

You cannot not see

The media in the June 2013 demonstrations

Daniel Fonsêca

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- The June 2013 protests in Brazil caused a veritable political earthquake. Initially demanding the right to affordable public transportation, hundreds of thousands of protesters took to the streets to express their discontent, which gradually came to include the sluggish progress made in public health and education, corruption and high spending on the upcoming sporting events, all the while demanding more rights and the strengthening of democracy in the country.
- The media played a decisive role in the protests. While commercial broadcasters sought at first to stigmatize and criminalize the protesters as “vandals”, they were later forced to change, at least partially, their editorial stance by the excesses of police violence. Live coverage of the events on the streets by the alternative press provided diversified information and alternative interpretations that were disseminated on the social media, thus contributing to move up the debate on the democratization of communication on the public agenda.
- Any political reform must be preceded by a reform of the broadcasting regulatory framework or, at least, of the articles of the Constitution specifically addressing communication. The right to communication is a crosscutting issue as it not only strengthens media plurality, but also ensures civil, economic, and collective rights.



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“By reversing the increase in fare prices in over one hundred cities across the country, for a moment the people shifted – and with long-lasting impacts – political control over mass transit management. Forged in the heat of the barricades, an empowerment experience that is not just the physical occupation of the cities, as it includes the way mass transit is organized in the country. This taking of power is what is frightening state and private managers, who are now trying to reoccupy the space they lost to the urban workers.”

Free Fare Movement

What giant are we talking about?

The protests – drivers and agendas

“The giant awakened!”, rejoiced the many demonstrators in the streets, their calls echoed massively by the corporate media, whether televised, printed, or “digital”, in reference to the Brazilian people, who would have been asleep in standing up for their most basic rights. Yet, it is worth pointing out that, despite their “June” qualifier, the demonstrations we witnessed in Brazil are not without precedent; nor are they recent or ended that month.

The *Jornadas de junho*, the June protests, as they have been called, are still challenging State and civil society to take a stand in face of broad public agendas that, if not entirely settled, remained contingent in the country. Starting with an issue focused on the right to affordable public transportation in a number of capital cities, multiple issues arose ranging from criticism against corruption and the politicians’ representativeness, to the demilitarization of the police, and to opposition against the huge ex-

penses incurred to ensure the hosting of mega events.

In effect, the Free Fare Movement (MPL, from the acronym in Portuguese) itself neither took part in nor started the 2013 demonstrations, as the movement dates back to, at least, 2003, when an uprising led by students broke out in Salvador (BA). Nor have activists using black bloc tactics appeared recently, like some prematurely born offspring of the political setting that has rattled Brazilian cities. The black bloc’s genesis can be traced back to the 1980s in Germany, their skills honed in the fight against the neoliberal policies during the 2001 demonstrations in Genoa, Italy.

The movements of “June” actually proceeded in many cities, including the environmentalist movement in Fortaleza (Ceará), the occupation of the city council in Belo Horizonte (Minas Gerais), rallies led by indigenous peoples and teachers in Porto Alegre, and a number of movements and demonstrations in Rio de Janeiro (RJ), e.g., protests against the Pope’s visit, against police violence, and for education. The discursive construction underpinned on the demonstrations’ unprecedented nature and their purported momentary and “self-contained” character should, therefore, be analyzed in perspective. Surely some time had elapsed since the last mass movements had exhibited such magnitude over a very short period of time, as the marches for the impeachment of former President Fernando Collor in 1992 and the pro-direct elections movement *Diretas Já!* in 1983 and 1984.



The generation born in the late 1980s and early 1990s, widely described as “depoliticized” and “detached” from everyday life issues, is not “awakening” now. Brazilians now in the 30–35 age range, for instance, were present in several moments of resistance against the dismantling of the State, the deterioration of socioeconomic rights, the exorbitant profitability of the capitalist enterprises, and other hallmarks often associated with the apogee of neoliberal thought, which was erected in Brazil precisely over the last 25 years and reached its zenith in the second half of the 1990s.

Internationally the milestones of that historic moment were the November 1999 demonstrations against the World Trade Organization (WTO) in Seattle, the demonstrations in Prague against the International Monetary Fund (IMF) and World Bank meeting in September 2000, and that same year in December, against the European Council in Nice, plus the protests against the G8 meeting in Genoa, in July 2001. From this period came great part of the political and organizational references today pervading the collectives, networks, fronts, and other social organizations that have played a key role in the June demonstrations, either as direct action activists or broadcasting producers.

The last months have evidenced the strangling of the quality of life of and the very right to exist and commute (come and go) in medium and large Brazilian metropolises. This triggered a chain reaction of protests that started in Porto Alegre (RS), then moved to São Paulo, and spread throughout the country in June. During

this period of intense occupation of the Brazilian streets, at least three causes are worth highlighting, since they were possibly, for various reasons, the most common to all the protests held in the last three months:

1) mass transit and urban mobility, which show, based on the demonstrations against the fare hike, how central the issue of the right to the city has become in the last decades. Though focused on the price to have access to the mass transit system, the demonstrators became fully aware that the urban services provided by government agencies had exceeded their capacity, a situation that, ultimately, may have prompted the massive adherence to the demonstrations;

2) state violence that represses, murders or “disappears” people, made clear after June by the violence deployed by the military police against the demonstrators, the killing of Maré residents, and the missing case of Amarildo de Souza, a resident of the Rocinha slum never to be seen again after he was taken by a Rio de Janeiro Military Police car, and;

3) the conflicting information provided and little verisimilitude in the representation of the demonstrations by the media, as assessed on the ground by nearly all of the millions of movement participants who shook the country in those weeks. This led to TV networks, newspapers and magazines also being remembered in the protests not only as potential “manipulators”, but also as part of an agenda that encompasses democratizing the media and the right to communication.



Other agendas also crossed Brazil in the June and later demonstrations. The 2014 FIFA World Cup, hitherto heralded by governments and the corporate media as the crowning of the rising and prosperous moment experienced by the country's economy, shifted from hope of redemption from good part of the daily problems faced by the population in the cities to enemy number two of the rights expected by that very same population, only trailing behind lawmakers and executive officials. Huge spending (including overpricing), the disenfranchisement of rights (i.e., evictions in host cities), and the imposition of rules, granting of benefits, and suppression of laws to benefit Fifa, a private entity, triggered a concentration of dissatisfaction.

In a series of denouncements made before any sign of a massive uprising, tens of social movements came together in the twelve host cities and organized the World Cup Popular Committees, and the Olympic Games in the case of Rio de Janeiro. The goal of the committees¹ is to demand, in the midst of growing private appropriation of urban space and rights' violations, a basic agenda that will ensure the right to the city: 1. Participation / Public Consultations; 2. Transparency and access to information; 3. Budget (priorities); 4) Labor rights; 5. Zero eviction for the Cup and the Olympics;

1. World Cup and Rio de Janeiro Olympics Popular Committee. *Megaeventos e Violações dos Direitos Humanos no Rio de Janeiro*. May 2013 Dossier. [Mega events and Human Rights' Violations] Available at <<http://www.portalpopulardaco-pa.org.br>>. Accessed on September 15, 2013.

6. Against other Human Rights' violations; 7. Social legacy and broadening of rights; 8. No to the "city of exception"; and 9) For a Sports and Culture policy.

