate and state-owned media, many journalists express frustration at what they see as the decline in respect for their profession, which, for a large section of the Venezuelan public, has been placed at the service of different political interests, and so been compromised. Conditions have undoubtedly become difficult for independent, non-partisan journalism.

There are some notable contradictions within the Bolivarian Revolution that threaten to impede the realization of its aims. One of them, highlighted by Wilpert (2007, 202-203), is that advances in the creation of participatory, bottom-up political processes, a central objective of the Bolivarian Revolution, are undermined by Chávez's own top-down style of government, where too often orders are given without due consultation, and the unwillingness to accept questions or criticism hinders readjustments to policies and the correction of mistakes. Inefficiency frequently results, impeding the effective implementation of policy. It is not a government favorably disposed towards dialogue with those of dissenting opinion, and that is compounded by the authoritarian tendencies detectable in some of the laws it has passed, not least those relating to the media previously discussed. However, the popular participation stimulated by the government, with a preeminent role played by grassroots organizations, has nonetheless transformed many areas of national life. The rapid expansion of community and social media outlets has been part of that process, and despite the limitations and contradictions they face, it is they that carry most potential for genuine democratization of the production and exchange of information in Venezuela.

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