Weakened by the wide media coverage of unrelenting demonstrations in Rio de Janeiro, not surprisingly Governor Sérgio Cabral (PMDB) went back on his decision to tear down the Júlio Delamare Water Park and the Indian Museum and, a few days later, announced that the Célio de Barros Track and Field Stadium would also be preserved, breaching an agreement previously made with the consortium building the Maracanã Complex. Rio's mayor, Eduardo Paes (PMDB), followed suit and also went back on his decision to remove some 500 families living in the Vila Autódromo community, in Rio's East Side, even though, as yet, the executive order has not been issued. According to the Popular Committee, the City informed that "the removal was necessary to render possible the construction of the Olympic Park's sports facilities". Once again, the repercussion of the demonstrations would force a ruler to change positions.

In face of the myriad themes echoed in the streets, one should be cautious of *any unopposed* agenda or claim, one failing to generate at least one controversy and usually hyped by the mainstream media. Put by the media in broad terms, as if seeking to encompass the universal themes that would represent the "nation's" yearnings, this agenda, overall, is most conservative and reactionary, while also containing the most perilous intentions. In practice, in the midst of the public debate sparked by the dem-



onstrations, the media concealed any mention to such issues as project of society, ideological angles, or more structure-targeting protests.

With the second week of protests, after June 13, the day São Paulo saw its most violent crackdown, the claims and social composition of the demonstrators became less distinguishable, with agendas both generic and sterile. Examples showcasing the attempt to remove politics from the street protests, mostly driven by the corporate media, include “against corruption” –but who’s in favor of that?; “Let’s take the streets”, simply –who’s against that?; “No violence” – who wants it and what violence is meant?; “In defense of Brazil” – what are the goals of such chauvinism?; and “No vandalism” – what kind, against what?

Without being further clarified, these watch words are mere mantras that perambulate with the demonstrations, camouflaging vested interests. In the same period, among the events circulating on the digital social media one would catch a glimpse here and there of what these tautological agendas might actually mean: “2014 Military Coup”, “March of the Families with God in the Reconstruction of Brazil (For Life, Freedom and Democracy, against communism)” and “General Strike – Let’s show [them] who runs this country”.

Free fare for the demonstrations

It was in the city outskirts, precisely on M’Boi Mirim Road, that everything started. Before that, demonstrations against public transporta-

tion fares had already happened in Natal and in Porto Alegre. Between the two a common denominator – the Free Fare Movement. If not directly engaged in the protests for lack of members in a given city, the group’s political and organizational principles set the tone of the popular expression on the streets. The breadth of their understanding of the city and the rights associated with the organization’s main cause, transportation, is the first clue to understand the movement’s purposes.

The MPL conceives of circulation and mobility in the cities not only as core processes for the realization of capital, but also as strategies to achieve the most basic rights, such as the freedom to come and go and social existence in the cities itself. Workers, in this case, would be the most affected party, since their right to mobility is basically limited to the home-job route, preventing access to other less instrumental spaces – cultural, leisure, sports, etc.

The precursors to the movement were the uprisings in Salvador that came to be known as the “Bus Uprising” (*Revolta do Buzzi*) in August 2003. Later, collectives by similar social segments, inspired by the example of Bahia, staged the “Turnstile Uprising” (*Revolta da Catraca*) in Florianópolis in 2004. In these uprisings, the occupation of bus terminals and blockades of the cities’ largest thoroughfares were the most common actions, as were state police crackdowns. In the end, the demonstrators managed to have the hikes revoked. These two historical milestones became the cornerstones for the founding of the MPL at the 2005 World Social Forum.



However, the demand after which the group is named became too small in light of the diagnosis its members made of the struggle for the “reappropriation of the public space”. In the beginning, the main cause was the free bus pass for students. To the MPL, there was no point in restricting their claim to just one social category because, when fares rose, the whole of society was affected, leading to unequal access to transportation. The students were not the only ones to have their right to the city curtailed. Thus, it was imperative to broaden the audience benefitting from the urban space.

Driven by the Zero Fare Project, planned by the City of São Paulo in the early 1990s during the Luiza Erundina administration, the MPL adopted the free public transportation banner. From then on the movement began to see transportation as a right that is necessary for the accomplishment of other rights, insofar as it ensures access to other public services.

Violations against the right to the “city Brazil”

Today, if the megalopolises – with Rio and São Paulo as highlights in the Brazilian case – “are the brightest stars in the urban firmament”, about 75% of demographic growth is supported by “second-tier and smaller urban areas”. In these places, as emphasized by UN researchers,² “there is little or no planning to accom-

2. UN-Habitat, *The challenge of slums: global report on human settlements 2003* (London, 2003).

Chart 1	
Timeline	
2003	Bus Uprising in Salvador (August-September).
2004	Turnstile Uprising derails fare hike in Florianópolis (June) and enacts the free student fare bill (October 26); the Free Fare Committee appears in São Paulo.
2005	MPL-Brasil founding plenary session at the 5th World Social Forum in Porto Alegre (January); fight against the hike in São Paulo (February); 2nd Turnstile Uprising bars fare hike in Florianópolis (June); demonstrations revoke fare hike in Vitória (July).
2006	National Meeting of the Free Fare Movement (June); struggle against fare hike in São Paulo (November-December).
2008	Great struggle against hikes in the Federal District (October).
2009	Enactment of the free student pass in the Federal District (July); occupation of the City of São Paulo’s Transportation Department (November).
2010	Struggle against fare hikes in São Paulo (January).
2011	Struggle against fare hikes in São Paulo and several capital cities (January-March); rallies revoke fare hike in Teresina (August).
2013	Struggles in the São Paulo metropolitan region succeed in revoking bus fare hike in Taboão da Serra (January); demonstration defeats hike in Porto Alegre (April); June Protests defeat fare hikes in over 100 hundred cities.

Source: MPL, in “Cidades Rebeldes” (Boitempo, 2013).

modate these people and provide them with services”, Mike Davis warns (2006, p. 192).

One of the most salient reminders of this “administrative” abandonment by the State is the slums.³ While conventional wisdom portrayed

3. *Slums*, as used by Mike Davis (2006).



a slum as a decadent downtown tenement house, the new slums are located, in general, at the edge of the urban spatial explosions. This is the most superficial foam of “over-urbanization”, in which the cities’ swelling process is no longer accompanied by economic growth or, even less, by any broadening of social rights.

A number of possibilities exist to face the reality posed by the cities, which have always been seen as “a meeting place, a place of difference and creative interaction, a place where disorder has its uses and visions, [and] cultural forms and competing individual wishes clash”, as indicated by David Harvey (2013, p. 30). Yet, this difference can also lead to intolerance (violence) and segregation (ghettos), marginality (not segregated, but highly instrumental to the situation), and exclusion (foremost as reserve army).

These are processes that help build a rather favorable terrain for major confrontations. Yet Harvey argues that “we cannot allow fear [of violence] to frighten and stagnate us into senseless passivity. Avoiding conflict is no response: falling back to such a state is detaching oneself from the urbanization process, thus losing the prospect of exercising any right to the city”.

The State always mediates the urban space in favor of specific classes or social groups, selectively, in an action coordinated by States and hegemonic classes. The outcome thereof is the “apartheid” city, which, in the developing world, “is splitting into different separated parts, with the apparent formation of many

“microstates”. While some neighborhoods or “zones” have a concentration (even a surplus) of public and private urban services, others are granted State missions for the purpose of establishing “peace”, cleaning, order.

Historical cases of gentrified urban territories in Brazil are not recent, with the city of Rio de Janeiro once again imposing itself as a “precursor” to and “role model” for actions designed to geographically, socially, and economically marginalize entire communities, a process that started in the late 19th century and has moved up to, at least, the hosting of mega-events and the execution of mega-projects that are spreading across the city in this early 21st century.

The State (especially state governments, city halls and the Union), under the guise of an equidistant and objective mediator of the controversies embedded in society, would have the task of determining legal changes, instituting public policies, and executing administrative actions to endow the urban space with the ideal conditions to serve as business arena. In this process, violations of rights and physical and symbolic violence are perverse and leave no doubt about the cause and effect relation of the deepening of inequalities stemming from the distribution of city space and benefits.

Records abound that confirm the governments’ violating drive, including displacement of communities, interrupting entire the repertoires of whole lives; closure of streets and sidewalks, thus eliminating their public character on an indefinite basis; privatization of state-run in-



frastructure, generally by resorting to scarcely transparent and democratic tools; deprivation of civil liberties, such as the rights to organization, demonstration, and expression, in order to ensure that events and works can be carried out normally.

“Yet it is with the public transportation conditions that the cities end up collecting the highest share of sacrifice from their residents. And while the worsening of mobility is widespread, that is, affecting all, it is from the lowest income strata that it will charge the highest price in immobility”, identifies Ermínia Maricato (2013, p. 24). Obviously, it is not possible to compare, in essence, the issue of public transportation with the extermination of lives, the attempt against the right to housing with other equally serious rights’ violations as occur day in and out in the outskirts and slums of the metropolises.

Moreover, the idea must be discarded that, under the argument of the existence of predetermined possibilities, so dear to the logic of *realpolitik*, the right to the city can only be demanded from the State if limited to already given conditions, as if “*equal opportunities*” sufficed, this overarching expression designed to camouflage actual urban *inequalities*. However, herein lies an additional difficulty: In the last decades, neoliberalism reshaped or even destroyed several city “policymaking” frameworks.

In this context, management and participatory processes are transformed in line with these changes: “Governance replaces the govern-

ment; rights and freedoms have priority over democracy; the law and public-private partnerships, made without transparency, replaced democratic institutions; the anarchy of the market and competitive entrepreneurship replaced deliberative capacities based on social solidarity”, points out Harvey (2013, pp. 32-33). This is highly elucidative for understanding the means on which rulers of every sphere rely to carry out mega-events and mega-projects such as those that invaded the largest Brazilian metropolises in the past decade.

Against this setting of rendering social rights and the public status of urban territories flexible, Rio de Janeiro presents itself, sided by the other 2014 Soccer World Cup host cities, as a “city-business” laboratory model. What’s more, this configuration provides a view into forms of control and domination, undermining the political negotiation rationale that, at least at first sight, formerly mediated relations between governments and civil society, today increasingly conducted by police force, suppressing minimal freedoms which assumedly had already been achieved and were ordinary claims in the days of conventional dictatorial regimes, as the Brazilian civilian-military dictatorship (1964-1985).

As recalled by Nicolau Sevcenko (2004, p. 29), the organizing of the urban environments in Brazil took ambivalent roads. “On one side we had the organization and politicization of the communities of the suburban districts, pressuring the authorities for the legalization of properties and forcing investments in trans-



portation, services, and infrastructure. On the other, the emergence of planners' and developers' lobbies engaged in changing codes, statutes, and templates in order to capitalize private megaprojects, by creating exclusive areas, circulation privileges and specializing in the art of leveraging public areas and equipment for speculative, promotional, and personal purposes".

This paradox is made evident with the São Paulo subway bidding process,⁴ in which companies like French transnational Alstom, Canada's Bombardier, Spain's CAF, and Japan's Mitsui were accused of participating in frauds as denounced by Germany's Siemens, Europe's largest engineering conglomerate. According to the denouncements, after being awarded the contract, these companies usually subcontracted a third party to receive kickbacks in the form of services delivered.

To a lesser extent, yet in the same transportation sector, the case of the sudden growth of the law firm run by Adriana Ancelmo,⁵ the wife

of Rio de Janeiro's Governor Sérgio Cabral, is directly linked to the provision of legal services to a major client, MetrôRio, the company awarded a concession by the State to run the subway service. Also included in the law firm's portfolio⁶ are Supervia, the company managing Rio's urban trains and the *Complexo do Alemão* cable car; Telemar, which holds a controlling stake at mobile telephony company Oi; energy company Light; and security (Facility) and health services (Amil) providers.

These examples prove how the cities are the primary centers of capitalist socialization and how the State vests in itself the role of ratifier and promoter of the process. "It is *socialization* because it will be not be undertaken by private capital directly; it is *capitalist* because there are few beneficiaries, according to a hierarchy emanating from the beneficiaries' power", explains Milton Santos (2009, p. 118, author's italics).

Thus, the realization of profits and the accumulation of wealth are made possible through the expropriation of the residents' collective efforts, in the form of taxes, operating high-value transfers of the population's income to a few people and companies. This is, therefore, "a selective process that affects economic actors differently and, thus, makes the State a driver of inequalities, since this way it favors concentration and marginalization".

4. CATIA SEABRA; Juliana Sofia; Dimmi Amora. Empresa alemã Siemens delata cartel em licitações do metrô de SP [German company Siemens denounces cartel in São Paulo subway bids]. *Folha de S. Paulo*, July 14, 2013. Available at <www1.folha.uol.com.br/cotidiano/2013/07/1310864-empresa-alema-siemens-delata-cartel-em-licitacoes-do-metro-de-sp.shtml>.

5. FÁBIO VASCONCELLOS. Escritório de advocacia da primeira-dama teria crescido 1.836% entre 2007 e 2008 [First Lady's law firm to have grown by 1,836% from 2007 to 2008]. *O Globo*, March 10, 2010. Available at <<http://oglobo.globo.com/rio/escritorio-de-advocacia-da-primeira-dama-teria-crescido-1836-entre-2007-2008-3062501>>. Accessed on October 10, 2013.

6. LESLIE LEITÃO & HELENA BORGES. A Riqueza de Cabral [Cabral's wealth]. *Veja*, August 17, 2013. Available at <<http://veja.abril.com.br/noticia/brasil/a-riqueza-de-cabral>>. Accessed on October 9, 2013.



The killing and repressive State

The violence used by the State against the civilian population was made evident in at least two emblematic cases: The disappearance of Amarildo de Souza, a resident of the Rocinha slum who was never seen again after being taken in a Rio de Janeiro Military Police vehicle on July 14, and the killings of ten Maré slum residents in the early hours of June 25, during an invasion by the Special Police Operations Battalion (Bope, from the Portuguese acronym). Amarildo was not found and the Maré residents had to carry on with the fight against their permanent coexistence with “resistance to authority”,⁷ as are traditionally classified by police reports all deaths stemming from “*confrontation*”.

More than three months after Amarildo went missing, at least ten military police officers had been indicted for involvement in the bricklayer’s torture and murder, in what was to become one of the biggest political and social consensus agendas of Rio de Janeiro since the June demonstrations. As for those killed in Maré’s Nova Holanda slum, in the city’s North Side, they only left the condition of being yet another (wrongly) counted figure in the public security statistics on July 2, when a ceremony

7. Since December 2012, deaths and/or injuries in connection with police operations or confrontations with the police must be entered in the police reports, according to Resolution nr. 08/2012 issued by the Council for the Defense of the Rights of the Human Person. The terms “resistance to authority” and “resistance followed by death” should be replaced by, respectively, “body injury due to police intervention” and “death due to police intervention” (information by organization Justiça Global).

was held in their memory, in addition to demanding punishment for the officers involved in the episode.

Besides these cases, absurdly ordinary in the daily life of those living in slums and poor neighborhoods across the country, what drew the attention of the demonstrators to the agenda of demilitarization of the police was the violent crackdown many people from diverse socioeconomic groups endured during the protests. Much of the movement’s growth owes to the deliberate violence used by the São Paulo Military Police on June 13, support that grew on June 17 and peaked on June 20 in Rio de Janeiro, when the demonstrators were counted by the millions.

Violence, as a preventive action to maintain order, is per se an exception. Usually, it accompanies the enforcement of any given form of spatial ordering, whether urban or rural. It suffices to see how the police forces act when facing conflicts in Brazil’s countryside, as epitomized by the Massacre of Eldorado dos Carajás in 1996, when nineteen members of the Landless Workers Movement (MST, from the acronym in Portuguese) were slaughtered by Pará State’s Military Police in an action ordered by the then Governor Almir Gabriel (PSDB-PA) to reopen a federal highway.

The procedures adopted to set up the Pacifying Police Units (UPPs, in Portuguese) in Rio de Janeiro are no different from the method used against the peasant movement, compounded by the fact that the corporate media’s hegemonic



discourse only quantifies the number of casualties after the deployment of regular and special military police battalions. The arguments recur: They were “involved in drug dealing” or had a “police record”. The semantics gets more complex, as this is no longer a mere journalistic narrative but a discourse that seeks to conduct, beforehand, the symbolic, political and even judicial trial of broad sectors of the population.

In the cities, the language of this expedited procedure is useful for at least two recurrent processes of modern urbanization: social gentrification and cleansing. Gentrification disguised as “revitalization” of territories formerly classified as “degraded” and the cleansing of whole social classes and segments have set the tone of the policies implemented by the local powers, generally a combination of state and city governments, regardless of electoral antagonism. Those who dictate the cities’ actual “governance” are not exactly the powers that be but, rather, market agents interested in the productive capacity of the urban milieu.

The problem is that, somewhat unlike financial economics, the cities’ “externalities” get greater exposure. This is not easily obliterated by austerity policies that submit the sociopolitical and cultural reality to statistics, surveys, and speculations of all kinds. In analyzing how these conflicts were addressed in various different contexts and cases, Giorgio Agamben (2004, p. 13) revisits the definition of modern totalitarianism, which can be understood, building on the concept of the state of exception, as “a legalized civil war that allows the physical elimination not

only of political adversaries, but also of whole categories of citizens who, for any reason whatsoever, might seem unfit to be integrated into the political system”.

Evoking a *permanent state of emergency* thus becomes an “essential practice of contemporary States, including the so-called democratic ones”. Being redundant, given this recurrent resort to this recourse, says Agamben, “**the state of exception tends increasingly** to appear as the dominant **paradigm** of government in **contemporary politics**”. When a measure that was originally meant as provisional or exceptional becomes, in practice, a “governing technique”, it begins to transform the very structure of power. “The state of exception **presents itself** as a zone of indetermination **between democracy and absolutism**”, he cautions.

Drawing a direct analogy, for the functioning of this state of exception there is no need for a coup d’état in Brazil, even less so for the states of the federation, which would hardly be the object of isolated ruler destitution. The state of exception, therefore, is not synonymous with dictatorship, whatever the latter might be, but rather “a **space devoid of law, a zone of anomie in which all legal determinations – and above all the very distinction between public and private – are deactivated**”, Agamben concludes (2004, p. 78).

The commercial media

Proposing an interesting interplay between Machiavelli’s “prince” and Antonio Gramsci’s



“modern prince”, Octavio Ianni (1999, p. 22-23) expands the concept to address the media’s *active* influence and action. That is, the functioning of the media cannot be construed by building on the logic of the mirror theory, as if the representations conveyed were merely a “reflection” of social events. On the contrary, Ianni (1999, p. 16) places emphasis on the television, which “has great or preponderant top-down influence on social integration relations, processes, and structures, spreading across the various spheres of social life”.

Furthermore, transnational corporations, interested in commodities trading and publicity, in expanding markets and in growing consumption, become key agents of the “new” communication technologies. Great part of the media is organized in corporations that are often part of transnational conglomerates. This affects and even strongly limits the prospect of envisaging the Internet and technology as a redemption from the state of affairs in which the broadcasting industry is immersed in Brazil.

The Brazilian media has a very particular characteristic, much to the surprise of foreign professionals and academics: A great part of those awarded radio and television concessions is also formed by politicians – about 30% are senators and 10% representatives. In other words, economic power not only coincides, but also collaborates, in flagrant complicity, with the institutional political power. Thus, the task is made hard when it comes to distinguishing between the immediate interests of the media owners from the ends of lawmakers and heads

of government in the news coverage (as well as in the programming and editorial production) of uprisings, mass demonstrations, or broad social movements in Brazil.

Therefore, it is quite inappropriate, as concerns conventional wisdom even within the more critical sectors, the vision that the media is a “fourth estate”, with similar strengths as the other branches (executive, legislative, and judiciary), though organized and acting without any restraint from the others. Although quite independent at moments, the media behaves as a crosscutting power – conditioned by, yet also influencing, the other spheres of power. Hence, it is not hard to realize the political and cultural leading role the media has also played in covering the huge protests that emerged in Brazil in June.

The TV market, in line with “Brazilian capitalism”, clearly reveals the complicity between governments and private capital and how the [Brazilian] entrepreneurs depend on the State they so much attack for their survival. For that, there is much feedback and even coincidence of interests. Anecdotal, the television debuts in Brazil in 1950, with the smuggling of some sets by Assis Chateaubriand, who would soon give one to President Eurico Gaspar Dutra. Next came Globo (1965), which flourished under the shade of the civilian-military dictatorship (1964-1985), which, by investing in infrastructure, ensured the necessary conditions for the channel to become a network, among other blessings indicative of complicity with the status quo.



In exchange there was “global” political support for the repression, a fact not surprisingly acknowledged in a mixed tone of apology and justification in an August 31, 2013 editorial in newspaper O Globo, after the business group was targeted for protests on several occasions. This relation also verges on parasitism: A 2012 survey by newspaper Folha de S. Paulo showed that, in its first 18 months, the Dilma Rousseff administration awarded more than R\$ 161 million to the corporate media. Of this amount, Globo Group alone grabbed R\$ 53 million, while Record pocketed R\$ 24 million. And this from the direct federal administration alone. Meanwhile, Globo is being charged with the evasion of millions of reals in taxes, a fact that is news only for its main competitor.

The gap between what was happening in the streets and what was aired daily by the TV channels increased the repertoire of criticisms that were already directed at the country’s media concentration. The demonstrators, stigmatized and criminalized under the adjectives of “vandals”, “rioters”, and “troublemakers”, responded by taking on the core issue driving this spiral of silence: The lack of diversity in Brazil’s broadcasting industry.

Thus, in sync with actions in defense of more traditional demands, like education and housing, the democratization of communications came to the fore, with specific demonstrations to that end. The right to communication went beyond the critique of the coverage of the facts and reached the status of public agenda – at

least on the streets, since debate on the media itself is still taboo in most commercial media.

Plenary sessions, debates and “*aulões*”, “big classes” (held in public spaces), took place in many cities, like the Popular Assembly on Democracy in the Media, organized by social movements on June 25 at the São Paulo Museum of Arts (Masp). Broadcasting oligopoly, risks to freedom on the Internet, and the media coverage of the demonstrations were some of the themes discussed in these events, which were replicated over the following months in a number of cities.

Also perceptible was the demonstrators’ rejection of the broadcasting market’s greatest icons, such as the Globo Network. Though not the only problem identified in the Brazilian market, the company epitomizes the sector’s overconcentration and regulatory laxity. On open television, Globo⁸ controls 73% of all advertising budgets, even though today it only reaches 43% in audience ratings. On the subscription television market, Globosat has a stake in 38 channels and has veto power in setting the channels of companies NET and SKY, which, together, control 80% of the subscriptions.

With the protests came back historical 1980s banners, from the days the broadcasting com-

8. Intervozes. Por que a Globo simboliza os podres da mídia brasileira? [Why does Globo symbolize the wrongdoings of the Brazilian media?] Observatório do Direito à Comunicação, July 11, 2013. Available at www.direitoacomunicacao.org.br/content.php?option=com_content&task=view&id=9735. Accessed on October 10, 2013.



pany neglected the coverage of the pro-direct elections Diretas Já! movement to the emblematic case of the edited debate in the 1989 presidential runoff elections between Fernando Collor and Lula. “The people are no fools; down with Rede Globo!” was now accompanied by “Truth is hard [to face]; Rede Globo supported the dictatorship”. Banners and placards directly criticized the company, underscoring reports of tax evasion that also began in June. Protests against Globo were called, while demonstrators targeted the São Paulo and Rio de Janeiro offices.

On July 3, activists concentrated the protests in a direct attack against Rede Globo in Rio de Janeiro, in São Paulo, and in Fortaleza. Before, on June 11, militants of the movement for the right to communication, in partnership with art intervention collectives like the Tanq_ ROSA_Choq, aimed laser beams at the studio of news program SPTV and hit newscaster Carlos Monforte, who was on live. The action was repeated in the end of August, also in the course of much criticism by the demonstrators, this time hitting anchor Monalisa Perrone and parts of the setting. Another tactic used during the protests was the projection of photos and videos on buildings, including on television company headquarters.

The editorial conduct of the corporate media

With the exception of specific cases where it is possible to notice an inflection in this coverage, generally the main media conglomerates agree

on an editorial line that is based on the criminalizing, stigmatizing, or even invisibility of whole social segments, which include, among others, lesbians, gays, bisexuals, transgender, transsexuals, and transvestites (LGBT), black men and women, women and youths, plus social movements and political groups identified with the left along the political spectrum. Yet this violence turns mostly against the poor, black, and shantytown population, to stick to an example befitting the city of Rio de Janeiro.

The clarification of the positions of the media groups comes in the wake of the exacerbation, in the public sphere, of conservative thoughts. This does not necessarily mean that the Brazilian society is becoming more conservative, yet renders it clear that many, once contingent, political and moral issues are more salient now. With the exposure of the public agendas, the media does not abstain from taking sides, as it always did, with the dominant socioeconomic segments. Hence it manifests the agenda advanced by business associations, employers’ associations, agrarian elites, regional oligarchies, and center-right parties, the same social groups that have always been at the head of the country’s sluggish accomplishment of democracy and respect for human rights, just to mention two of the broadest demands.

The editorial approaches of the hegemonic media groups voiced, not by coincidence, the criticisms, agendas, and projects of the political parties located at the most conservative extremity of the political spectrum, like the PSDB, the DEM, and the PPS, all to the right



of the incumbent Federal Government, headed by the PT and the PMDB. The traditional television channels, radio stations, and newspapers favor proposals focused on “new politics”, like that of the PSB, which has recruited eminent names of the agrarian conservatism, such as old leaders of the Rural Democratic Union (UDR), known for its fight against land democratization and its persecution of the rural social movements.

During the more recent demonstrations, TV channels Record, Bandeirantes, SBT and, especially, Globo were accused several times of “manipulating” the population that was following the events from home. Among other common practices, the TV channels showed fragments of reality disconnected from any specific context or even devoid of any truth, built narratives only from the point of view of the police forces, and sought to divide the demonstrators into the “good” and the “bad”, in an attempt to curb further support, fragment the protests’ organization, and marginalize specific groups, especially those who are known as followers of Black Bloc tactics.

From a politically hegemonic point of view, they legitimate and ratify the (physical) coercive violence that the State, via police forces, deploys against the demonstrators; from a cultural point of view, in the term’s broadest sense, the media itself carries out symbolic (discursive) violence against broad social groups, demonizing them before the vast audiences they hold, remarkably the nationwide television networks (Globo, Record, SBT, Bandeirantes, and Rede

TV!). The newspapers and weekly magazines with the greatest circulation also played a key role in “orienting” the public about the demonstrations, especially the print media produced in the Rio-São Paulo axis, like weeklies *Veja*, *Época*, and *IstoÉ*, and newspapers *O Globo*, *Folha de S. Paulo*, and *O Estado de S. Paulo*.

The terminology generally used against those participating in the protests, like “vandals” and “rioters”, with the intention of promoting political and moral judgment by the audience, is just the expression of a strategic alliance entered into by the companies to target the demonstrations’ leading actors. This becomes even more explicit when we recall Globo’s immediate interests in the World Cup, over whose broadcasting rights they hold the monopoly, just like television network Record with regard to the Olympic Games.

However, in the second week of protests (between June 13 and 17), it was possible to identify clear signs of inflections in the mainstream media’s rhetoric. After two weeks of demonstrations in São Paulo, one of Globo’s top political commentators, Arnaldo Jabor, handed down his ruling on Globo’s evening news program of June 12, “But, after all, what is it that triggers such violent hatred against the city? We only saw this when a São Paulo criminal organization torched tens of buses. This can’t be because of 20 cents. [...] Deep down, this is all about huge political ignorance. It’s stupidity mixed with aimless rancor”. The journalist also qualified the demonstrators as feeding an “illusion”, a “violent caricature of



a caricature of 1950s socialism”, and ending with a punch line alluding to that moment’s main demand: “These middle-class rebels are not even worth 20 cents!”

On the same June 12, SBT television channel commentator Raquel Sheherazade adopted Jabor’s tone and vociferated, “protest is made with arguments and imposes itself through reason. The Paulista Avenue demonstrators lost theirs when they allowed the movement to degenerate into vandalism – pure and simple. There’s no excuse for that!” Criticizing the perspective of the most oft-cited movement that was also leading the demonstrations (MPL), the journalist even came to conclude her comment with a kind of fable’s moral, “There is no free lunch”. The phrase, a mantra credited to liberal economist Milton Friedman, would also be the discursive trait of magazines *Época* and *Veja* in their June 24 and 26 issues, respectively, as a way of distinguishing the “realistic” agenda, as they classified the political reform, from the “impossible” agenda, the adjective used to modify the proposal for free public transportation fares.

On an official mission to Paris, Governor Geraldo Alckmin (PSDB) and São Paulo City Mayor Fernando Haddad (PT-SP) also disapproved of the demonstrators’ attitude, arguing that the deal agreed upon with the military police to end the march and not proceed towards Paulista Avenue, the city’s financial center, had not been kept. Once again the broadcasting companies’ and the governments’ speeches had been harmonized, so aligned as to nearly sound in unison. Yet, the following day, June

13, would become a milestone both in terms of the mass status acquired by the protests and of a shift in the editorial course of the most important mainstream media, notably the television networks.

On that Thursday, with tens of thousands on the streets of São Paulo, the Military Police, under orders of Governor Geraldo Alckmin (PSDB) and, once again, with the support of Mayor Haddad, launched the biggest crackdown on social demonstrations ever seen in the country’s recent history. The arbitrariness and violence deployed resembled the action of the Brazilian State in 2000, when indigenous movements, peasant organizations, trade unions, and other groups voiced their criticism against the overly-nationalistic celebrations for the 500 years of the “discovery of Brazil” in a number of events organized by the Federal Government back in the second half of Fernando Henrique Cardoso’s second term of office.

On the city of São Paulo’s main avenues, protesters were hunted down by police officers, indistinctly and without any evidence to “justify” the detentions. Journalists, photographers, and cameramen were also targeted by the usual “nonlethal” weapons used by the state riot police battalions: Rubber bullets, tear gas, pepper spray, and stun grenades. Professionals were also detained by or fell victim to the police crackdown, some seriously wounded on the face. Without any criterion whatsoever, the military police also arrested anyone carrying vinegar, used to counter the effect of tear gas. The bottom line was tens of wounded pro-



testers and more than two hundred people detained. On the same day, also in Rio de Janeiro, after a march that went from the Candelária cathedral to the State Legislature, police officers exhibited lethal weapons in front of the State Assembly and even fired a few rounds in the air in an attempt to hold the crowd back.

The country's main television network staged an inflection that was as evident as it was unexpected. The scenes of the police action in São Paulo were the underlying justification for the public *mea culpa* by Arnaldo Jabor on the same Globo news program, in a sequence that hinted at the repositioning of nearly all the other mainstream media vehicles. "At first sight this movement seemed a minor, useless provocation that many wrongly criticized, including me. [...] Brazil seemed politically uninhabited. Suddenly, the people have reappeared. [...] If everything turns into pitched battles, this thing will get destroyed. If it becomes an abstract movement, too generic, it will all fade away. A new politics is needed that reinvents itself with concrete goals. If all goes well, we are living a historical moment, beautiful and new. The youth will have taught us a lesson. Democracy we already have. Now we have to make a republic", the journalist lectured.

From that moment on, the bulk of the corporate media started to legitimize the demonstrations, provided they were "peaceful" and embraced less threatening banners, preferably those linked to nationalist sentiment, as "for a better Brazil", or rooted in the fight against corruption. The weeklies followed the editorial

tone and splashed [the flag's] green and yellow in tens of pages with special reports on the days that "would change [the country] for good". On their June 24/26 and July 1/3 issues, *Veja*, *Época*, and *IstoÉ*, though still somewhat politically hued – the third publication slightly less averse to the Federal Government than the two others –, looked as if they had been produced by the same newsroom.

It was after the political dismemberment of the demonstrations, carried out by the media companies themselves, that the commercial broadcasters reoriented their interpretation of the facts unfolding, seeking to provide a new symbolic driver to the movements. They then started to set an agenda, purportedly with demands from "the voices from the streets", that included political reform, outright criticism of the Federal Government, and even the likelihood of a coup against democracy supposedly being masterminded by the Workers Party (PT, from the Portuguese Partido dos Trabalhadores) because of a proposal for an ad hoc constitutional assembly dedicated to updating the electoral law. These were the agendas of the top reports by magazines *Veja* and *Época* in the second half of June.

Weeks later, at some point in time in July, Globo gave clearer signs that it was beginning to consider as more legitimate the demonstrations against Governor Sérgio Cabral (PMDB-RJ). Firstly it denounced, in a story about Pope Francis's arrival [in Brazil], on July 22, 2013, on its prime time news program, *Jornal Nacional* (JN), the so-called "P2", as informally are des-



ignated the undercover police officers infiltrated in the demonstrations. Despite having allowed the commander of the Military Police to have the last word, it highlighted the detention of two alternative media *Mídia Ninja* reporters, plus the arrest of student Bruno Teles, on the same program and also on the following day, July 23.

On July 26, JN news went live from a demonstration in Copacabana, reported on the activists' anti-government agenda, informed a more reasonable and credible number of participants, and made *no* negative comments about the participants. A while earlier it aired a brief note about the march in São Paulo, where followers of *black bloc* tactics were extremely active, attacking shops, banks, and car dealerships.

Newscaster William Bonner merely said that “the demonstrators destroyed a few bank agencies and a Military Police base”, yet no Military Police representative was interviewed. Rede Globo, once again adapted itself to the social and political agenda of the “amateur” digital media, which mushroomed on the Internet. Live streaming and videos hosted on online platforms were constantly used as evidence of abuses and unlawful actions by police forces.

Over and beyond the editorial orientation of the mainstream media, throughout the June to October 2013 demonstrations, but especially in Rio de Janeiro, where street actions have proceeded, there has been ongoing action to inhibit the work of free, alternative, and independent press professionals, whether in the form of privileges granted to the commercial

media by the governments (including by the police) and of censorship, via moral harassment and other humiliations taking place inside the newsrooms. Standardizing the news' angle is in the interest of government and business, who seek to stigmatize the demonstrators' image and to delegitimize groups falling out of step with the political orientation hegemonic in the commercial media.

Popular journalists and communicators have not been spared either from the abusive, unjustifiable, and disproportionate violence the police forces make use of. Professionals with public companies and even those with foreign agencies continue to be victimized by numerous aggressions, and targeted by tear gas and stun grenades, not to mention rubber bullets, which have blinded more than one, while others had respiratory and other health problems. Many have been detained, “mistaken” for demonstrators, as if that could justify such practices.

The alternative media

The alternative media (popular, community-based, independent, free), neither seeking profit nor linked to corporate interests or mainstream politicians, play a critical role in constituting a core group to counter the function fulfilled by the mainstream media, much stronger in terms of scope and audience. The communication collectives, district papers, community radio stations, independent blogs, nongovernmental organizations, and trade union advisory teams rank among the key members of networks and



initiatives across the country even before the June 2013 protests.

Actually, in periods of sweeping changes, press freedom and freedom of expression are indispensable both as demands, in the case of a despotic State, and as instruments of resistance, confronting symbolically and discursively the hegemonic thought. It happened so during the bourgeois revolutions of the late 18th century, then during the Independence movements of colonized countries (including Brazil), and in the height of the anarchist movements in Brazil between the late 19th century and the beginning of the last century, when hundreds of dailies circulated the view of the workers' organizations across the country.

Often lacking any permanent source of funding, these groups rely on their mutual collaboration, exchanging products and infrastructure, building on institutional and political solidarity, mostly in the form of networks and collectives – some of which appeared in the midst of myriad demonstrations. Not uncommonly, these experiences get their inspiration, however indirect, from late 1990s' initiatives, in the wake of the demonstrations organized to protest against meetings convened by multilateral institutions. At that time tens of print and online media vehicles appear, also spurred by the first editions of the World Social Forum, beginning in 2001.

In common, the alternative, community, or independent media – also called “free media” today – adopts dynamics that seek to 1) break free from the checks and controls of the con-

ventional media; 2) stand up for citizenship, democratic collective life, and freedom of expression; and 3) oppose the neoliberal “*pensée unique*”, which subordinates social rights to the competitive rationale of the financial markets, concealing the gaping inequality generated by the capitalist mode of production (Moraes, 2008, p. 39).

The digital media, as an alternative media anchored in networks and technological support, notably the Internet, brings at least three peculiarities: 1) temporality, or new forms of real-time communication connecting different social times; 2) spatiality, or the creation of territorialities from local to global); and 3) sociability, or forms of social relations in terms of scope, intentionality, and connectivity with new public sphere dimensions (Scherer-Warren, 2005, *apud* Moraes, 2008, p. 43). In other words, elements dialoguing directly with the urban configurations historicized and described by David Harvey and Milton Santos.

In Rio de Janeiro, the Popular Communicators Collective, existing since at least 2009, when it debuted in the context of the 1st National Conference on Communications (Confecom), began as of June 2013 to converge with individuals and entities to create the *Rede Alternativa* (Alternative Network), a center for the production and broadcasting of contents. Similarly, other collectives, like *Rio na Rua* (Rio in the street) and *Voz das Ruas* (Voice from the Streets) set out, each to their own ways, to cover the demonstrations. With their members' own infrastructure and funding, the majority



of these initiatives survive on the voluntary work of their members, whose affinity usually dates back to their pre-political activism activities (friendship, work, study, etc.).

Surely, the most widely publicized case at home and abroad was the experience conducted by *Mídia Ninja* (*Narrativas Independentes, Jornalismo e Ação*). This is the communications arm of *Fora do Eixo*, a group engaged in organizing music festivals, fostering cultural production, and shaping public policies, among other activities. Even before June, back in 2011, the group started to work with a view to streaming events on line. Thereafter, riding the rise of the June protests and political actions, they gained muscle with the transmission, on the Internet, of practically all the major protests organized since then. With great success on the social digital media (especially on Facebook), the group managed to influence, directly and indirectly, the narratives of the major television networks.

A model demonstration

In all this debate over the behavior of the commercial media and the counterintelligence protagonism of the alternative media, the July 22 demonstration is quite representative of the elements that came to mesh in the movements taking place from June until now – an amalgamation of police violence and frail democracy, but also of the strength of the people's reaction and the importance of the ubiquitous – especially during moments of greatest tension – digital media. Even though it took place only in the following month, the narrative showcases

how these individuals came to organize themselves during the protests.

Days had gone by since the last big June protests, whose culmination may be defined as the June 30 demonstration, the day of the final game in Rio de Janeiro of the Confederations Cup. There were some three thousand people at the peak of the concentration, one block away from the state governor's residence and workplace Guanabara Palace, where Pope Francis arrived around 6pm. Pope Francis was at that moment in a meeting with President Dilma Rousseff (PT), Governor Sérgio Cabral (PMDB), and Mayor Eduardo Paes (PMDB). Amid the turmoil, the running and beating, the air heavy with tear gas, pepper spray, and stun grenades, about one thousand people ebbed and flowed depending on the surrounding tension.

In one of these moments, two *Mídia Ninja* reporters are detained and taken to the 9th Civil Police Precinct, roughly 2 kilometers away from the square. Some people had already been detained, yet the capture of *Mídia Ninja* activists Felipe Peçanha and Felipe de Assis was the sign for the demonstrators to march onto the precinct. Other *Mídia Ninja* activists and from other collectives, like *Rio na Rua*, kept on transmitting, while lawyers of the Brazilian Bar Association (OAB-RJ) and the Institute of Human Rights Defenders lent their legal support.

Within two hours, almost everyone had been released. Around 9:45 pm came out ninjas Felipe de Assis and Felipe Peçanha. Shortly after 10pm came out Tiago Rodrigues Brandão, Ro-



drigo (no surname), and teenager Lucas Dunlop Fernandes. Later, a middle-aged man by the name of Roberto Melo Cassiano, a devout Catholic, left the precinct saying that he had been arrested at the bus stop for contempt of authority, allegedly for criticizing the military police officers' action.

At each release a celebration and an interview to the cameras of the free media. André Azevedo Silva was charged with throwing projectiles against the police, while Vitor Pontes was charged with carrying a flashlight that, according to the police officers, could be used to give electric shocks. Both were free around midnight. Then the people outside the precinct chipped in to pay bail for Leandro Souza Silva, charged with carrying a backpack, "found on the street", with Molotov cocktails.

As time went by, more people arrived, touched by the transmission they were watching from home or the information circulating on the digital media. In the meantime, nursing orderly Lane Santos, the only woman in the group that had been arrested, left the precinct to be identified at Institute Félix Pacheco (IFP-RJ). She had been taken in simply because she was undocumented.

It must be noted that she was the only woman in a group of eleven demonstrators arrested by the police. Soon after her arrest, Lane Santos was put in a car, therefore under the responsibility of the State, and taken from the Largo do Machado to the vicinities of the governor's Guanabara Palace (one kilometer away, approximately). There she had her knapsack thrown

at her face with a warning by the commander that she "needed sex" and that there were people there who could give her what she wanted, making direct allusions to the male genitals. All sorts of violence condensed in one single "report". After a long time, she was taken back to the 9th Precinct, from where she would be released a few minutes later.

The last one still held in custody, Bruno Teles, had been taken to the precinct on charges of "bearing explosive artifacts" without any evidence. A free media producer for the Rio de Janeiro State University's Laborav, an audiovisual laboratory, Bruno is black, jobless, and lives in the impoverished Baixada Fluminense (Duque de Caxias). That is, he exhibited enough features to be considered one of the usual "suspects" for military police searches PM, whatever the situation.

In the end, about forty demonstrators remained till 5:30 in the morning of July 23 at the door of the Rio de Janeiro Justice Court, waiting for Judge Paulo Baldez to rule in favor of the *habeas corpus* injunction filed by OAB and DDH human rights' defenders. At a certain point of the wake, a social worker came from Niterói in solidarity and donated food and beverages for the demonstrators.

On that day, several free media members followed the all-night-long negotiations taking place at the precinct. Bruno Teles was only released the following day. Yet he was lucky enough not to have been forgotten, for should he have not been closely watched by the activ-



ists and the independent media, he would in all likelihood be treated by the commercial media as just another number in the statistics, with no identity and no history.

Actually, the events unfolded differently: The next day, TV networks Globo, Record, and Bandeirantes highlighted the fact that Bruno had been arrested after being *Tasered* by military police officers and fainting. For that were used several videos produced by streaming collectives and other free media activists. A week later, the inquest against the student had been dismissed by the Civil Police, in record time given the hundreds of activists who had been reported in the preceding months.

In the way of conclusion: broadcasting regulation and enforcement of rights

The broadcasting businesspeople became frightened by the dimension the democratization of the media theme was acquiring with every new report on the demonstrations, as it became a recurrent claim in banners and placards and in the demonstrators' direct actions. Not seeing themselves represented in the news stories and live transmissions, in analogy with the political system, the demonstrators turned against the key symbols of the corporate media: News company cars were torched, TV networks journalists were harassed, and even the main offices of the conglomerates were targeted by the collective wrath.

This is not without reason. On August 27, 2012, the Brazilian Telecommunications Code

(CBT), a law that still regulates the functioning of broadcasting (radio and TV) in Brazil, celebrated its fiftieth anniversary. Since then, the television market matured, images got colors, national networks were created, thousands of television concessions, permissions, and authorizations were awarded, thirteen administrations ruled the Federal Government (six military dictators and seven civilian presidents), and various technological innovations had direct impact on the organization and even on the functioning of the media companies.

“Yet little, or next to nothing, had any influence on the broadcasting policies of our country. It's been fifty years of concentration, of denial of the plurality and diversity set forth in the 1988 Federal Constitution”, as underscored by the motto of the main campaign “To express liberty”, launched in June 2012 by the National Forum for the Democratization of Communications (FNDC, from the Portuguese *Fórum Nacional pela Democratização da Comunicação*), in partnership with scores of labor, student, peasant, and grassroots' movements. The action came in the wake of the 1st National Conference on Communications, held by the Federal Government in 2009. Since then, state-level fronts and groups emerged that have provided more perennial networking capability to the movement for the right to communications in Brazil, in an attempt to carry out the changes the area requires.

At least two broad fronts of structural claims have been withheld for six decades (TV) and for ninety years (radio). First, a review of the



country's communications structure, through identifying the various existing forms of concentration, horizontal and vertical, and screening for cross ownership, one of the main causes of Brazil's oligopolistic market. Second, the enactment of a new law that not only updates, but fully reviews the current legislation, as it proves its backwardness.

Besides not even regulating the principles the Federal Constitution stands for, the diffuse Brazilian legislation is hardly equitable in addressing the various social actors, whether mainstream companies (regional broadcasters), non-commercial organizations (community radio stations), or even state-owned institutions (state-level educational channels), imposing a range of barriers to prevent these new actors from expressing themselves.

Even the digital and audiovisual media collectives that were actively engaged in the coverage of the demonstrations have reason to worry: The absence of a clear Civil Rights Framework for the Internet, ensuring users' rights and laying down their duties, can limit and stifle the freedoms that are almost integral to the network. Only now, in the second semester of 2013, after months blocked in Congress, the new bill moved ahead, driven by the espionage conducted by the United States, which deserved a domestic answer by the Dilma Rousseff administration.

With regard to the campaign, today several state-level networks, driven by the regional committees of the National Forum for the Democratization of Communications (FNDC),

have sought to intervene in the demonstrations, events, and other activities organized by the social movements in order to influence the right-to-communications agenda by submitting the Democratic Media Law, whose draft has received the support of thousands of people nationwide. The goal is to collect 1.3 million signatures to be able to submit the petition to Congress and accomplish the same successful result as the Clean Record Law, which was enacted in 2010 with the help of the Catholic Church, the electoral judiciary branch, the public prosecutors' offices, among other institutions, and has become a milestone in the fight against corruption in Brazil.

The petition proposed by FNDC and other supporting entities is focused on more democracy, limits to ownership, regional programming, and more plurality and diversity in Brazilian electronic communications (radio and television). The popular initiative also provides for equitable division of the electromagnetic spectrum, an oligopoly; the creation of the office of public defender for communications, chosen among the citizens and with independence in relation to the government and services providers; and the establishment of a National Council for Communications Policies, with broader and more effective duties and jurisdiction than today's, functioning as a Senate ancillary and consultative body.

Moreover, one cannot overlook the existing complicity and promiscuity between politicians and commercial broadcasters. Thus, any political reform must be preceded by a reform of



the broadcasting regulatory framework and, as a minimum, the regulating of the Federal Constitution articles specifically addressing broadcasting (220 to 224). Demands also include the democratization and more openness of the Judiciary, as over the last years this branch has repeatedly “legislated” on broadcasting by ruling on the constitutionality of legal instruments. Examples of the judicialization of essentially political conflicts include the end of the requirement for higher education diplomas for journalists in 2009, the ruling on the unconstitutionality of the Press Law (5290/67), and the subsequent rejection of the regulation on the right of reply, provided for in Chapter IV of that law, the legitimizing of the decree establishing Brazil’s digital television technological system, and more recently the questioning of the linkage between program hours and age classification ratings.

More recently, other actions have underscored the importance of these reforms for communication. In November 2010, political party PSOL (*Partido Socialismo e Liberdade*) filed with the Federal Supreme Court a Direct Action of Unconstitutionality by Omission, drafted by jurist Fábio Konder Comparato. The initial petition requests Congress to regulate three articles of the Federal Constitution (220, 221, and 223) on Social Communications. Other demands included are the creation of specific legislation on the right of reply, the prohibition of broadcasting monopolies and oligopolies, and the regulation of the broadcasters’ production and programming. In the end of April 2012, the Republic’s Prosecution Office (PGR) ruled in favor of the suit.

Back in December 2011, the PSOL filed with the Federal Supreme Court a Petition for Non-compliance with Fundamental Precept (ADPF, from the Portuguese *Arguição por Descumprimento de Preceito Fundamental*) against the awarding and renewal of broadcasting concessions, permissions, and authorizations to companies whose partners and associates hold any legislative office. In the ADPF, it is argued that the control of radio and television stations by politicians is unconstitutional and violates fundamental rights, such as access to information, freedom of expression, political pluralism, and the holding of free elections, in addition to the principle of equitability, impartiality, and independence of the Legislative branch. Three types of political use were identified: The awarding of broadcasting concessions, permissions, and authorizations as a means to securing political support, the use of the award by grantees to influence public opinion in favor of their partners, associates, and supporters, and the use of legislative power to get or renew their own awards.

The ADPF (nr. 246/11), drafted in partnership with Intervenções – Coletivo Brasil de Comunicação Social, brings a list of current representatives and senators who are partners in companies awarded broadcasting concessions. “The study, which took into account the Ministry of Communications system and Anatel, plus the candidates’ declared real properties to TSE/TRE electoral courts, shows that, in the present legislature, 41 representatives and 7 senators are partners or are associated with legal persons that have been awarded broadcasting concessions. This number only considers those



with direct nominal involvement. When first-degree relatives and indirect participation are considered, this figure can reach 52 representatives and 21 senators, as per a survey conducted by *Transparência Brasil*.⁹

The appearance of innovative forms of media production, heavily based on the Internet, aligned with the new political organization methods, i.e., horizontal and with fewer hierarchies, cannot allow the past to be overlooked as it still imposes itself as a bottleneck for the future of Brazilian broadcasting. After all, the so-called cyberspace is not detached from the broadcasting reality. On the contrary, never before have the transnational corporations that control “old” technologies like the television (and telecommunications, to be sure) been so strong, posted such revenues, or existed in a market frantically moving towards monopolistic concentration, especially if stockholding is

analyzed. This might even weaken last century’s broadcasting democratization— open-wave radio and television stations —, something that has never actually been stringently regulated in Brazil in terms of enforcement and scope.

Broadcasting regulation, more than a historical lawmaking liability, is a demand democracy cannot afford to do without. The right to broadcasting has a crosscutting status that not only favors media diversity and plurality, but also promotes, defends, and ensures first-generation (civil), second-generation (socio-economic), and third generation (collective and trans-individual) rights. Qualified thus, broadcasting, just like the right to the city is construed on the basis of the flow of people and information, institutes itself beyond mere access to the media, but above all as enforcement of the people’s rights to expression and organization, constantly violated in Brazil.

9. *Ação contra concessões de rádio e TV para políticos será apresentada ao STF* [Lawsuit challenging radio and TV concessions for politicians to be filed with Supreme Federal Court]. *Intervozes*, December 14, 2011. Available at <<http://intervozes.org.br/acao-contra-concessoes-de-radio-e-tv-para-politicos-sera-apresentada-ao-stf/>> Accessed on October 10, 2013.



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About the author

Daniel Fonsêca is a doctoral student at the Federal University of Rio de Janeiro's Communications Department and is a member of the Steering Committee of Intervenções - Coletivo Brasil de Comunicação Social

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Responsible

Tina Hennecken
(fesbrasil@fes.org.br)

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